

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 9th day of SEPTEMBER, 1997, 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:

4:00 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

HECTOR PEÑA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño **Deputy**
COUNTY CLERK

ABSENT:



The meeting was called to order by Judge Gilberto Hinojosa.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on September 5, 1997, at 3:32 P.M.:

**(1) AUTHORIZATION TO OPEN BIDS AND/OR
REQUEST FOR PROPOSALS**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the following Bids and/or Request for Proposals were opened:

- a) Isla Blanca Park Restroom Renovations; and
- b) Annual Bid - High Performance Asphalt Cold Patch.

The Bids and/or Request for Proposals follow:

**(2) AUTHORIZATION TO OPEN BIDS AND/OR
REQUEST FOR PROPOSALS**

Commissioner Matz moved that the following Bids and/or Request for Proposals be opened:

- a) Quarterly Bid No. 2050-4 - Dietary Supplies - Miscellaneous;
- b) Quarterly Bid No. 2170-4 - Food: Meats;
- c) Quarterly Bid No. 2210-4 - Food: Spices; and
- d) Cameron Park Recreation Center Construction.

The motion was seconded by Commissioner Peña and carried unanimously.

The Bids and/or Request for Proposals follow:

(3) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 4:08 P.M. to discuss the following matters:

NOTE: COMMISSIONER BENAVIDES JOINED THE MEETING.

- a) Deliberation regarding the Real Property concerning the Right-of-Way acquisition for Tandy Avenue (one (1) parcel); pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- b) Deliberation regarding the Real Property on condemnation concerning Parcel No. 11, Villarreal Tract, for the West Detention Basin of Los Tomates Bridge Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

At this time, Judge Hinojosa 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.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 5:20 P.M.



(4) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Deliberation regarding the Real Property concerning the Right-of-Way Acquisition for Tandy Avenue (one (1) parcel).

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the payment, in the amount of \$3,812.62, plus the Recording Fees were approved for the Right-of-Way acquisition for Tandy Avenue (one (1) parcel), said funding to be allocated from Precinct No. 2 Budget.

- b) Deliberation regarding the Real Property on condemnation concerning Parcel No. 11, Villarreal Tract, for the West Detention Basin of the Los Tomates Bridge Project.

Commissioner Cascos moved that the condemnation concerning Parcel No. 11, Villarreal Tract, for the West Detention Basin of the Los Tomates Bridge Project be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

The Contract is as follows:

(5) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented the following late claims for approval:

Warrant No. 42803, as to Professional Computer Software, in the amount of \$30,000.00; and

Warrant No. 42804, as to Road and Bridge Fund No. 15, in the amount of \$200,000.00.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the County Claims were approved as presented by the County Auditor, inclusive of the following late claims and subject to Legal review on Warrant No. 42803:

Warrant No. 42803, in the amount of \$30,000.00; and

Warrant No. 42804, in the amount of \$200,000.00.

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

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

(7) APPROVAL OF THE MINUTES OF AUGUST 19, 1997, AND AUGUST 26, 1997

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Minutes of the Regular Meeting held August 19, 1997, at 4:00 P.M., were approved, subject to the corrections noted on Item No. 26.

(14) ADOPTION OF A RESOLUTION RESERVING LAPSE SALARIES FOR FISCAL YEAR 1997/1998 FOR PURPOSES OF FUNDING THE SOUTH TEXAS BOOT CAMP AND EDUCATION CENTER

At this time, Mr. Tony Martinez, Member of the Boot Camp Advisory Committee, stated that the Project's funding, costs and benefits had been reviewed and noted that the architectural plans and interviews of applicants for the administrative positions were completed. He added that the Committee had moved forward in every aspect, as well as negotiating with a construction company and recommended that the County should proceed with the Project, in order to educate and enrich the youths and families of the County.

Ms. Edna Tamayo, Member of the Boot Camp Advisory Committee, stated that the Boot Camp would send out a positive message to the youths committing the crimes in the County and added that many financial matters would

need to be addressed. She noted that the operational costs would be decreased due to the State's Average Daily Attendance (ADA) reimbursements and highlighted the results and experiences of the two (2) Texas Youth Commission Boot Camps, noting that the "After Care Program" contributed to the positive results of the youths.

Judge Hinojosa stated that all entities educating the youths were required to receive the Average Daily Attendance (ADA) reimbursements from the State and explained that, based on Texas Laws, the youths who committed one (1) of the seven (7) deadly sins were automatically expelled from the public schools. He stated that if the youths were not committed to the Texas Youth Commission, the County was required to educate the youths through the Juvenile Justice Alternative Education Program and would be reimbursed, reducing the costs to the County. Judge Hinojosa added that the youths would be admitted to the Boot Camp, as opposed to being sent to outside agencies and stated that the allocated funds for sending the youths would be allocated to the Boot Camp.

Commissioner Matz expressed concern as to the actual cost to the County for the Boot Camp and the Auditor's comments regarding two (2) months being funded for the next Fiscal Year

Judge Hinojosa stated that the construction might not be complete until July, 1998, and that the start up time for the Boot Camp would be until the end of October, 1998.

Commissioner Matz stated that a formula including the projected costs and anticipated reimbursements would assist the Court in examining the overall results and costs of the Boot Camp.

Commissioner Cascos clarified that the Boot Camp would be affecting more than thirty-two (32) youths and families and added that the County Auditor had encumbered the amount of \$203,000.00, for the Boot Camp. He suggested that the County continue to pursue the Boot Camp, subject to a Budget Projection being created.

Mr. Mark Yates, County Auditor, stated that based on staffing estimates, a conservative annual cost analysis would be from the amount of \$800,000.00, to \$925,000.00. He added that if the State contributed the amount of \$100,000.00, in addition to the \$450,000.00 being sent to Programs around the State and the Texas Youth Commission, the County would still be short the amount of \$600,000.00, which was equivalent to the penny on the tax rate.

Mr. Martinez reiterated that the Commissioners' should proceed with the Project and added that the Advisory Board would assist the Court in locating alternate sources of funding.

Commissioner Peña expressed concern as to whether the Boot Camp would be certified and clarified that the County would be reimbursed based on the certification level.

Commissioner Benavides expressed concern as to the number of youths and families being served and whether the Boot Camp would serve the youths and families from other Counties.

Judge Hinojosa stated that Cameron County families would be priority, but noted that youths from other Counties would be accommodated if the space was available.

At this time, Ms. Yolanda de Leon, District Attorney, stated that the existing problems with the current Juvenile Justice System involved the lack of speedy dispositions, in order to readily place the youths into the appropriate programs.

Judge Hinojosa stated that the new Budget included a proposal to change the half-time Referee to a full-time Referee which would shorten the amount of time necessary for processing the youths.

Commissioner Cascos expressed concern as to the amount of funds that would be set aside from the Lapsed Salaries Fund and added that the amount should be based on the total anticipated amount in Lapsed Salaried for the coming year.

Mr. Yates stated that the amount of \$273,000.00, was anticipated in Lapsed Salaries for the next Fiscal Year, noting that forty percent (40%) to fifty percent (50%) belonged to the Sheriff's Lapsed Salaries.

Judge Hinojosa suggested that the amount of \$100,000.00, be set aside, in order to provide the Sheriff's Department the opportunity to deal with overtime issues.

Commissioner Cascos clarified that the amount of \$100,000.00, would be reserved for the Boot Camp from the anticipated \$275,000.00, in Lapsed Salaries, in addition to the encumbered amount of \$203,000.00, and that the Sheriff's overtime compensation be determined, leaving the balance for contingencies.

Commissioner Cascos moved that the Resolution be adopted reserving Lapse Salaries for Fiscal Year 1997/1998, in the amount of \$100,000.00, for purposes of funding the South Texas Boot Camp and Education Center and that an amount be determined for overtime compensation in the Sheriff's Department.

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

AYE: Commissioners Benavides, Cascos and Peña

NAY: None

ABSTAINED: Commissioner Matz, as to inadequate information provided, in order to make an appropriate decision.



**(8) ADOPTION OF A RESOLUTION RECOGNIZING
MS. AMALIA C. ACEVEDO, ELECTIONS
ADMINISTRATOR, FOR HER DESIGNATION AS
A CERTIFIED ELECTIONS ADMINISTRATOR**

At this time, Judge Hinojosa stated that Ms. Acevedo was one (1) of the few Elections Administrators to receive the Certified Elections Registration status and expressed gratitude for her outstanding service to the County.

Commissioner Matz moved that the Resolution recognizing Ms. Amalia C. Acevedo, Elections Administrator, for her designation as a Certified Elections Administrator be adopted.

The motion was seconded by Commissioner Peña and carried unanimously.

The Resolution is as follows:

(9) AUTHORIZATION TO RENEW APPLICATION FOR STATE ASSISTANCE IN CLEANING AND MAINTAINING PUBLIC BEACHES FOR FISCAL YEAR 1998

At this time, Commissioner Cascos expressed concern as to the amount of money provided to the Parks System and Precinct No. 1 by the State for the beach clean up and requested that the information be provided by the County Auditor for purposes of the Public Hearings to be held regarding the Boca Chica Beach.

Upon motion by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, the Application for State assistance in cleaning and maintaining the Public Beaches for Fiscal Year 1998 was renewed.



(10) AUTHORIZATION FOR THE COUNTY JUDGE TO SIGN THE STOP LOSS INSURANCE APPLICATION WITH CANADA LIFE FOR THE PERIOD BEGINNING SEPTEMBER 1, 1997, THROUGH AUGUST 31, 1998

(11) AUTHORIZATION FOR THE COUNTY JUDGE TO SIGN AND EXECUTE THE CONTRACT WITH GROUP PENSION ADMINISTRATORS FOR THE PROVISION OF THIRD PARTY ADMINISTRATORS SERVICES IN CONNECTION WITH THE CAMERON COUNTY EMPLOYEE BENEFITS PROGRAM

Commissioner Peña moved that the County Judge be authorized to sign the Stop Loss Insurance Application with Canada Life for the period beginning September 1, 1997, through August 31, 1998, and to execute the Contract with Group Pension Administrators for the provision of a Third Party Administrator Services, in connection with the Cameron County Employee Benefits Program, subject to Legal review.

The motion was seconded by Commissioner Matz and carried unanimously.



(12) CONSIDERATION OF THE PRELIMINARY BUDGET FOR FISCAL YEAR 1997/1998 BY THE COUNTY AUDITOR

(13) PUBLIC HEARING ON A PROPOSAL TO INCREASE TAX REVENUES, PURSUANT TO V.T.C.A. PROPERTY TAX CODE SECTION 26.06

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Public Hearing on a Proposal to increase Tax Revenues, pursuant to V.T.C.A. Property Tax Code Section 26.06, was opened for public comment.

At this time, Mr. Mark Yates, County Auditor, highlighted the proposed Budgets and stated that the Court had recommended that the Budget be redrafted at a 6.25% increase above the County's effective tax rate, resulting on the tax rate levy of \$0.32169.

The following individuals expressed their concerns as to the proposed tax increase:

Mr. Dagoberto Barrerra, Brownsville resident,

Mr. Francisco Sinfuentes, Brownsville resident; and

Ms. JuaNita Brodecky, Rio Hondo resident.

Hearing and sensing no further comments, upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Public Hearing was closed.

At this time, Mr. Yates highlighted the tax rates from 1991 to the present and added that Toll Bridge transfers, Bridge Toll Crossing revenues, mandatory increases in the Retirement System, Worker's Compensation and Unemployment Insurance were included in the proposed Budget. He stated that the Consolidated Road Budget was pending the determination of being implemented into the Budget and added that a four percent (4%) Salary increase for all employees, excluding Elected Officials, was also included in the Proposed Budget.

Judge Hinojosa stated that the balance of the increases was strictly to fund Law Enforcement and noted that all the budgets were being cut. He stated that the Budget included five (5) new Deputy Sheriffs, the amount of \$200,000.00, for the Boot Camp, a Deputy Constable for Precinct No. 1 and a half-time Deputy Constable for Harlingen, noting that the Budget was a "bare bones Budget".

Commissioner Matz noted that the first proposed Budget included the recommendations by the State Comptroller's Office which would have resulted in a tax increase of approximately twenty-five percent (25%).

Judge Hinojosa stated that additional territory had been allocated to Constable Precinct No. 6, but noted that the Constable had not received an additional Deputy to cover the particular area. He stated that the funding for the additional Deputy or the transfer of another slot should be addressed.

At this time, Mr. Joe G. Rivera, County Clerk, highlighted the increase in revenues collected by the County Clerk's Office and added that the purpose of the Records Management Fund was not to replace General Fund expenditures. He stated that the Records Management Fund allowed the Real Property Indexes, Criminal, Civil and Probate Cases to be computerized, the installation of an Imaging System and the replacement of paper records in the Vital Statistics Department, noting that there was still a large amount of paper records to be replaced.

Judge Hinojosa recommended that funding be allocated to the Constable's Precinct No. 6 Budget, in order to obtain a Deputy to cover the additional territory and requested that the County Auditor examine the issue and submit a recommendation to the Court.

Commissioner Cascos moved that the Preliminary Budget for Fiscal Year 1997/1998 by the County Auditor be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

At this time, it was the consensus of the Court to set the Tax Rate at 6.25%, as recommended by the County Auditor.

[REDACTED]

(15) **ADOPTION OF A RESOLUTION DECLARING THE INTENTION TO REIMBURSE CERTAIN EXPENDITURES RELATED TO THE CAMERON COUNTY PARKING GARAGE WITH BOND PROCEEDS**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Resolution declaring the intention to reimburse certain expenditures related to the Cameron County Parking Garage with Bond Proceeds was adopted.

The Resolution is as follows:

(16) AUTHORIZATION TO AWARD THE CONTRACT TO TRAFFIC ENGINEERS AND DESIGNS SYSTEMS TO PROVIDE PROFESSIONAL SERVICES FOR TRAFFIC STUDIES, FEASIBILITY STUDIES, PARKING GARAGE LAYOUT AND COST ESTIMATES FOR THE COURTHOUSE COMPLEX PARKING GARAGE

Commissioner Cascos moved that the Contract be awarded to Traffic Engineers and Designs Systems to provide Professional Services for Traffic Studies, Feasibility Studies, Parking Garage Layout and cost estimates for the Courthouse Complex Parking Garage, subject to Legal review.

The motion was seconded by Commissioner Benavides and carried unanimously.

(17) ADOPTION OF THE ROAD AND BRIDGE TRANSITION PLAN WHICH INCLUDES A RESOLUTION, AN ORGANIZATIONAL CHART, A PROPOSED BUDGET, SALARY SCHEDULES, PROPOSED ROAD POLICIES AND A ROAD INVENTORY

(18) ACTION TO CREATE A PUBLIC WORKS DEPARTMENT

(19) AUTHORIZATION FOR THE PUBLIC WORKS DIRECTOR TO REORGANIZE AND CLASSIFY THE COUNTY ROAD EMPLOYEES CONSISTENT WITH THE UNIFIED ROAD SYSTEM

At this time, Judge Hinojosa stated that the County Engineer had requested that Mr. Andy Cavazos be designated as the Road Administrator

Commissioner Cascos moved that the Road and Bridge Transition Plan be adopted, in principle, including the Resolution to create a Public Works Department, an Organizational Chart, a Proposed Budget, Salary Schedules, Proposed Road Policies and a Road Inventory, noting that Mr. Andy Cavazos be appointed as the Road Administrator, and that the County Engineer and Road Administrator be directed to review the Organizational Chart, the Proposed Budget and Salaries and to submit any adjustments, changes, deletions and additions to the Court, in order to proceed with the Plan.

The motion was seconded by Commissioner Matz.

At this time, Commissioner Peña stated that the plan to continue to maintain the access of services to the rural areas had not been addressed and highlighted the number of service requests submitted by the rural residents.

Judge Hinojosa stated that the Road Policies, regarding the setting of priorities and the Road Administrator were implemented to address said issues.

Commissioner Peña expressed concern as to employee concerns regarding the rehiring requirements and stated that the Transition Plan should be implemented in phases, as opposed to the Plan being set all at once and left to determine the manner in which the Plan would be operated.

Commissioner Cascos clarified that the County Engineer and the Road Administrator would be allowed to review the Policies and have the opportunity to recommend the appropriate changes.

At this time, Ms. JuaNita Brodecky, Rio Hondo resident, expressed her concerns regarding the Road and Bridge Transition Plan and added that the Plan was mandated and should be implemented.

Commissioner Benavides stated that a "Hot Shot Crew" should be created, in order to address the requests by the residents that are not placed on the priority list.

Upon motion duly made, Commissioner Cascos moved that the Road and Bridge Transition Plan be adopted, in principle including the Resolution to create a Public Works Department, an Organizational Chart, a Proposed Budget, Salary Schedules, Proposed Road Policies and a Road Inventory, noting that Mr. Andy Cavazos be appointed as the Road Administrator, and that the County Engineer and Road Administrator be directed to review the Organizational Chart, the Proposed Budget and Salaries and to submit any adjustments, changes, deletions and additions to the Court, in order to proceed with the Plan.

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

AYE: Commissioners Cascos, Matz and Judge Hinojosa

NAY: Commissioners Benavides and Peña.

The Plan is as follows:

**(20) ADOPTION OF A RESOLUTION AUTHORIZING
THE DONATION OF LAND TO THE GENERAL
SERVICES ADMINISTRATION FOR PURPOSES
OF THE LOS TOMATES BRIDGE PROJECT**

Commissioner Cascos moved that the Resolution authorizing the donation of land to the General Services Administration for purposes of the Los Tomates Bridge Project be adopted.

The motion was seconded by Commissioner Matz and carried unanimously.

The Resolution is as follows:

**(21) APPROVAL OF THE RESERVE DEPUTY
CONSTABLES FOR PRECINCT NO. 2**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Reserve Deputy Constables for Precinct No. 2 were approved.

The Bonds are as follow:

**(22) APPROVAL OF THE FISCAL YEAR 1998
CAMERON COUNTY HOLIDAY SCHEDULE**

Commissioner Cascos moved that the Fiscal Year 1998 Cameron County Holiday Schedule be approved.

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

AYE: Commissioners Benavides, Cascos and Peña

NAY: Commissioner Matz.

The Schedule is as follows:

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 Benavides and carried unanimously, the "Consent" Agenda Items were approved as follow, noting that the \$75.00 limit be enforced on Item No. 24 "d", and

(24) APPROVAL OF TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET:

- a) Three (3) Health Department employees to attend the "1997 Texas Mosquito Control Association (TMCA) Annual Fall Meeting" in Beaumont, Texas, on October 7-8, 1997;
- b) Health Administrator to attend the "Post Legislative Forum" in San Juan, Texas, on September 9, 1997;
- c) Health Department employee to attend the "TAWLD Annual Meeting" in Galveston, Texas, on October 5-8, 1997;
- d) District Attorney to attend the "1997 TDCAA Criminal and Civil Law Update" in Arlington, Texas, on September 23-26, 1997;
- e) Assistant District Attorney to attend the "1997 Self Defense Course for County Officials" in Victoria, Texas, on September 10, 1997;
- f) Two (2) County Drug Enforcement Agents to pick up computer equipment in Austin, Texas, on September 2, 1997;
- g) Three (3) Unified Narcotics Intelligence Task Force employees to attend an "Analytical Investigation Methods Course" in Atlanta, Georgia, on September 21-26, 1997; and
- h) Unified Narcotics Intelligence Task Force Director to attend an "Executive Board Meeting" in San Antonio, Texas, on September 8-9, 1997.

(25) PRELIMINARY AND FINAL APPROVAL

a) Precinct No. 4

Anaqua Park Subdivision - amended a subdivision containing 25.39 gross acres out of Block No. 20, La Feria Land and Irrigation Company Subdivision; and

b) Precinct No. 2

Randy Lee Subdivision - being the South 13.955 acres of Block No. 178, El Jardin Subdivision of Shares No. 19 and No. 27.

(26) APPROVAL OF THE FOLLOWING PURCHASES WITHOUT PURCHASE ORDERS

- a) **LANDAIR TRAVELS - IN THE AMOUNT OF \$838.00 - DISTRICT ATTORNEY); AND**
- b) **SAMPCO X-RAY COMPANY - IN THE AMOUNT OF \$275.00 - HEALTH DEPARTMENT.**

(23) IN THE MATTER OF THE EXTENSION OF THE PROFESSIONAL SERVICES AGREEMENT BETWEEN CAMERON COUNTY AND BICKERSTAFF, HEATH, SMILEY, POLLAN, KEVER AND MCDANIEL, L.L.P., FOR THE LOS TOMATES INTERNATIONAL BRIDGE (TABLED)

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, this

Item was **TABLED**.

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the meeting was **ADJOURNED**.

APPROVED this **30th** day of **September, 1997**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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