

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 31st day of OCTOBER, 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

NATIVIDAD ATIVIE@ VALENCIA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Gilberto Hinojosa at 9:30 A.M. He then asked Ms. Brenda Shakarian, President and C.E.O. for Love in Action, 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 October 27, 2000, at 11:37 A.M., and the Supplemental Agenda posted on October 27, 2000, at 3:54 P.M.:

At this time, Mr. Dick Sturgell, Harlingen resident, questioned the outcome of the Workshop held earlier regarding the vendor issues at the Courthouse parking lot.

Judge Hinojosa explained that the County would be exposed to liability if the vendors were licensed and added that precluding vendors in the parking lot would also preclude wrecker services, locksmiths and other vendors from performing services in the parking lot. He stated that the best solution to monitor the vendor issue would be to implement the parking lot security as soon as possible, which would be addressed by the County Judge's Office.

(24) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 9:35 A.M. to discuss the following matters:

- c) Confer with County Counsel on the Juvenile Justice Alternative Education Program (JJAEP) Contract with Southwest Key Program, Incorporated; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- e) To deliberate possible discipline on Commissioners-Court Legal Counsel; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074 (a)(1); and
- f) To deliberate possible discipline on Property Management Coordinator; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074 (a)(1).

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 10:05 A.M.

(25) ACTION RELATIVE TO EXECUTIVE SESSION

- c) **Confer with County Counsel on the Juvenile Justice Alternative Education Program (JJAEP) Contract with Southwest Key Program, Incorporated.**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Status Report by County Counsel was acknowledged regarding the Juvenile Justice Alternative Education Program (JJAEP) Contract with Southwest Key Program, Incorporated, noting that discussions only involved policy issues, as opposed to specific issues of the Contract.

e) **To deliberate possible discipline on Commissioners= Court Legal Counsel; and**

f) **To deliberate possible discipline on Property Management Coordinator.**

Commissioner Valencia moved that the Status Report by the County Judge's Office be acknowledged, and that no further action be taken regarding personnel issues concerning Commissioners= Court Legal Counsel and the Property Management Coordinator, based on the investigative reports submitted by the Constable's Office, as requested by the Court.

The motion was seconded by Commissioner Matz and carried unanimously.

At this time, Judge Hinojosa noted that the investigative reports were public documents and would be available to the public. He explained that the Court's decision not to take any action was based on the inquiry conducted by the Constable's Office which revealed no evidence of any wrong doing by the Commissioners= Court Legal Counsel or the Property Management Coordinator. Judge Hinojosa stated that the individuals should have utilized better judgment when taking the County vehicle during office hours, but noted that all indications stated that the individuals were conducting County business.

The Report is as follows:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented an additional late claim as to Warrant No. 44127, payable to Benavides Driving School, in the amount of \$100.00, which had been Tabled at the previous meeting. Mr. Yates noted Warrant No. 44887, payable to Landmark Organization, in the amount of \$688,132.50 and briefly highlighted the status of the Contract.

Commissioner Cascos questioned whether said amount was subject to the five percent (5%) retainage and Mr. Yates responded that there was specific issues which were subject to the five percent (5%) retainage. He stated that the professional services portion of the Contract was being reviewed to ensure that the appropriate insurance had adequate coverage.

Commissioner Matz moved that the County Claims be approved, as presented by the County Auditor.

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

AYE: Commissioners Cascos, Matz and Valencia

NAY: None

ABSTAINED: Commissioner Benavides, as to Warrant No. 44127, payable to Benavides Driving School, in the amount of \$100.00; and Judge Hinojosa, as to Warrant No. 44700, payable to the Laguna Madre Water District, in the amount of \$12,529.17.

The Affidavits are as follow:

(2) **IN THE MATTER OF THE BUDGET
AMENDMENTS AND/OR SALARY SCHEDULES
(TABLED)**

At this time, Mr. Mark Yates, County Auditor, noted that there were no Budget Amendments and/or Salary Schedules for approval.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, this Item was **Tabled**.

(3) **APPROVAL OF MINUTES OF OCTOBER 17, 2000,
AND OCTOBER 24, 2000**

Commissioner Valencia moved that the Minutes of the Regular Meetings held October 17, 2000, at 9:30 A.M., and October 24, 2000, at 9:30 A.M., be approved.

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

AYE: Commissioner Valencia, Benavides and Judge Hinojosa

NAY: None

ABSTAINED: Commissioners Cascos and Matz, as to the Minutes of October 24, 2000.

(18) **ACTION REGARDING A JOINT APPLICATION TO
THE ENVIRONMENTAL PROTECTION AGENCY
REGARDING AN ENVIRONMENTAL EDUCATION
INITIATIVE**

At this time, Mr. Remi Garza, Assistant County Administrator, explained that Hidalgo County had requested Cameron County's participation in a joint environmental protection agency grant and noted that the amount of \$100,000.00 was available for environmental education initiative. He stated that the project required participation from Cameron, Starr and Hidalgo Counties and added that a match, in the amount of \$5,000.00, was required, which would be allocated by all three entities. Mr. Garza explained that the Vista Volunteers would then be utilized to perform the outreach services and that one part-time employee would be hired from each County to supervise the activities. He stated that the remainder of the funds would be utilized for minor administrative costs and that Hidalgo County had agreed to act as the Administrator for the overall grant. Mr. Garza reported that Cameron County would request that the program focus on the drainage issues which were utilized to dump trash and other associated solid waste issues.

Judge Hinojosa questioned whether there would be available funds for advertising expenses and Mr. Antonio "Tony" Barco, Administrative Assistant to the Hidalgo County Judge, responded that there would be funds available for the distribution of pamphlets to the residents of Colonias.

of the driveway if the County paved the area and noted that the County should only provide the work on the County property.

At this time, there was some discussion concerning whether the Public Works Department should respond to the individual requests and the suggestion was made that the requests be scheduled and addressed if the time was available, noting that if the requests could not be addressed, follow up calls should be made to the residents.

Commissioner Benavides expressed concern as to speed humps being placed on County Roads by the Public Works Department.

Judge Hinojosa stated that the speed humps were necessary in high density areas of the County and suggested that the matter be examined concerning the legality of the speed humps, noting that the issue would be approved by the Court on a case by case basis.

Commissioner Valencia moved that the discussion regarding driveways fronting County Roads be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

(5) **IN THE MATTER OF THE JUVENILE JUSTICE
ALTERNATIVE EDUCATION PROGRAM (JJAEP)
CONTRACT BETWEEN CAMERON COUNTY AND
SOUTHWEST KEY PROGRAM, INCORPORATED
(TABLED)**

At this time, Mr. Doug Wright, Commissioners- Court Legal Counsel, requested that this Item be Tabled, in order to review the matter with the Juvenile Board.

Commissioner Benavides moved that this Item be **Tabled**.

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

AYE: Commissioners Benavides, Cascos, Matz and Valencia

NAY: None

ABSTAINED: Judge Hinojosa.

(7) **APPROVAL OF THE CONTRACT FOR RESIDENTIAL PLACEMENT BETWEEN CAMERON COUNTY JUVENILE DEPARTMENT/SOUTH TEXAS JUVENILE BOOT CAMP AND KLEBERG COUNTY JUVENILE DEPARTMENT**

At this time, Judge Hinojosa stated that the County should attempt to obtain State Funds for expansion of the Boot Camp and added that the Boot Camp was highly utilized by other agencies which were generating revenues for the County.

Ms. Joan Macrum, Chief Juvenile Probation Officer, reported that the Six Month After Care Program was necessary for the juveniles completing the required time and added that most of the juveniles were reluctant to go back to their dysfunctional homes.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Contract for Residential Placement between Cameron County Juvenile Department/South Texas Juvenile Boot Camp and Kleberg County Juvenile Department was approved.

The Contract is as follows:

**(6) APPROVAL OF THE CONTRACT (RENEWAL)
FOR PROFESSIONAL SERVICES BETWEEN
CAMERON COUNTY AND SPECIALIZED
SERVICE PROVIDERS FOR JUVENILES AND
THEIR FAMILIES**

Commissioner Benavides moved that the Renewal Contract for Professional Services between Cameron County and Specialized Service Providers for Juveniles and their families be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Contract is as follows:

(8) AUTHORIZATION TO INCLUDE CHESTER PARK ROAD IN THE PROJECT ROAD MAP STUDIES

At this time, Mr. Juan Bernal, County Engineer, stated that the City of Harlingen had requested that Chester Park Road be included in the Project Road Map Studies and noted that the road was within the city limits.

Commissioner Cascos noted that not all of the roads on the list were rural at the time Project Road Map was established.

Mr. Mark Yates, County Auditor, reported that certain roads on the original list were key arteries between communities and were included at the time Project Road Map was created.

Judge Hinojosa expressed his support, subject to Legal review concerning the Bond Covenants on the original list of roads and suggested that the County should proceed with the project, noting that the County should remain consistent with the long term plans concerning the County roadways.

Commissioner Matz noted that there were some roads that were on the original list which would not be addressed and that Chester Park Road would replace said roads.

Commissioner Matz moved that Chester Park Road be included in the Project Road Map Studies, subject to Legal review, said funding to be allocated from Project Road Map, Fund No. 3.

The motion was seconded by Commissioner Valencia and carried unanimously.



(9) AUTHORIZATION TO SUBSTITUTE DILWORTH ROAD BRIDGE FOR CALIFORNIA ROAD BRIDGE IN THE REPLACEMENT LIST OF TXDOT

At this time, Mr. Juan Bernal, County Engineer, explained that the Texas Department of Transportation (TxDOT) had requested that Dilworth Road Bridge be closed and added that since State Funds had been appropriated for said bridge, the funds would be reallocated to California Road Bridge which was in need of repairs.

Commissioner Valencia expressed concern as to Orange Grove Road Bridge which was completely out and indicated that the bridge consisted of a platform with no side rails.

Mr. Bernal explained that Orange Grove Road Bridge had been categorized as a Priority 1 with repairs to be performed in one and a half years, whereas; California Road Bridge was categorized as a Priority 2 and would not be repaired until two to three years.

Judge Hinojosa suggested that the County Engineer and Commissioner Precinct No. 4 discuss the bridges in need of repairs and that a time line be scheduled for the replacement of the bridges.

(12) AUTHORIZATION FOR MR. JAIME GARZA OF METLIFE AND MR. DINO CHAVEZ REPRESENTING AFLAC TO MARKET INSURANCE PRODUCTS AT THE COUNTY HEALTH FAIRS

At this time, Commissioner Cascos questioned whether there would be other vendors at the Health Fair providing similar products and as to whether an invitation to attend the fair had been extended to the current provider and other vendors.

Ms. Letty Castañeda, Personnel Safety Coordinator, responded that AFLAC and Metlife were the only entities that requested to attend the Health Fair.

Mr. Mark Yates, County Auditor, suggested that the current vendors should be invited to attend the Health Fair, with the understanding that the County was not endorsing the vendors.

Commissioner Cascos moved that Mr. Jaime Garza, of Metlife, and Mr. Dino Chavez, representing AFLAC, market insurance products at the County Health Fairs.

The motion was seconded by Commissioner Benavides and carried unanimously.

(13) AUTHORIZATION TO CLOSE GATEWAY INTERNATIONAL BRIDGE FOR SOUTHBOUND TRAFFIC ON DECEMBER 4, 2000, BETWEEN 7:00 P.M. AND 9:00 P.M., FOR THE FIESTA OF LIGHT CHRISTMAS PARADE

Commissioner Valencia moved that Gateway International Bridge be closed for southbound traffic on December 4, 2000, between 7:00 P.M. and 9:00 P.M., for the Fiesta of Lights Christmas Parade.

The motion was seconded by Commissioner Cascos and carried unanimously.

(14) APPROVAL OF THE CONTRACT BETWEEN CAMERON COUNTY AND THE UNIVERSITY OF TEXAS MEDICAL BRANCH-GALVESTON FOR THE DELIVERY OF INDIGENT HEALTH CARE SERVICES

At this time, Ms. Yvette Salinas, Health Administrator, explained that the Contract was a renewal with the University of Texas Medical Branch-Galveston to provide specialty type services to certain income group of individuals.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Contract between Cameron County and the University of Texas Medical Branch - Galveston for the delivery of Indigent Health Care Services was approved.

The Contract is as follows:

(15) AUTHORIZATION TO ISSUE A STATIONARY VENDING PERMIT TO LUCIANO GARZA, DOING BUSINESS AS LUCKY SNO CONE

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Stationary Vending Permit was issued to Mr. Luciano Garza, doing business as Lucky Sno Cone.

(16) APPROVAL OF THE FIXED BASE OPERATOR (FBO) LEASE AGREEMENT BETWEEN CAMERON COUNTY AND ROBERT HARPER, PRESIDENT, AND ROBERT STEENBOCK, VICE PRESIDENT, DOING BUSINESS AS SOUTHWIND AIRLINES, INCORPORATED, FOR THE PORT ISABEL-CAMERON COUNTY AIRPORT

Commissioner Valencia moved that the Fixed Base Operator (FBO) Lease Agreement between Cameron County and Mr. Robert Harper, President, and Mr. Robert Steenbock, Vice President, doing business as Southwind Airlines, Incorporated, for the Port Isabel - Cameron County Airport, be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

The Agreement is as follows:

(17) IN THE MATTER OF THE GRASS MOWING AND MAINTENANCE AGREEMENT FROM DR. C. LYNN ANDERSON TO MR. DOYLE WELLS (TABLED)

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

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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 Valencia and carried unanimously, the AConsent® Agenda Items were approved as follow:

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

- a) District Clerk and three (3) Deputies to attend a Meeting regarding the Local Disbursement of Child Support Payments with the Office of the Attorney General and Lockheed Martin (Child Support Unit)® in San Antonio, Texas, on November 8-10, 2000;
- b) Law Enforcement Officer to attend the A11th Annual Conference of the Texas Chapter, Public Risk Management Association® in Galveston, Texas, on October 31, 2000, through November 3, 2000;
- c) Tax Automobile Crimes Enforcement Task-Force Director and Investigator to attend the AEagle Pass Police Department Auto Theft Prevention Training Conference® in Eagle Pass, Texas, on November 15-18, 2000;
- d) Two (2) Sheriff-s Department Investigators to attend the APractical Kinesic Interview and Interrogation Course® in San Antonio, Texas, on November 8-10, 2000;
- e) Three (3) Sheriff-s Department employees to attend the ATexas Commission on Law Enforcement Training® in Weslaco, Texas, on November 15, 2000;
- f) Two (2) Sheriff-s Officers to attend the A2nd Annual APrevention and Communities: Partners in Success® Conference® in Austin, Texas, on November 19-21, 2000;
- g) Three (3) Juvenile Probation employees to attend the APrevention and Communities: Partners in Success® in Austin, Texas, on November 18-21, 2000;
- h) County Task-Force Commander and Administrative Assistant to attend a ACriminal Justice Division Grants Management Training® in Weslaco, Texas, on October 19, 2000;
- I) Juvenile Probation Supervisor to attend the AMonthly Community Management Team Mandatory Meetings® in Edinburg, Texas, on October 10, 2000, November 14, 2000, December 12, 2000, January 9, 2001, February 13, 2001, March 13, 2001, April 10, 2001, May 8, 2001, June 12, 2001, July 10, 2001, and August 14, 2001; and

- j) Three (3) Juvenile Probation employees to attend the ARibbon Cutting Ceremony for Judge Ricardo H. Garcia, Regional Juvenile Detention Facility@ and the ASouth Texas Chiefs Quarterly Meeting@ in San Diego, Texas, on October 20, 2000.



(20) FINAL APPROVAL

a) Precinct No. 3

Jasmine Subdivision - being 6.161 acres of land out of Block No. 58, San Benito Land and Water Company; and

b) Precinct No. 4

Rancho Blanco Estates Subdivision - being all of Lots No. 10 and No. 11, comprising of 40.0 acres of land out of Beakley Subdivision.

(21) PRELIMINARY APPROVAL

a) Precinct No. 3

Tandy's Corner Subdivision - being 17.68 acres of land, more or less, out of Blocks No. 187 and 184 of the Fresnos Land and Irrigation Company.

(22) PRELIMINARY AND FINAL APPROVAL

a) Precinct No. 4

Mendez Subdivision - being 3.00 acres out of Block No. 72, F.Z. Bishop's Palm Subdivision in Cameron County, Texas.

(23) OPEN BIDS AND/OR REQUEST FOR PROPOSALS

- a) LINEN AND MATTRESSES: BLANKETS, TOWELS, MATTRESSES AND COVERS - ANNUAL BID NO. 2360

The Bids received and opened are as follow:

(24) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 11:08 A.M. to discuss the following matters:

- a) 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, for discussion and authorization of settlement and plaintiff's attorney's fees; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)(B);
- b) Confer with County Counsel on the Infirmity Physician's Report, 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);
- d) Confer with County Counsel regarding Sea Ranch Marina Concession; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2); and

SUPPLEMENTAL AGENDA

(1) EXECUTIVE SESSION

- a) Confer with County Counsel concerning Right-of-Way Acquisition for FM/509, Parcel No. 3, being 6.166 acres out of 245.45 acres out of Samuel Parr, Survey No. 273 and Parcel No. 7, being 0.121 acres out of 5.62 acres, Blocks No. 164 and No. 165, McLeod-Hood Properties No. 1 Subdivision; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 11:45 A.M.



(25) ACTION RELATIVE TO EXECUTIVE SESSION

- a) **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, for discussion and authorization of settlement and plaintiff's attorney's fees.**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Status Report by County Counsel was acknowledged and the settlement was approved, as set forth in the presentation concerning the case styled Edward Alcala vs. Alex Perez, et. al., Civil Action No. B-96-203, in the United States District Court - Brownsville.

- b) Confer with County Counsel on Infirmiry Physician=s Report, 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.**

Commissioner Matz moved that the Status Report by County Counsel be acknowledged regarding the Infirmiry Physician=s Report, 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.

The motion was seconded by Commissioner Cascos and carried unanimously.

- d) Confer with County Counsel regarding Sea Ranch Marina Concession.**

Commissioner Matz moved that the Status Report by the Parks System Director be acknowledged regarding the Sea Ranch Marina Concession.

The motion was seconded by Commissioner Benavides and carried unanimously.

SUPPLEMENTAL AGENDA

(2) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with County Counsel concerning Right-of-Way acquisition for FM/509, Parcel No. 3, being 6.166 acres out of 245.45 acres of Samuel Parr, Survey No. 273 and Parcel No. 7, being 0.121 acres out of 5.62 acres, Blocks No. 164 and No. 165, McLeod-Hood Properties No. 1 Subdivision.**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the settlement was approved, as recommended by the Engineering Department concerning Right-of-Way acquisition for FM/509, Parcel No. 3, being 6.166 acres out of 245.45 acres of Samuel Parr, Survey No. 273 and Parcel No. 7, being 0.121 acres out of 5.62 acres, Blocks No. 164 and No. 165, McLeod-Hood Properties No. 1 Subdivision.



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 **11:49** A.M.

APPROVED this **14th** day of **November, 2000**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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