

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 7th day of **DECEMBER, 1999**, 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 “TIVIE” 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 9:40 A.M. He then asked Pastor D. Blanco, La Hermosa Pentecostal Holiness Church, 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 December 3, 1999, at 10:09 A.M., and the Supplemental Agenda posted on December 3, 1999, at 10:37 A.M.:

(1) APPROVAL OF COUNTY CLAIMS

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the County Claims were approved, as presented by the Assistant County Auditor.

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

Commissioner Cascos moved that the 1999 Fiscal Year Budget Amendment No. 99-54, the 2000 Fiscal Year Budget Amendment No. 2000-08, and the Salary Schedule for County Attorney, Fund No. 900-4750, be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

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

**(3) PRESENTATION OF THE QUARTERLY REPORT
AS OF SEPTEMBER 30, 1999, ON INVESTMENTS
OF COUNTY FUNDS**

At this time, Mr. Eddie A. Gonzalez, County Treasurer, highlighted the Quarterly Report for the Quarter ending September 30, 1999, on investments of County Funds.

Commissioner Cascos questioned whether the departments excluded from the Report were required to submit reports concerning investments to the County Treasurer's Office and requested that the matter be researched as to whether it was a legal issue.

Judge Hinojosa stated that the District and County Clerk's Trust Accounts were based on the deposit of funds from Court Order Judgments.

Mr. Gonzalez noted that the funds on the Report pertained only to the County and added that the bulk of the funds were the trust funds, which were independent accounts and were exempt from the depository of the County.

Judge Hinojosa stated that the Court had directed all the Departments to utilize the same depositor selected by the Court and expressed concern as to why a department would have a different type of account earning different interest than what was contracted by the County.

Mr. Gonzalez stated that most of the transitions had been made to the new depositor and noted that there was only one transfer pending from the County Clerk's Office. He added that the Trust Fund Accounts did not fall under the Depository Contract.

Judge Hinojosa clarified that all the County accounts were under the Depository Contract of the County, subject to the contractual terms of the Depository Contract and added that the only account not under the Depository Contract was the account pending reconciliation in the County Clerk's Office. He stated that the County and District Clerks' trust accounts were controlled by the County and District Courts and added that the funds were invested in the most conservative manner.

At this time, Commissioner Matz commended the County Treasurer concerning the earnings for the County and requested that a copy of the State Comptroller's Report be submitted to the Court regarding said matter.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the presentation of the Quarterly Report as of September 30, 1999, on investments of county funds was acknowledged.

The Report is as follows:

**(4) PRESENTATION AND ACKNOWLEDGMENT OF
SUMMARY MONTHLY REPORTS FOR JULY
THROUGH SEPTEMBER OF 1999, AS REQUIRED
BY LOCAL GOVERNMENT CODE 114.026**

Commissioner Cascos moved that the presentation of the Summary Monthly Reports for July through September 1999, as required by Local Government Code 114.026, be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

The Reports are as follow:

(5) AUTHORIZATION FOR THE INTERNATIONAL BRIDGE SYSTEMS TO REQUEST PROPOSALS FOR PROFESSIONAL SERVICES ON STRUCTURAL INSPECTION SERVICES FOR GATEWAY, FREE TRADE AND THE VETERANS INTERNATIONAL BRIDGE

Commissioner Cascos moved that Request for Proposals be solicited by the International Bridge Systems for Professional Services on Structural Inspection Services for Gateway, Free Trade and the Veterans International Bridges.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(6) AUTHORIZATION FOR THE CAMERON COUNTY FREE TRADE BRIDGE TO BE OPEN TWENTY-FOUR HOURS A DAY FOR SOUTHBOUND TRAFFIC FROM DECEMBER 17 - 19, 1999

At this time, Mr. Pete Sepulveda, Bridge Systems Director, stated that the Gateway International Bridge was the only bridge which provided passage for the Paisano Program and explained that the program consisted of individuals from Mexico who worked in the interior of the United States. He stated that the individuals visited their relatives in Mexico once a year and reported that Mexican Customs had issued over ninety-five hundred permits in the previous year.

Mr. Sepulveda noted that ninety percent (90%) of the traffic would occur within a two day period and added that the permit process was lengthy which caused congestion at the bridge. He stated that the space at the Free Trade Bridge at Los Indios was ideal to extend the permitting process and added that the Mexican and United States Agencies were in agreement with the expansion. Mr. Sepulveda stated that signs would be placed along the highways, in order to divert traffic to the Free Trade Bridge and that the Mexican Customs and Immigration would be fully staffed to process the permits expeditiously. He stated that flyers and maps would be distributed to advise the individuals of the additional bridge, which will provide passage for the Paisano Program. Mr. Sepulveda added that a Diplomatic Note had been issued allowing Southbound commercial traffic to utilize the Veterans International Bridge by January 1, 2000, and noted that the Port of Brownsville had amended the legislation for the overweight permits. He stated that the Mexican Customs- computer system would be upgraded and relocated to the Veterans International Bridge and noted that there were no loaded trucks crossing at the Gateway International Bridge.

Commissioner Cascos moved that the Cameron County Free Trade Bridge be opened twenty-four hours a day for southbound traffic from December 17-19, 1999.

The motion was seconded by Commissioner Matz and carried unanimously.

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(7) DISCUSSION ON SPEED LIMITS ON COUNTY CALICHE ROADS

At this time, Mr. Juan Bernal, County Engineer, stated that there were numerous complaints concerning the speed limits for caliche roads and added that there were five hundred miles of caliche roads in the County without speed limits.

Judge Hinojosa suggested that a study be conducted to determine the setting of the speed limits on the caliche roads.

Mr. Doug Wright, Commissioners' Court Legal Counsel, recommended that the speed control should be based on an engineering recommendation. He added that the cost of the signs would be a large investment for the County and that the County would be liable if the signs were not placed based on the Uniform Traffic Control Manual.

Commissioner Matz stated that residents had submitted complaints to the County Constables and added that the Deputy Constables could not issue citations, due to the lack of speed limit signs.

Commissioner Cascos expressed concern as to the cost and the number of signs to be placed on the County caliche roads and as to whether the County could set a slow speed limit.

Mr. Wright stated that the speed limits should be based on general statute concerning safe and reasonable speed limits based on population density and the nature of the roads. He noted that the Court could allow concerned citizens to petition for specific areas, in order to reduce the cost and number of signs and that a study could be performed based on the concerns of the citizens in the areas. Mr. Wright noted that posting of the speed limits would be a major project if an engineering study was performed on a Countywide basis and added that the County would be subject to place signs based on the conditions and the standards of the roads at the time the roads were created.

Commissioner Benavides noted that most of the areas were open spaces and suggested that the signs be placed in residential areas.

At this time, Ms. Yolanda de Leon, District Attorney, stated that Law Enforcement had the authority to cite motorists driving at an unsafe speed and did not require that signs be posted.

Commissioner Matz stated that the County Law Enforcement might not have been aware of the authority to issue citations without signs being posted and suggested that the Commissioners' Court Legal Counsel should distribute a memorandum to the Constables and Sheriff's Deputies concerning said matter.

Judge Hinojosa stated that the speed limits would slow the motorists down and would serve as a self-enforcement mechanism. He concurred with the selective placement of speed limits signs in high density areas which consisted of neighborhoods and school areas and added that the studies should be performed in the high density areas.

There was some discussion as to the study of the roads and the suggestion was made that the Engineering Department should determine the roads in high density areas and that an Engineering Firm be contracted to set the speed limits.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the discussion of speed limits on County caliche roads was acknowledged and the Engineering Department was directed to submit a report in sixty (60) days of the areas to be addressed, in order to determine whether an Engineering Firm should be contracted to set the speed limits.

(11) AUTHORIZATION TO MOVE THE AMOUNT OF \$32,252.00, FROM LINE ITEM CODE 6003 TO 6002 TO RECLASSIFY SLOT NO. 43, IN FUND NO. 100, DEPARTMENT 4750

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the amount of \$32,252.00, was transferred from Line Item Code 6003 to 6002, to reclassify Slot No. 43, in Fund No. 100, Department No. 4750.

(18) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 10:33 A.M. to discuss the following matters:

- a) Confer with County Counsel concerning possible litigation involving Schlitterbahn Water park at South Padre Island and on matters relating to the water park, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
- b) Evaluation of the Director of Public Works/County Engineer; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074;
- c) In the matter of the evaluation of Elections Administrator; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074; **(TABLED)**
- d) Confer with County Counsel regarding the possible litigation pertaining to the Sea Ranch Marina Concessionaire (S.R. Marine Center); pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2); and
- e) Deliberation regarding the Economic Development negotiations regarding Magne Tek; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.086 (1)(2).

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 11:03 A.M.

[REDACTED]

(19) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with County Counsel concerning possible litigation involving Schlitterbahn Water park at South Padre Island and on matters relating to the water park, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act.**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Status Report by County Counsel was acknowledged regarding the possible litigation involving Schlitterbahn Waterpark at South Padre Island and on matters relating to the water park, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act.

- c) In the matter of the evaluation of Elections Administrator. (TABLED)**

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

- d) Confer with County Counsel regarding the possible litigation pertaining to the Sea Ranch Marina Concessionaire (S.R. Marine Center).**

Commissioner Matz moved that the Status Report by County Counsel be acknowledged regarding the possible litigation pertaining to the Sea Ranch Marina Concessionaire (S.R. Marine Center).

The motion was seconded by Commissioner Valencia and carried unanimously.

- e) Deliberation concerning the Economic Development negotiations regarding Magne Tek.**

Commissioner Valencia moved that the Economic Development negotiations with the owner of the real estate concerning Magne Tek be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

[REDACTED]

(8) AUTHORIZATION FOR ADDITIONAL WORK AT THE BOOT CAMP

At this time, Mr. Juan Bernal, County Engineer, stated that several items at Boot Camp Armory Building needed to be corrected, in order to comply with ADA requirements.

Judge Hinojosa stated that the funding should be allocated from the Tobacco Funds, with the understanding that the funding be allocated from the Lapsed Salaries, if available.

Commissioner Valencia moved that additional work at the Boot Camp be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The List is as follows:

**(9) APPROVAL OF THE CONTRACT TO LEASE
SPACE FROM THE BROWNSVILLE BOYS AND
GIRLS CLUB**

At this time, Mr. Homer Tamez, Juvenile Probation Department - JJAEP, stated that the Lease Agreement where the Juvenile Justice Alternative Education Program (JJAEP) was currently being housed at the Southwest Key La Esperanza Home, had expired and noted that the Brownsville Boys and Girls Club had temporary space available for the JJAEP.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Contract to lease space from the Brownsville Boys and Girls Club was approved.

The Contract is as follows:

(10) APPROVAL OF THE AREA LAYOUT FOR THE PROPOSED DISTRICT CLERK'S EXTENSION OF THE CHILD SUPPORT DIVISION

At this time, Judge Hinojosa expressed concern as to the location of the service windows being placed in the hallway adjacent to Judge Rosas chambers and stated that the hallway did not provide enough space for the individuals paying at the windows and the traffic.

Commissioner Valencia moved that the area layout for the proposed District Clerk's extension of the Child Support Division be approved, subject to the relocation of the service windows.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(13) IN THE MATTER OF THE PARTICIPATION IN THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL PROPOSAL FOR A REGIONAL ADVERTISING CAMPAIGN TO PROMOTE CENSUS 2000 (DENIED)

At this time, Judge Hinojosa explained that the Development Council was requesting that the different governmental entities participate in funding the Lower Rio Grande Valley Development Council advertising campaign. He noted that the County and the Federal Government each had a budget for advertising and recommended that the County deny the funding, due to the duplication of advertising by the Council and the County.

Commissioner Cascos noted that if the County participated, the County's funding for advertising would be used up and questioned whether the County's participation was based on the total or rural population.

Ms. Grace Salinas, Director of Management, responded that the County's match was based only on the County's rural population and noted that there was only \$10,000.00, available in the County's Advertising Budget.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, this Item was **DENIED**.

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CONSENT AGENDA ITEM

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

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

Consent Agenda Items were approved as follow:

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

- a) County Task-Force Commander to attend the TNCP Operation Command Group Meeting in Fort Worth, Texas, on December 8-9, 1999;
- b) Two (2) Program Development and Management employees to attend the Professional Advisory Review Panel Meeting in Weslaco, Texas, on December 8, 1999;
- c) Juvenile Public Defender to attend the Seminar on Litigation and Trial Tactics in Houston, Texas, on December 1-3, 1999;

(15) AWARD FOLLOWING BIDS AND/OR PROPOSALS

a) PICK-UP TRUCK (CREW CAB) - FARM AND HOME DEPARTMENT

CARDENAS MOTORS - Brownsville, Texas
Total - \$26,086.00

b) VANS - JAIL/COMPUTER DEPARTMENT

BOGGUS FORD - Harlingen, Texas
Van 8-10 passenger - \$18,915.00

PHILPOTT FORD - Port Neches, Texas
Van 15 passenger - \$21,396.00

d) PICK-UP TRUCKS - BUILDING AND FLEET MAINTENANCE

BOGGUS FORD - Harlingen, Texas
Pick-up truck - Building - \$18,362.00

HEART OF TEX DODGE - Austin, Texas
Pick-up truck - Fleet Maintenance - \$20,847.00

(16) FINAL APPROVAL

a) Precinct No. 4

Laura-s Subdivision Section One - a resubdivision of 13.791 acres comprised of 10.702 acres out of an 2.75 acre tract in Subdivision No. 1, Hicks Reserve.

(17) PRELIMINARY APPROVAL

a) Precinct No. 3

San Carlos South Subdivision - being a 45.763 acre tract of land, more or less out of Blocks No. 58, No. 60 and No. 62, and all of Blocks No. 66, No. 67 and No. 68, San Carlos Estates Subdivision, in Share No. 17, Espiritu Santo Grant.

SUPPLEMENTAL AGENDA

(1) OPEN BIDS AND/OR REQUEST FOR PROPOSALS

- a) BEACH CLEANING - ANNUAL BID NO. 1225;**
- b) LIGHT BULBS - ANNUAL BID NO. 2004;**
- c) PICK-UP TRUCK - CONSTABLE PRECINCT NO. 6; AND**
- d) CELLULAR TELEPHONE EQUIPMENT AND SERVICE - ANNUAL REQUEST FOR PROPOSAL NO. 1740-991101.**

The Bids and/or Request for Proposals received and opened are as follow:

(15) AWARD FOLLOWING BIDS AND/OR PROPOSALS

c) AUTOS - COMMISSIONERS PRECINCTS NO. 3 AND NO. 4.

At this time, Mr. Mike Forbes, Purchasing Agent, reported that Boggus Ford had submitted a low bid for two (2) Crown Victoria vehicles, in the amount of \$39,320.00, and that the lowest bid, in the amount of \$36,299.00, had been received from Tip-O-Tex Chevrolet, for two (2) Impala vehicles, which included front wheel drive.

There was some discussion as to the difficulty in driving on County Roads with front wheel drive vehicles and as to the high costs of repairing the vehicles damaged by the dips and bumps of the roads.

Commissioner Valencia moved that the low bid be awarded to Boggus Ford, in the amount of \$39,320.00, for two (2) Crown Victoria vehicles for Commissioners Precincts No. 3 and No. 4, as recommended by the Purchasing Agent.

The motion was seconded by Commissioner Matz and carried unanimously.

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**(10) APPROVAL OF THE AREA LAYOUT FOR THE
PROPOSED DISTRICT CLERK-S EXTENSION OF
THE CHILD SUPPORT DIVISION**

At this time, Mr. Roger Ortiz, Building Superintendent, explained that there was eight feet of space for the windows in the hallway in the proposed plan and added that the alternative hallway adjacent to the Building and Maintenance Office contained less space. He suggested that the public payphones be relocated to the wall facing the current child support windows, in order to increase the space in the hallway.

Commissioner Valencia moved that the previous motion be rescinded and that area layout for the proposed District Clerk-s extension of the Child Support Division be approved as presented by the Building Superintendent.

The motion was seconded by Commissioner Benavides and carried unanimously.

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**(12) APPROVAL OF CHANGE ORDER NO. 1 ON THE
TIERRA BONITA AND GRANDE ACRES WATER
IMPROVEMENTS PROJECT (TCDP CONTRACT
NO. 717045)**

Commissioner Cascos moved that Change Order No. 1 on the Tierra Bonita and Grande Acres Water Improvement Project, that being the Texas Community Development Program Contract No. 717045, be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

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(18) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 11:24 A.M. to discuss the following matters:

- b) Evaluation of the Director of Public Works/County Engineer; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 12:13 A.M.

(19) ACTION RELATIVE TO EXECUTIVE SESSION

- b) **Evaluation of the Director of Public Works/County Engineer.**

Commissioner Cascos moved that the Director of Public Works/County Engineer be awarded a positive evaluation and a base annual salary, in the amount of \$77,000.00.

The motion was seconded by Commissioner Matz and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the meeting was **ADJOURNED** at 12:14 P.M.

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

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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