

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 25th day of MAY, 2000, there was conducted a SPECIAL 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:

2:00 P.M.

PRESENT:

GILBERTO HINOJOSA
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

NATIVIDAD ATIVIE@ VALENCIA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

The meeting was called to order by Judge Pro-tem Carlos H. Cascos, C.P.A., at 2:07 P.M. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and Mayor Silvestre ASilver@ Garcia, City of Combes, to lead the Court and the audience in reciting the Pledge of Allegiance.

NOTE: JUDGE HINOJOSA JOINED THE MEETING.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on May 22, 2000, at 11:12 A.M., and the Supplemental Agenda posted on May 22, 2000, at 2:14 P.M.:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented additional late claims as to Warrant No. 35224, payable to La Torre Planning Grant, in the amount of \$347.60, and Warrant No. 35225, payable to Lomax Meyers Gran Tesoro Grant, in the amount of \$721.00.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the County Claims were approved, as presented by the County Auditor, inclusive of the additional claims as to Warrant No. 35224, in the amount of \$347.60, and Warrant No. 35225, in the amount of \$721.00.

The Budget Officer's Comments Report is as follows:

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

Commissioner Matz moved that the 2000 Fiscal Year Budget Amendment No. 2000-29, be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Budget Amendments are as follow:

**(3) APPROVAL OF MINUTES OF MAY 2, 2000,
REGULAR MEETING**

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Minutes of the Regular Meeting held May 2, 2000, at 9:30 A.M., were approved, subject to the correction on Page No. 9.

**(4) ACKNOWLEDGMENT OF THE ANNUAL
CERTIFICATION OF THE AMADOR R.
RODRIGUEZ JUVENILE BOOT CAMP AND
EDUCATIONAL CENTER CONDUCTED IN APRIL
2000, BY THE CAMERON COUNTY JUVENILE
BOARD, AND BEING PROVIDED TO THE
COMMISSIONERS= COURT, PURSUANT TO
SECTION 51.12(c) OF THE TEXAS FAMILY CODE**

Commissioner Cascos moved that the Annual Certification of the Amador R. Rodriguez Juvenile Boot Camp and Education Center conducted in April 2000, by the Cameron County Juvenile Board, and being provided to the Commissioners= Court, pursuant to Section 51.12(c) of the Texas Family Code, be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

The Certificate is as follows:

(5) ACKNOWLEDGMENT OF THE ANNUAL CERTIFICATION OF THE DARRELL B. HESTER JUVENILE JUSTICE DETENTION CENTER CONDUCTED IN APRIL 2000, BY THE CAMERON COUNTY JUVENILE BOARD, AND BEING PROVIDED TO THE COMMISSIONERS= COURT, PURSUANT TO SECTION 51.12(c) OF THE TEXAS FAMILY CODE

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Annual Certification of the Darrell B. Hester Juvenile Justice Detention Center conducted in April, 2000, by the Cameron County Juvenile Board, and being provided to the Commissioners= Court, pursuant to Section 51.12 (c) of the Texas Family Code, was acknowledged.

The Certificate is as follows:

(6) DISCUSSION OF SECURITY ISSUE PERTAINING TO THE COUNTY COURTHOUSE PARKING LOTS

At this time, Mr. Remi Garza, Executive Assistant to the County Judge, stated that a Memorandum had been received from County Court at Law No. 2 concerning Staff-s and Juror-s vehicles being burglarized at the Courthouse parking lot. He advised the Court that the matter had been discussed in Court in 1997, but noted that no action had been taken at the time. Mr. Garza explained that the Court had discussed hiring a Deputy to secure the Courthouse parking lots, but noted that there were concerns as to the jurisdiction of the parking lots.

Commissioner Cascos stated that discussions had been held regarding the fencing of the parking lots and as to the number of deputies necessary to secure the parking lots.

At this time, Sheriff Omar Lucio, County Sheriff, stated that the matter be deferred for one week, in order to review the issue and present a recommendation to the Court.

Judge Hinojosa requested that the matter be placed back on the Agenda for the following Meeting as an action item, in order to allow the Sheriff-s Office to present a recommendation to the Court.

Commissioner Cascos moved that the security issues pertaining to the County Courthouse parking lots be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Memorandum is as follows:

(7) **AUTHORIZATION OF THE COMMISSIONERS-COURT TO HOLD ANNUAL AUCTION FOR CAMERON COUNTY, AT PRECINCT NO. 3/VEHICLE MAINTENANCE, OF SURPLUS PROPERTY AND VEHICLES ON JULY 15, 2000**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Annual Auction for Cameron County of surplus property and vehicles will be held at Precinct No. 3, Vehicle Maintenance, on July 15, 2000.

(8) **ADOPTION OF A MUTUAL AID AGREEMENT BETWEEN CAMERON COUNTY, HIDALGO COUNTY, STARR COUNTY AND WILLACY COUNTY**

Commissioner Matz moved that the Mutual Aid Agreement between Cameron County, Hidalgo County, Starr County and Willacy County be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Agreement is as follows:

**(9) ADOPTION OF MUTUAL AID AGREEMENT
BETWEEN CAMERON COUNTY AND THE CITIES
WITHIN THE COUNTY**

Commissioner Matz moved that the Mutual Aid Agreement between Cameron County and the cities within the County be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreement is as follows:

(10) AUTHORIZATION TO ADVERTISE REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR THE REAPPORTIONMENT OF THE CAMERON COUNTY COMMISSIONERS-PRECINCTS TO COMPLY WITH ALL FEDERAL AND STATE STATUTES INCLUDING SECTIONS NO. 2 AND NO. 5 OF THE FEDERAL VOTING RIGHTS ACT

At this time, there was some discussion as to whether a firm was necessary or the matter could be performed in-house and Judge Hinojosa noted that it was necessary to hire an outside firm to properly comply with the Federal Voting Rights Act.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the advertisement of Request for Qualifications for Professional Services for the reapportionment of the Cameron County Commissioners-Precincts was approved, in order to comply with all Federal and State Statutes including Sections No. 2 and No. 5 of the Federal Voting Rights Act.

(11) AUTHORIZATION TO RELEASE TWO (2) SECURITIES FOR A TOTAL AMOUNT OF \$1,000,000.00 AT PAR, IN COLLATERAL, TO FIRST NATIONAL BANK

Commissioner Cascos moved that the two (2) securities, in the amount of \$1,000,000.00 at par, in collateral, be released to First National Bank.

The motion was seconded by Commissioner Matz and carried unanimously.

(12) APPROVAL OF A CONCESSION AGREEMENT WITH LEGAL GROUNDS TO OPERATE A GOURMET COFFEE CART

At this time, Mr. Remi Garza, Executive Assistant to the County Judge, stated that the Agreement had been reviewed by Legal Counsel and noted that minor modifications had been corrected in the Agreement.

Commissioner Matz questioned whether specialty type items would be provided by Legal Grounds which would not be in competition with the Courthouse Coffee Shop and Mr. Garza responded in the affirmative.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Concession Agreement with Legal Grounds to operate a Gourmet Coffee Cart was approved.

The Agreement is as follows:

**(15) APPROVAL OF A FEDERAL AVIATION
ADMINISTRATION LICENSE AGREEMENT FOR A
REMOTE TRANSMITTER/RECEIVER AT THE
CAMERON COUNTY AIRPORT**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Federal Aviation Administration License Agreement for a remote transmitter/receiver at the Cameron County Airport was approved.

The Agreement is as follows:

(13) **IN THE MATTER OF THE CAMERON COUNTY AIRPORT LEASE AGREEMENT WITH SOUTHWIND AIRLINE, INCORPORATED (TABLED)**

(14) **IN THE MATTER OF THE CAMERON COUNTY AIRPORT LEASE AGREEMENT WITH ROBERT HARPER AND BOB STEENBOK (TABLED)**

At this time, Judge Hinojosa informed the Court that there were interested individuals regarding this matter and there was some concern as to whether Request for Proposals had been advertised.

Commissioner Cascos expressed concern as to the clarification of the Agreements which were two (2) separate entities and issues.

Mr. Mark Yates, County Auditor, clarified that the on Agreement was a Concessionaire Lease Agreement and that the second Agreement was for the County to be the fixed based operator.

At this time, there was some discussion as to how the Agreements should reflect the names of the entities and the suggestion was made to Table the matter, until the Request for Proposals were advertised.

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, these Items were **TABLED**.

(16) **APPROVAL OF A LEASE AGREEMENT (RENEWAL) BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT WOMEN, INFANTS AND CHILDREN PROGRAM AND VALLEY BAPTIST MEDICAL DEVELOPMENT CORPORATION**

Commissioner Cascos moved that the Renewal Lease Agreement between the Cameron County Health Department Women, Infants and Children Program and Valley Baptist Medical Development Corporation be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Agreement is as follows:

(18) AUTHORIZATION TO ADVERTISE FOR REQUEST FOR QUALIFICATIONS FOR ROOF REPAIRS FOR THE JUDICIAL BUILDING, JAIL BUILDING AND THE SAN BENITO HEALTH CLINIC

Commissioner Cascos moved that the advertisement for Request for Qualifications for roof repairs for the Judicial Building, Jail Building and the San Benito Health Clinic, be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

(19) AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE SANTA ROSA SCHOOL DISTRICT

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Interlocal Agreement with the Santa Rosa School District was approved.

The Agreement is as follows:

(20) APPROVAL TO PURCHASE CUVETTES FROM HARTMAN MEDICAL, A SOLE SUPPLIER

Commissioner Valencia moved that the purchase of cuvettes from Hartman Medical, a sole supplier, be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

(21) APPROVAL TO ALLOW WESTERN GULF OIL AND GAS, LLC, TO ACCESS THEIR GAS WELL SITE THROUGH THE PUBLIC BEACH

Commissioner Benavides moved that Western Gulf Oil and Gas, LLC, be allowed to access their gas well site through the public beach.

The motion was seconded by Commissioner Valencia and carried unanimously.

(22) AUTHORIZATION TO ISSUE A RENEWAL TOWING PERMIT NO. T3 TO JUAN MORA, DOING BUSINESS AS BAY AREA TOWING

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Renewal Towing Permit No. T3, was issued to Juan Mora, doing business as Bay Area Towing.

SUPPLEMENTAL AGENDA

(1) AUTHORIZATION TO ISSUE A MOBILE VENDOR-S PERMIT NO. V-10 TO LARRY MASSEY, DOING BUSINESS AS BORDER WAGON

(2) AUTHORIZATION TO ISSUE A TOWING PERMIT NO. T-5 TO GARY GRAHAM, DOING BUSINESS AS PARADISE RECREATION

Commissioner Matz moved that the Mobile Vendor-s Permit No. V-10 for Larry Massey, doing business as Border Wagon and the Towing Permit No. T-5 for Gary Graham, doing business as Paradise Recreation, be issued.

The motion was seconded by Commissioner Valencia and carried unanimously.

(23) **AUTHORIZATION OF USE OF COUNTY VEHICLES IN AEL DIA NACIONAL DE EDUCACION VIAL@ PARADE IN RIO BRAVO, TAMAULIPAS, BY CONSTABLES PRECINCT NOS. 1, 4, 6 AND 7**

At this time, Commissioner Matz questioned whether the County-s insurance provided coverage for the vehicles in Mexico and Mr. Mark Yates, County Auditor, responded that the vehicles were insured up to twenty-five (25) miles inside the Mexican Border.

Mr. Yates noted that there were concerns from the taxpayers as to the proper use of County equipment to participate in the parade and stated that the Court should certify the benefit and value to the County from the use of the vehicles in Mexico.

Constable Jose Alfredo Jimenez, Precinct No. 7, explained that the participation by the Constables allowed better communication with the Mexican Law Enforcement and added that the County Constables provided Law Enforcement education to grade school students. He stated that the Constables had participated in the program for the past five (5) years and added that the Mexican Law Enforcement should be encouraged to participate in educational County Programs.

Judge Hinojosa expressed his support for the Constables-participation in the education process with Mexico and commended the Constables for their time and efforts to represent Cameron County.

Commissioner Matz suggested that the Constables should participate and emphasize the joint project concerning seat belt laws and regulations implemented by the Department of Public Safety and Mexico.

Commissioner Benavides moved that the use of County vehicles in AEl Dia Nacional De Educacion Vial@Parade in Rio Bravo, Tamaulipas, by Constables Precincts Nos. 1, 4, 6 and 7, be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

SUPPLEMENTAL AGENDA

(3) **IN THE MATTER OF MILEAGE REIMBURSEMENT, AUTO ALLOWANCE AND/OR ASSIGNMENT OF COUNTY VEHICLE FOR CONSTABLE PRECINCT NO. 7 (TABLED)**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, this Item was **TABLED**.

CONSENT AGENDA ITEM

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

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the

AConsent® Agenda Items were approved as follow:

(24) TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET AND ALL APPLICABLE COUNTY POLICIES:

- a) County Elections Administrator and employee to attend a Meeting of the House of Representatives- Committee on Elections® and visit with the Travis County Voter Registrar-s Staff to discuss Software issues in Austin, Texas, on May 23-25, 2000;
- b) District Attorney to attend the Weed and Seed Law Enforcement and Prosecution Conference® in New Orleans, Louisiana, on May 30, 2000, through June 2, 2000;
- c) Four (4) Assistant District Attorneys to attend the TDCAA 2000 Prosecutor Trial Skills Course® in Austin, Texas, on July 16-21, 2000;
- d) Assistant District Attorney to attend the TDCAA 2000 Prosecutor Trial Skills Course® in Austin, Texas, on July 16-21, 2000;
- e) Assistant District Attorney to attend the TDCAA Summer Regional Series® in Edinburg, Texas, on June 23, 2000;
- f) District Attorney Criminal Investigator to attend the Identification Officers-School® in Austin, Texas, on June 18-30, 2000;
- g) District Attorney Criminal Investigator to attend the Texas Narcotics Officers Association 2000 Conference® in Fort Worth, Texas, on June 27, 2000, through July 2, 2000;
- h) Assistant County Engineer, Engineer in Training and Building Official to attend a Network Team Meeting® in Rio Grande City, Texas, on June 24, 2000;
- I) Assistant Auditor to attend Auditor Training® in Austin, Texas, on May 25, 2000;
- j) 103rd District Court employee to attend the Texas Court Reporter Associations- Annual Convention/Seminar® in Austin, Texas, on June 14-15, 2000;
- k) Emergency Management Coordinator to attend a Division of Emergency Management Course® in College Station, Texas, on May 31, 2000, through June 2, 2000;
- l) Nine (9) Sheriff-s Department employees to attend the Jail Management Issues Seminar® in South Padre Island, Texas, on June 20-23, 2000;
- m) Constables Precincts Nos. 1, 4, 6 and 7 and four (4) Deputies to attend and participate in EI Dia Nacional De Educacion Vial® Parade® in Rio Bravo, Tamaulipas, on May 28, 2000;
- n) Deputy Constable Precinct No. 4 to attend the Intoxilyzer Operator School® in San Antonio, Texas, on May 22-26, 2000;

- o) District Clerk and two (2) Deputies to attend the AUnited States Department of State-Houston Passport Agency Training and Certification for the Issuance of Passport@ in Houston, Texas, on May 24-26, 2000;
- p) Child Welfare Homemaker and Assistant to transport children under the conservatorship of the Texas Department of Protective and Regulatory Services for family visit to Corpus Christi, Texas, on March 1, 2000;
- q) Child Welfare Homemaker and Assistant to transport children from Houston to Weslaco, Texas, on April 27-28, 2000;
- r) Child Welfare Homemaker to transport children to Corpus Christi, Texas, and back to San Benito, Texas, on February 16, 2000;
- s) Four (4) Health Department employees to attend an AIntensive Course in Breast-feeding Phase I@ in Corpus Christi, Texas, on July 11-14, 2000;
- t) Community Development Coordinator to meet with Willacy County Judge regarding Cameron and Willacy Counties Self-Help Center in Raymondville, Texas, on May 12, 2000;
- u) County Extension Agent to attend the AWeed and Seed Management Seminar@ in Corpus Christi, Texas, on May 8-9, 2000;
- v) Three (3) County Extension Agents to attend the A4-H Faculty Conference@ in Laredo, Texas, on May 23-25, 2000;
- w) Tax Assessor Collector, Chief Deputy and Investigator to attend the ATexas Automobile Theft Prevention Authority Board Meeting@ in Austin, Texas, on June 14-16, 2000;
- x) Tax Assessor Collector and Chief Deputy to attend the A46th Annual Tax Assessor-Collectors= Association of Texas Conference@ in Midland, Texas, on June 11-13, 2000; and
- y) Tax Assessor Collector and Chief Deputy to attend the ATax Association of Assessing Officers and Institute of Certified Tax Administrator Conference@ in San Antonio, Texas, on August 19-23, 2000.

(25) OPEN BIDS

- A) AUTOMOTIVE SUPPLIES: BATTERIES - ANNUAL BID NO. 1980**
- B) AUTOMOTIVE SUPPLIES: BRAKE PADS O.E.M. AND AFTER MARKET - ANNUAL BID NO. 1982**
- C) BUILDING SUPPLIES: CARPENTRY MATERIALS - ANNUAL BID NO. 2000**

The Bids received and opened are as follow:

(26) EXECUTIVE SESSION

Upon motion by Commissioner Valencia, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 2:55 P.M. to discuss the following matters and Item No. 26 Ac@ was **Tabled**:

- a) In the matter of the Sea Ranch Marina Concession involving matters in which the duty of the attorney to the governmental body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2); **(TABLED)**
- b) Deliberation regarding the Real Property concerning possible Concession Agreement for 3.826 acres to NB Development, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) In the matter of the settlement of the case styled Cameron County vs. Scoggins Construction; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(B); **(TABLED)**
- d) Confer with County Counsel on matters relating to the Plan of Finance for the Jail Facility Project in which the duty of the attorney to the governmental body, under the Texas Disciplinary Rules of Conduct of the State Bar of Texas, clearly conflicts with this Chapter; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2); and
- e) Deliberation concerning the Real Property concerning granting of preservation easement to the Texas Historical Commission; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 4:25 P.M.

(27) ACTION RELATIVE TO EXECUTIVE SESSION

- a) **In the matter of the Sea Ranch Marina Concession involving matters in which the duty of the attorney to the governmental body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with the Open Meetings Act. (TABLED)**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, this Item was **TABLED**.

- b) **Deliberation regarding the Real Property concerning the possible Concession Agreement for 3.826 acres to NB Development.**

Commissioner Benavides moved that the Status Report by County Counsel be acknowledged regarding the Concession Agreement for 3.826 acres to NB Development.

The motion was seconded by Commissioner Matz and carried unanimously.

- d) Confer with County Counsel on matters relating to the plan of Finance for the Jail Facility Project in which the duty of the attorney to the governmental body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with this Chapter.**

Commissioner Matz moved that the Status Report by County Counsel be acknowledged regarding the Plan of Finance for the Jail Facility Project in which the duty of the attorney to the governmental body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with this Chapter.

The motion was seconded by Commissioner Valencia and carried unanimously.

- e) Deliberation regarding the Real Property concerning granting of preservation easement to the Texas Historical Commission.**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the County Judge was authorized to execute the preservation easement to the Texas Historical Commission.

(17) **AUTHORIZATION TO ENTER INTO A CONCESSION AGREEMENT FOR 3.826 ACRES WITH NB DEVELOPMENT**

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Concession Agreement with NB Development for 3.826 acres was approved.

The Agreement is as follows:

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the meeting was **ADJOURNED** at **4:30 P.M.**

APPROVED this 13th day of **June, 2000**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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