

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 27th day of JUNE, 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:

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

COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

NATIVIDAD ATIVIE@ VALENCIA

The meeting was called to order by Judge Gilberto Hinojosa at 10:08 A.M. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and Commissioner Cascos 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 June 23, 2000, at 2:17 P.M.:

(4) ADOPTION OF A RESOLUTION HONORING MR. EDWARD MARKS AND MR. EDWARD RIVERA FOR THE HEROIC SERVICE THEY PERFORMED IN SAVING PEOPLE FROM DROWNING AT THE COUNTY BEACHES

At this time, Judge Hinojosa explained the danger involved to the individuals who risked their lives by saving drowning victims at the public beaches and commended Mr. Edward Marks and Mr. Edward Rivera for their heroic actions in saving the lives of two young girls.

Chief Ramiro Torres, Brownsville Fire Department, commended Mr. Marks, Brownsville Firefighter, for representing and utilizing the skills attained from the Fire Department to save the lives of the two young girls and expressed his gratitude to the Brownsville City Manager and City Commission for providing the funds to successfully train the firefighters.

Commissioner Cascos moved that the Resolution honoring Mr. Edward Marks and Mr. Edward Rivera for the heroic service they performed in saving people from drowning at the County Beaches be adopted.

The motion was seconded by Commissioner Matz and carried unanimously.

The Resolution is as follows:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, noted that Warrants No. 37409 and No. 37410 would replace Warrant No. 37164, for Court Appointed Attorneys, and explained that there should have been separate warrants for each Attorney. He further added that Warrants No. 37437 and No. 37438 would also replace Warrant No. 37246, for two Court Appointed Attorneys and requested that both warrants being replaced, be voided and excluded from the list.

Commissioner Matz expressed concern as to the payment for a Department of Public Safety (DPS) Officer's mobile phone, payable to Southwestern Bell Wireless, Warrant No. 37324.

Mr. Yates explained that the full amount was paid to Southwestern Bell Wireless and that the Officers would reimburse the County for any amount over the flat rate set by the County.

Commissioner Benavides moved that the County Claims be approved, as presented by the County Auditor, inclusive of the following additional claims:

Warrant No. 37409, payable to Honorable Dolores Gomez, in the amount of \$500.00,

Warrant No. 37410, payable to Jose Gonzalez, in the amount of \$600.00,

Warrant No. 37437, payable to Arturo McDonald, \$2,200.00, and

Warrant No. 37438, payable to Angela Nix, in the amount of \$200.00.

The motion was seconded by Commissioner Cascos and carried as follows:

AYE: Commissioners Benavides, Cascos and Matz

NAY: None

ABSTAINED: Judge Hinojosa, as to Warrant No. 37216, payable to Laguna Madre Water District.

The Affidavit is as follows:

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

At this time, Commissioner Cascos expressed concern as to why the September 30, 1999, Audit Report had not been submitted and why the Audit Reports had not been reported to the Government Financial Officers Association (GFOA), in order for the County to receive the Certificate of Excellence Award.

Mr. Mark Yates, County Auditor, explained that the report lacked the Audit Report by the Cameron County Housing Authority's outside Auditing Service, which was a component unit of the report and added that extensions had been requested by the County, but noted that the deadline was June 15, 2000.

Mr. Yates noted that the budgetary numbers had also been submitted concerning the Health Care Services and added that the matter would have to be addressed by implementing changes, such as increasing the employee co-pay, in order to hold down the costs.

Commissioner Cascos moved that the 2000 Fiscal Year Budget Amendment No. 2000-33, be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Budget Amendments are as follow:

**(3) APPROVAL OF MINUTES OF JUNE 20, 2000,
REGULAR MEETING**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Minutes of the Regular Meeting held June 20, 2000, at 9:30 A.M., were approved, subject to the corrections noted on Items No. 1 and No. 11.

**(5) ADOPTION OF A RESOLUTION STATING
OPPOSITION TO PROPOSED REGULATIONS BY
THE TEXAS PARKS AND WILDLIFE
DEPARTMENT THAT WOULD RESTRICT
SHRIMPING IN THE WATERS ADJACENT TO
CAMERON COUNTY**

Commissioner Cascos moved that the Resolution stating opposition to proposed regulations by the Texas Parks and Wildlife Department that would restrict shrimping in the waters adjacent to Cameron County be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

At this time, Judge Hinojosa briefly read and explained the resolution which restricted shrimping in the waters adjacent to Cameron County and the serious impact it would have on the local economy.

Ms. Deyaun Boudreaux, Texas Shrimper Association Environmental Director, explained that the regulations were based on a biological assessment and that the existing laws should be enforced to protect the ingress and egress of the younger shrimp. She added that there were currently fifty (50) commercial fishing vessels in the County and that the County contained the fourth most valuable fishing ports in the United States.

The Resolution is as follows:

**(6) PRESENTATION OF YEAR 2001 TEXAS
COMMUNITY DEVELOPMENT PROGRAM
GRANT APPLICATION TIMETABLE AND
AUTHORIZATION FOR PROGRAM
DEVELOPMENT AND MANAGEMENT
DEPARTMENT TO CONDUCT PUBLIC HEARING
TO SOLICIT PROJECT REQUESTS ON JULY 5,
2000**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Presentation of Year 2001 Texas Community Development Program Grant Application Timetable was acknowledged and the Program Development and Management Department was authorized to conduct a public hearing to solicit project requests on July 5, 2000.

The Report is as follows:

(7) APPROVAL TO OPEN INTEREST BEARING NEW ACCOUNTS FOR THE JUSTICE OF THE PEACE(S) AND AN INTEREST BEARING MONEY MARKET ACCOUNT UNDER THE NAME OF CAMERON COUNTY TREASURER, ADULT PROBATION DISTRICT FUND NO. 920 WITH FIRST NATIONAL BANK

Commissioner Matz moved that new Interest Bearing Accounts for the Justice of the Peace(s) and Interest Bearing Money Market Account under the name of Cameron County Treasurer, Adult Probation District Fund No. 920, be opened with First National Bank.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Contracts are as follow:

(8) AUTHORIZATION TO SUBMIT APPLICATION FOR STATE FINANCIAL ASSISTANCE FOR BEACH MAINTENANCE FOR FISCAL YEAR 2001

Commissioner Matz moved that the submission of the application for State Financial Assistance for Beach Maintenance for Fiscal Year 2001 be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

(9) APPROVAL FOR UNIDOS PODEMOS TO SUBMIT A GRANT APPLICATION FOR A COMMUNITY YOUTH MENTAL HEALTH PROMOTION AND VIOLENCE/SUBSTANCE ABUSE PREVENTION PARTNERSHIP GRANT, SHORT TITLED ACOALITIONS FOR PREVENTION@ GRANT TO THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTER FOR MENTAL HEALTH SERVICES

Commissioner Cascos moved that the submission of a Grant Application by Unidos Podemos for a Community Youth Mental Health Promotion and Violence/Substance Abuse Prevention Partnership Grant, Short Titled ACoalitions for Prevention@Grant to the United States Department of Health and Human Services, Center for Mental Health Services be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

The Resolution is as follows:

(10) AUTHORIZATION FOR THE TAX ASSESSOR-COLLECTOR AND COUNTY AUDITOR TO CANCEL AND REMOVE PERSONAL PROPERTY AND REAL ESTATE ACCOUNTS FROM THE DELINQUENT TAX ROLL IN ACCORDANCE WITH THE STATE PROPERTY TAX CODE SECTION 33.05

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Tax Assessor-Collector and County Auditor were authorized to cancel and remove personal property and real estate accounts from the delinquent tax roll in accordance with the State Property Tax Code Section 33.05.

The Reports are as follow:

(11) AUTHORIZATION FOR THE LAW LIBRARY TO APPLY FOR A NON-COMPETITIVE GRANT FOR TEXAS PUBLIC LIBRARIES FROM THE TELECOMMUNICATIONS INFRASTRUCTURE FUND BOARD BY SUBMITTING A LETTER OF INTENT AND SUBSEQUENT GRANT APPLICATION AND DESIGNATION OF FUND SOURCE FOR LOCAL MATCH

At this time, Mr. Mark Yates, County Auditor, stated that the local match would be allocated from the Law Library Budget.

Judge Hinojosa stated that the Law Library would need to be closed for approximately two (2) months once the construction of the new courtrooms began and noted that the schematic plans for the first floor of the Courthouse would be discussed with the Building and Maintenance Department.

Commissioner Matz moved that the Law Library apply for a Non-Competitive Grant for the Texas Public Libraries from the Telecommunications Infrastructure Fund Board by submitting a Letter of Intent and Subsequent Grant Application and that the funding source for the local match be allocated from the Law Library Budget.

The motion was seconded by Commissioner Benavides and carried unanimously.

(12) APPROVAL FOR THE OCTOBER 1, 2000, THROUGH SEPTEMBER 30, 2001, HOLIDAY SCHEDULE

Commissioner Cascos moved that the October 1, 2000, through September 30, 2001, Holiday Schedule be approved.

The motion was seconded by Commissioner Benavides and carried as follows:

AYE: Commissioners Benavides, Cascos and Judge Hinojosa

NAY: Commissioner Matz.

The Schedule is as follows:

(13) AUTHORIZATION TO AMEND THE LEASE AGREEMENT BETWEEN CAMERON COUNTY JUVENILE PROBATION DEPARTMENT AND NARIAN-S ART, INCORPORATED

Commissioner Benavides moved that the Amendment to the Lease Agreement between Cameron County Juvenile Probation Department and Narian-s Art, Incorporated, be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Agreement is as follows:

(14) AUTHORIZATION TO GIVE TEN DAYS WRITTEN NOTICE TO TERMINATE BEACH CLEANING CONTRACT BETWEEN CAMERON COUNTY AND CARLOS GALVAN

At this time, Mr. Javier Mendez, Parks System Director, stated that there had been confusion as to the terms and payment of the Contract and explained that the Bids had been submitted by Mr. Carlos Galvan, reflecting that the cost of the beach cleaning would be \$2,500.00 per month, from May 22, 2000, through September 7, 2000. He stated that the litter on the beach was picked up three (3) times a week, but noted that the Contract which was signed by Mr. Galvan, reflected that the County would pay the amount of \$2,500.00, for the entire term of the Contract, as opposed to A per month.® Mr. Mendez stated that the County would end up paying a total amount of \$9,000.00, and requested that an individual be hired on a part-time basis to clean the beaches five (5) times a week for the same amount.

Commissioner Cascos expressed concern as to why the Auditor-s Office did not review the payments versus the Contract terms when issuing the checks.

Mr. Mark Yates, County Auditor, stated that it would be difficult to monitor all the payments issued, due to the high volume of vendors and noted that the Contract did not comply with the Bid awarded by the Court.

Mr. Mendez stated that the Contract had a ten (10) day out clause and requested that the Contract be terminated, in order to hire a part-time individual to perform the duties five (5) days a week.

Commissioner Cascos moved that a ten (10) days written notice be given to terminate the Beach Cleaning Contract between Cameron County and Carlos Galvan, based on the terms of the signed Contract.

The motion was seconded by Commissioner Matz and carried unanimously.

(15) APPROVAL OF A CONCESSION AGREEMENT IN THE ISLA BLANCA PARK BETWEEN CAMERON COUNTY AND CLIFFORD BENEDICT

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Concession Agreement in the Isla Blanca Park between Cameron County and Clifford Benedict was approved.

The Agreement is as follows:

(16) APPROVAL OF A CONCESSIONAIRE SIGN APPLICATION IN ISLA BLANCA PARK

Commissioner Benavides moved that the Concessionaire Sign Application in Isla Blanca Park be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

(17) AUTHORIZATION TO ISSUE A RENEWAL MOBILE VENDOR-S PERMIT NO. V3 TO JAIME SALAZAR, DOING BUSINESS AS RUBY-S ELOTE

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Renewal Mobile Vendor-s Permit No. V3 was issued to Jaime Salazar, doing business as Ruby-s Elote.

(18) APPROVAL OF THE CONTRACT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND JESUS EDUARDO SANCHEZ, PROFESSIONAL CLOWN, FOR THE PERIOD OF JULY 28, 2000, THROUGH AUGUST 31, 2000

Commissioner Benavides moved that the Contract between the Cameron County Health Department and Jesus Eduardo Sanchez, Professional Clown, for the period of July 28, 2000, through August 31, 2000, be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Contract is as follows:

**(19) APPROVAL OF THE LEASE AGREEMENT
(RENEWAL) BETWEEN CAMERON COUNTY AND
DAGOBERTO MARTINEZ, M.D., P.A., TO RENT
SPACE FOR WOMEN, INFANTS AND CHILDREN
(WIC) PROGRAM SERVICES AT 3855
SOUTHMOST ROAD AND 1076 E. LOS EBANOS
BOULEVARD, BROWNSVILLE, TEXAS**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Renewal Lease Agreement between Cameron County and Dagoberto Martinez, M.D., P.A., was approved, to rent space for the Women, Infants and Children (WIC) Program Services at 3855 Southmost Road and 1076 E. Los Ebanos Boulevard, Brownsville, Texas.

The Agreement is as follows:

(20) AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE CITY OF SAN BENITO TO PERFORM SERVICES TO SCHNEIDER ROAD, YOST ROAD AND HAINE DRIVE

Commissioner Benavides moved that the Interlocal Agreement between Cameron County and the City of San Benito to perform services on Schneider Road, Yost Road and Haine Drive be approved.

The motion was seconded by Commissioner Matz and carried as follows:

AYE: Commissioners Benavides, Matz and Judge Hinojosa

NAY: None

ABSTAINED: Commissioner Cascos.

The Agreement is as follows:

- (21) **AUTHORIZATION TO ACCEPT KENDALL LANE, PRECINCT NO. 3, LOCATED IN KENDALL LANE SUBDIVISION, INTO THE COUNTY ROAD SYSTEM**
- (22) **AUTHORIZATION TO ACCEPT SOUTH VISTA DEL SOL DRIVE, PRECINCT NO. 4, LOCATED IN VISTA DEL SOL NO. 2 SUBDIVISION, INTO THE COUNTY ROAD SYSTEM**
- (23) **AUTHORIZATION TO ACCEPT SENDERO WEST, PRECINCT NO. 3, LOCATED IN AUTUMN WOOD SUBDIVISION, INTO THE COUNTY ROAD SYSTEM**

Commissioner Matz moved that the following roads be accepted into the County Road System:

Kendall Lane, Precinct No. 3, located in Kendall Lane Subdivision,

South Vista Del Sol Drive, Precinct No. 4, located in Vista Del Sol No. 2 Subdivision, and

Sendero West, Precinct No. 3, located in Autumn Wood Subdivision.

The motion was seconded by Commissioner Benavides and carried unanimously.

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 Benavides, seconded by Commissioner Cascos 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) District Attorney to attend the AHIDTA Executive Committee Meeting® in San Antonio, Texas, on July 10-12, 2000;
 - b) International Bridge Systems Director to attend a AMeeting with the Texas Department of Transportation regarding the ITS System Project® in Pharr, Texas, on June 28, 2000;
 - c) Chief Juvenile Probation Officer to attend the ATexas Juvenile Probation Commission Salary Survey Training and Discussion® in Austin, Texas, on June 25-27, 2000;
 - d) Three (3) Juvenile Probation Staff Members to attend the ATexas Juvenile Probation Commission Title IV-E Conference® in South Padre Island, Texas, on May 24, 2000;
 - e) Two (2) Sheriff-s Officers to attend the APhase II Hand on Crime Scene Search and Evidence Recovery Training® in San Antonio, Texas, on July 10-12, 2000;
 - f) Two (2) Sheriff-s Officers to attend the AHands On How to Develop Left and Documents Fingerprints® in San Antonio, Texas, on July 13-14, 2000;

- g) Sheriff's Officer to attend the Critical Incident Commander Training® in Bryan, Texas, on July 31, 2000, through August 4, 2000;
- h) Sheriff's Investigator to attend a Free Firearms Training Seminar® in Salt Lake City, Utah, on July 18-20, 2000;
- I) Two (2) Sheriff's Investigators to attend a Homicide Investigation Training® in Bryan, Texas, on July 17-21, 2000;
- j) Two (2) Sheriff's Investigators to attend the Crime Against Children Conference® in Dallas, Texas, on August 20-25, 2000;
- k) Two (2) Juvenile Probation employees to attend a Caseworker Training® in Austin, Texas, on July 17-19, 2000; and
- l) Juvenile Probation employee to attend a Caseworker Seminar® in Austin, Texas, on June 22-23, 2000.



(25) PRELIMINARY APPROVAL

a) Precinct No. 3

Jasmine Subdivision - being 6.161 acres of land out of Block No. 58, San Benito Land and Water Company, out of the San Juan De Carricitos Grant.

(26) FINAL APPROVAL

a) Precinct No. 2

Hacienda Del Norte Section III Subdivision - being 69.819 acres, comprised of all of Lot No. 40 and Part of Lots Nos. 39, 41, 42, 43, 44 and 45, Block No. 14; and

b) Precinct No. 3

Cuates Amigos Joint Adventure Subdivision - being a 10.5 acre subdivision comprised of 4.93 acres out of Lot No. 17 and all of Lot No. 16 (5.67 AC) out of the Cuates Amigos Subdivision.

(27) AWARD BIDS

a) FOOD: MEATS, BEEF, POULTRY, FISH - QUARTERLY BID NO. 2170-3

BENO'S MEATS - McAllen, Texas
Category A - Total \$14,402.82

TEXAS MEATS - Harlingen, Texas
Category B - Total \$1,110.00

b) DIETARY SUPPLIES: MISCELLANEOUS - QUARTERLY BID NO. 2050-3

SYSCO - San Antonio, Texas
Total \$1,854.38

c) FOOD: FROZEN - QUARTERLY BID NO. 2165-3

P.F.G. - Corpus Christi, Texas

Total \$4,663.33

d) FOOD: SPICES - QUARTERLY BID NO. 2210-3

E. DE LA GARZA - Brownsville, Texas
Total \$965.54

e) FOOD: CANNED AND DRIED - QUARTERLY BID NO. 2110-3

E. DE LA GARZA - Brownsville, Texas
Total \$18,080.78

(28) OPEN REQUEST FOR PROPOSAL

**a) TREATMENT ALTERNATIVES TO INCARCERATION PROGRAM
SUBSTANCE ABUSE TREATMENT SERVICES - REQUEST FOR
PROPOSAL NO. 1727-000401**

**(29) PURCHASE WITHOUT PURCHASE ORDER FOR TEXAS AUTOMOBILE THEFT
PREVENTION AUTHORITY GRANT APPLICATION SUPPLIES, IN THE AMOUNT OF
\$112.97**



(30) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 11:15 A.M. to discuss the following matters:

- a) Deliberation regarding Real Property concerning 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);
- b) In the matter of the Real Property concerning granting building improvements to the Sea Ranch Bait and Groceries Concession; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; **(TABLED)** and
- c) Deliberation regarding Real Property concerning Cameron County Lease with NB Development; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 11:42 A.M.



(31) ACTION RELATIVE TO EXECUTIVE SESSION

- a) **Deliberation regarding Real Property concerning Sea Ranch Marina Concession, involving matters in which to the governmental body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas the Open Meetings Act.**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Status Report by Court Sea Ranch Marina Concession, involving matters in which the duty of the attorney to the governmental body, under the Texas Disciplinary State Bar of Texas, clearly conflicts with the Open Meetings Act.

- b) **In the matter of the Real Property concerning granting building improvements to the Sea Ranch Bait and (TABLED)**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, this Item was TABLED

- c) **Deliberation regarding the Real Property concerning Cameron County Lease with NB Development.**

Commissioner Matz moved that the Status Report by the Property Management Coordinator be acknowledged regarding Cameron County Lease with NB Development. The motion was seconded by Commissioner Cascos and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the meeting was **ADJOURNED** at 11:43 A.M.

APPROVED this 6th day of **July, 2000**.

**GILBERTO HINOJOSA
COUNTY JUDGE**

ATTEST:

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