

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 7th day of MARCH, 2000, there was conducted a REGULAR Public Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

9:30 A.M.

PRESENT:

COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A.
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:
GILBERTO HINOJOSA

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The meeting was called to order by Judge Pro-tem Carlos H. Cascos, C.P.A., at 9:35 A.M. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and Commissioner Benavides to lead the Court and the audience in reciting the Pledge of Allegiance.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on March 3, 2000, at 1:53 P.M.:

**(8) AUTHORIZATION TO AMEND CONTRACT WITH
JAIL INFIRMARY PHYSICIAN PAUL A. LENZ,
M.D.**

At this time, Ms. Yvette Salinas, Health Administrator, stated that the Jail Physician had submitted a Status Report regarding the jail infirmary recommending that the Nurse Practitioner be retained as a full-time employee. She noted that the nurse practitioner currently provided three (3) days of service as the jail infirmary and two (2) days at the Public Health Clinic. Ms. Salinas explained that the three days were funded through the jail infirmary budget and the two days were funded through an MCH Grant.

Judge Pro-tem Cascos expressed concern as to the changes to be made as to the number of visits and inmates being seen.

Dr. Paul Lenz, M.D., Jail Physician, stated that the visits were currently scheduled two afternoons a week and added that the nurse practitioner would address the medical problems and examine the inmates. He stated that organizational changes had been implemented in the jail infirmary procedures and added that the nurse practitioner would alleviate the inmate examinations by the physician. Dr. Lenz stated that the organizational changes also included plans to implement disaster planning, diabetes and alcohol counseling and added that the physician-s compensation would be reduced to compensate the nurse practitioner-s salary. He stated that the Quality Assurance Program to be implemented in the Jail Infirmary would provide quarterly reports concerning number of visits, incidents and other related medical issues.

Judge Pro-tem Cascos expressed concerns as to the significant increase in medications and pharmaceuticals in the jail infirmary.

Dr. Lenz explained that the Mental Health and Mental Retardation (MHMR) and Tropical Texas were no longer paying for a majority of the medications utilized at the jail, which was a large part of the pharmaceutical costs.

Mr. Mark Yates, County Auditor, stated that the Indigent Health Care Program would be addressed to provide said medications and pharmaceuticals for the qualifying inmates.

Mr. Lenz stated that the turnaround time for pharmaceuticals was twenty-four hours, but noted that there was a Contract with a local pharmacist to address emergencies.

Commissioner Matz questioned whether there would be a conflict, since the current nurse practitioner also served the Public Health Clinic and Ms. Salinas responded that the position at the Public Health Clinic would be replaced.

Commissioner Matz questioned whether there was an individual to back up the position when the nurse practitioner was out and Dr. Lenz responded that either he or the County Registered Nurse would be available.

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Amended Contract with Jail Infirmery Physician Paul A. Lenz, M.D., was approved.

The Contract is as follows:

**(9) APPROVAL OF AGREEMENT BETWEEN
CAMERON COUNTY AND THE AMERICAN RED
CROSS TO ESTABLISH MUTUAL COMMITMENTS**

At this time, Ms. Yvette Salinas, Health Administrator, explained that the American Red Cross would recognize the County Health employees as certified instructors and noted that there would be minimal costs to the County for use of the American Red Cross=equipment.

Commissioner Matz moved that the Agreement between Cameron County and the American Red Cross to establish mutual commitments be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreement is as follows:

(10) AUTHORIZATION TO ADVERTISE FOR PUBLIC HEALTH CLINICS PHARMACIST CONSULTANT SERVICES AND REQUEST FOR QUALIFICATION

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the Advertisement of Public Health Clinics Pharmacist Consultant Services and Request for Qualification was approved.

(11) APPROVAL OF REQUEST FOR PROPOSAL FROM MEDICAL PROVIDERS TO SOLICIT OFFICE SPACE FOR THE DELIVERY OF WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM SERVICES

At this time, Ms. Yvette Salinas, Health Administrator, explained that the Court had expressed concern as to the placement of Women, Infants and Children (WIC) employees in physicians' offices and noted that many of the existing Contracts had expired. She stated that space would be solicited from medical providers and added that once the proposals were received, a committee would be selected to review the leasing issues.

Judge Pro-tem Cascos stated that currently there were approximately six (6) WIC Offices located in physicians' offices throughout the County and expressed concern as to the number of locations that would remain.

Ms. Salinas stated that a minimum number of locations would remain throughout the County and added that ten (10) clinics were required for funding purposes. She stated that a selection committee would consist of Legal Counsel, the Property Management Coordinator, the WIC Director, the Purchasing Agent and the Health Administrator.

Commissioner Matz moved that the Request for Proposal from Medical Providers to solicit office space for the delivery of Women, Infants and Children (WIC) Program Services be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

(12) APPROVAL OF THE CONTRACT FOR RESIDENTIAL SERVICES BETWEEN WILLACY COUNTY AND THE CAMERON COUNTY JUVENILE DEPARTMENT/SOUTH TEXAS JUVENILE BOOT CAMP AND JUVENILE PROBATION DEPARTMENT

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the Contract for Residential Services between Willacy County and Cameron County Juvenile Department/South Texas Juvenile Boot Camp and Juvenile Probation Department was approved.

The Contract is as follows:

**(4) APPROVAL TO OPEN INTEREST BEARING
MONEY MARKET ACCOUNT WITH FIRST
NATIONAL BANK**

Commissioner Matz moved that the following Interest Bearing Money Market Accounts be opened with First National Bank:

- a) 1995 C.O. Capital Improvement Fund No. 020;
- b) Jail Capital Improvement Fund No. 060;
- c) Unlimited Tax Bond Fund No. 610;
- d) Parks System Capital Fund No. 870; and
- e) Drug Forfeiture Fund No. 900.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Contract is as follows:

(5) **ADOPTION OF A RESOLUTION REQUESTING
PRESIDENTIAL AND CONGRESSIONAL SUPPORT
TO ENSURE MEXICO-S COMPLIANCE WITH THE
WATER TREATY OF 1944**

At this time, Commissioner Matz explained that there was drought situation in Cameron County and stated that a report had been presented at the Region M Senate Bill One Group Meeting which reflected that Mexico had violated the 1944 Water Treaty, noting that water had not been diverted as required by the treaty. He stated that the Development Council Board prepared Resolutions to be sent to all governmental entities in the area and added that all entities should be urged to support the resolution.

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Resolution requesting Presidential and Congressional support to ensure Mexico-s compliance with the Water Treaty of 1944 was adopted.

At this time, Commissioner Matz explained that the Resolution would benefit both sides of the border and stated that the water generated in Mexico flowed into Amistad and Falcon Dam.

The Resolution is as follows:

(13) AUTHORIZATION TO RENEW CONTRACTS FOR PROVIDERS OF RESIDENTIAL CHILD CARE SERVICES FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT FOR FISCAL YEAR 2000

Commissioner Benavides moved that the Contracts for Providers of Residential Child Care Services for the Cameron County Juvenile Probation Department be renewed for Fiscal Year 2000.

The motion was seconded by Commissioner Matz and carried unanimously.

The Contracts are as follow:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, requested that Warrant No. 29113, payable to International Bank of Commerce be held due to pending matters with the bank.

Judge Pro-tem Cascos expressed concern as to Warrant No. 29071, payable to Ernie-s Graphics and Embroidery, in the amount of \$450.00 for winter caps.

Mr. Pete Sepulveda, Jr., Bridge Systems Director, stated that the Security Guards at the Bridge were required to wear the caps and explained that the caps differed than the caps used in warm weather.

Judge Pro-tem Cascos expressed concern as to Warrant No. 29091, Government Records Services, in the amount of \$13,900 and Warrant No. 29107, Hyatt Regency Hotel, in the amount of \$780.00.

Mr. Yates explained that the Warrant No. 29091 consisted of an Agreement with Government Records Services to reproduce the index and document books in the County Clerk-s Office and that Warrant No. 29107 was for the hurricane travel to New Orleans for the Emergency Management Coordinator.

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the County Claims were approved, as presented by the County Auditor, excluding Warrant No. 29113.

**(2) APPROVAL OF THE BUDGET AMENDMENTS
AND/OR SALARY SCHEDULES**

At this time, Judge Pro-tem Cascos expressed concern as to the amount of \$14,000 added to the Sheriff-s Budget for overtime and questioned why the overtime compensation had not been budgeted at the beginning of the Fiscal Year.

Mr. Mark Yates, County Auditor, stated that the Court had discussed allowing \$50,000 for overtime payments and noted that lapsed salaries has been anticipated in the Sheriff-s Budget. He explained that positions had not been filled and that the existing employees would work the overtime hours. Mr. Yates stated that it was best to pay the overtime, as opposed to the Deputies accumulating comp-time and added that paying the overtime assisted in financial tracking and prevented liability to the County.

Commissioner Matz moved that the 2000 Fiscal Year Budget Amendment No. 2000-19, and the Salary Schedules for M&O Consolidated Precincts, Fund No. 150-6210, and County Attorney, Fund No. 900-4750, be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Budget Amendments and/or Salary Schedules are as follow:

(3) APPROVAL OF MINUTES OF FEBRUARY 1, 2000

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Minutes of the meeting held February 1, 2000, at 9:30 A.M., were approved.

**(6) APPROVAL OF AN AGREEMENT BETWEEN
TEXAS A&M UNIVERSITY AND CAMERON
COUNTY FOR CENSUS 2000 TO UTILIZE OFFICE
SPACE AND CONDUCT SURVEY AT THE
CAMERON PARK CENTRO CULTURAL**

Commissioner Matz moved that the Agreement between Texas A&M University and Cameron County for Census 2000 to utilize office space and conduct survey at the Cameron Park Centro Cultural be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreement is as follows:

(7) **APPROVAL OF THE BEACH CLEANING AND MAINTENANCE ASSISTANCE AGREEMENT AND APPLICATION FOR FISCAL YEAR 1999-2000 BETWEEN TEXAS GENERAL LAND OFFICE (GLO) AND CAMERON COUNTY PARKS SYSTEM**

Commissioner Benavides moved that the Beach Cleaning and Maintenance Assistance Agreement and Application for Fiscal Year 1999-2000 between Texas General Land Office (GLO) and Cameron County Parks System be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

The Agreement is as follows:

(14) TRAVEL AND/OR TRAVEL EXPENSES, SUBJECT TO FUNDS IN THEIR BUDGET AND ALL APPLICABLE COUNTY POLICIES

At this time, Judge Pro-tem Cascos expressed concern as to the number of Computer Center employees attending a Personnel Law Seminar.

Mr. Rudy Juarez, Chief Information Officer, explained that the Computer Center was organized into several sections with team leaders and added that the team leaders were given managerial duties, including conducting evaluations and interviews.

Mr. Mark Yates, County Auditor, stated that a method should be developed; whereas, one employee attends a seminar and the employee returns to share the information and/or train the department.

At this time, the suggestion was made that the Personnel Training Seminars should be performed in-house by the Personnel Director and Mr. Yates noted that the costs for the Computer Center's travel was within their budget.

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the following travel and/or travel expenses were approved, subject to fund in their budget and all applicable County Policies:

- a) Justice of the Peace Precinct No. 3, Place No. 1 Clerk, Precinct No. 3, Place No. 2 Clerk, two (2) Precinct No. 5, Place No. 1 Clerks, three (3) Precinct No. 5, Place No. 2 Clerks, and Precinct No. 7, Place No. 1 Clerk, to attend the ASan Antonio Court Personnel Seminar® in San Antonio, Texas, on March 19-22, 2000;
- b) Building Maintenance Director to attend a AMaintenance Management Software Seminar® in San Antonio, Texas, on March 9-10, 2000;
- c) Program Development and Management Director to attend the AMaintenance Management Software Seminar® in Raymondville, Texas, on February 25, 2000;
- d) Juvenile Assistant Chief to attend the AEnhancing the Accountability of Local Juvenile Justice System Conference® in San Antonio, Texas, on March 13-15, 2000;
- e) Three (3) Health Department employees to attend the ADengue 2000 Meeting® in McAllen, Texas, on March 23, 2000;
- f) District Attorney to attend the ATexas Association of Counties Policy Analysis Group Meeting® in El Paso, Texas, on March 19-21, 2000;
- g) Five (5) Computer Center employees to attend a AFundamentals of Personnel Law for Managers and Supervisors Seminar® in Harlingen, Texas, on May 4, 2000;
- h) Three (3) Computer Center employees to attend a ASupporting Windows NT 4.0 Training® in McAllen, Texas, on March 20-24, 2000;
- I) Three (3) Computer Center employees to attend a ATwo-Day Hands on Workshop on Microsoft Access® in McAllen, Texas, on May 2-3, 2000;
- j) Computer Center employee to attend the A2000 Educational Conference from the Texas Association of Governmental Data Processing Managers® in College Station, Texas, on April 25-28, 2000;

- k) County Extension Agent to attend the Master Clothing Volunteer Training in San Antonio, Texas, on March 29-31, 2000;
- l) Personnel/Safety Coordinator to attend a High-Impact Communication Skills for Women Seminar in McAllen, Texas, on March 20, 2000; and
- m) Two (2) County Clerk Deputies to attend a Seminar on High Impact Communication Skills for Women in McAllen, Texas, on March 20, 2000.

CONSENT AGENDA ITEM

THE FOLLOWING ITEMS WERE RECOMMENDED FOR A CONSENT AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the following Consent Agenda Items were approved:

(15) PRELIMINARY APPROVAL

a) Precinct No. 3

Canville Estates Subdivision - being a resubdivision of 0.627 acre of land out of the Southeast corner of Block No. 92, Rio Hondo Park Subdivision; and

b) Precinct No. 4

Lomita Subdivision - being a 44.35 acres resubdivision of the West 6.67 acres of Block No. 54, 14.28 acres of Block No. 56 and 23.40 acres of Block No. 55, Adams Gardens Subdivision AB.

(16) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 10:30 A.M. to discuss the following matters:

- a) Confer with County Counsel concerning Freda Sue Mowbray vs. Cameron County, Civil Action No. B-98-0183, in the United States District Court Brownsville, to discuss status of case and advise Commissioners-Court; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
- b) Confer with County Counsel concerning Edward Alcala vs. Alex Perez, et. al., Civil Action No. B-96-203, in the United States District Court-Brownsville, to discuss status of case and authorize settlement; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A)(B);
- c) Deliberation regarding prospective gift or donation concerning the possible acceptance of Abstract No. 2 - Del Mar Heights, Lot No. 2, Block No. 17; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.073; and

- d) Confer with County Counsel on the bankruptcy case filed by Montgomery Ward Holding Corporation, doing business as Montgomery Ward and Company, Incorporated, to discuss Case No. 97-1409-PJW; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A).

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 11:00 A.M.

(16) ACTION RELATIVE TO EXECUTIVE SESSION

- a) **Confer with County Counsel concerning Freda Sue Mowbray vs. Cameron County, Civil Action No. B-98-0183, in the United States District Court Brownsville; and**
- b) **Confer with County Counsel concerning the case styled Edward Alcala vs. Alex Perez, et. al., Civil Action No. B-96-203, in the United States District Court-Brownsville.**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Status Reports by County Counsel were acknowledged regarding the cases styled Freda Sue Mowbray vs. Cameron County, Civil Action No. B-98-0183 and Edward Alcala vs. Alex Perez, et. al., Civil Action No. B-96-203, in the United States District Court Brownsville.

- c) **Deliberation regarding prospective gift or donation concerning the possible acceptance of Abstract No. 2 - Del Mar Heights, Lot No. 2, Block No. 17.**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Status Report by the Property Management Coordinator was acknowledged regarding prospective gift or donation concerning the possible acceptance of Abstract No. 2 - Del Mar Heights, Lot No. 2, Block, No. 17, and the Property Management Coordinator instructed to proceed as directed in Executive Session, to include the residents in Del Mar Heights to donate property on a case by case basis and to contact United States Fish and Wildlife and Texas Parks and Wildlife Departments regarding said matter.

- d) **Confer with County Counsel on the bankruptcy case filed by Montgomery Ward Holding Corporation, doing business as Montgomery Ward and Company, Incorporated, to discuss Case No. 97-1409-PJW.**

Commissioner Matz moved that the Status Report by County Counsel be acknowledged regarding the bankruptcy case filed by Montgomery Ward Holding Corporation, doing business as Montgomery Ward and Company, Incorporated, Case No. 97-1409-PJW.

The motion was seconded by Commissioner Benavides and carried unanimously.

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There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at **11:01 P.M.**

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APPROVED this 4th day of **April, 2000**.

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GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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JOE G. RIVERA
COUNTY CLERK AND EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT OF
CAMERON COUNTY, TEXAS.