

THE STATE OF TEXAS '

COUNTY OF CAMERON '

BE IT REMEMBERED on the 18th day of **FEBRUARY, 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:

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:

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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 February 14, 1997, at 2:43 P.M.:

(9) AUTHORIZATION TO OPEN ALL BIDS AND PROPOSALS AS THE COMMISSIONERS=COURT ENTERS EXECUTIVE SESSION OR AT 9:00 A.M. THE FOLLOWING DAY IN THE COMMISSIONERS= COURT ROOM WITH THE COUNTY CLERK-S STAFF PRESENT TO RECORD OPENING OF BIDS AND PROPOSALS

Commissioner Matz moved that all the Bids and Proposals be opened as the Commissioners=Court convened in Executive Session or at 9:00 A.M. the following day in the Commissioners=Court Room with the County Clerk=s Staff present to record the opening of Bids and Proposals.

The motion was seconded by Commissioner Benavides and carried unanimously.

(17) AUTHORIZATION TO ADVERTISE FOR REQUEST FOR PROPOSALS FOR THE COLLECTION OF MISDEMEANOR DELINQUENT ACCOUNTS OF COURT COSTS AND FINES

Commissioner Cascos moved that the Request for Proposals be advertised for the Collection of Misdemeanor Delinquent Accounts of Court Costs and Fines.

The motion was seconded by Commissioner Peña and carried unanimously.

At this time, Mr. Joe G. Rivera, County Clerk, stated that an estimated two (2) million dollars in past due Court Costs and Fines existed and added that the Request for Proposals would allow the County to determine the feasibility of the Collection Firms.

Commissioner Cascos noted that the Request for Proposals should specify that the Firms would be paid a percentage of the collection.

(1) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 4:10 P.M. to discuss the following matters:

- a) Consultation with County Counsel on a matter involving the accrual of Vacation and Compensatory Time, in which the duty of the Attorney to the Governmental Body under the Rules of Professional Conduct of the State Bar clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 51.071(1)(B) and (2);
- b) Confer with County Counsel to discuss the Comparable Market Analysis of Cameron County Trustee Properties; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);

- c) Confer with County Counsel concerning the potential litigation regarding the Adult Probation Office Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A&B);
- d) Deliberation regarding the Real Property pertaining to the Port Isabel Health Clinic Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- e) Confer with County Counsel on the possible Lease Consolidation of the County Tax Office, the Justice of the Peace, the Constable and the Women-s, Infants, and Children (WIC) for a long terms Lease in one central location in Port Isabel; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 5:30 P.M.

[REDACTED]

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.

[REDACTED]

(2) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Consultation with County Counsel on a matter involving the accrual of Vacation and Compensatory Time, in which the duty of the Attorney to the Governmental Body under the Rules of Professional Conduct of the State Bar clearly conflicts with the Open Meeting Act.

Mr. Doug Wright, Cameron County Counsel, recommended that no action be taken and that County Counsel should conduct further consultations regarding said matter.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, County Counsel was directed to conduct further consultation regarding the matter involving the accrual of Vacation and Compensatory Time, in which the duty of the Attorney to the Governmental Body under the rules of Professional Conduct of the State Bar clearly conflicts with the Open Meetings Act.

- b) Confer with County Counsel to discuss the Comparable Market Analysis of Cameron County Trustee Properties.

The County Attorney recommended that the increased rate from the amount of \$50.00 to \$75.00 should be authorized regarding said matter.

Commissioner Benavides moved that the Comparable Market Analysis Rate be increased from \$50.00 to \$75.00 regarding the Cameron County Trustee Properties.

The motion was seconded by Commissioner Cascos and carried unanimously.

- c) Confer with County Counsel concerning the potential litigation regarding the Adult Probation Office Project.

Mr. Doug Wright, Cameron County Counsel, recommended that the Status Report by County Counsel should be acknowledged regarding said matter.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Status Report by County Counsel was acknowledged regarding the potential litigation regarding the Adult Probation Office Project.

- d) Deliberation regarding the Real Property pertaining to the Port Isabel Health Clinic Project.

Commissioner Cascos recommended that the Status Report by County Counsel should be acknowledged regarding said matter.

Commissioner Matz moved that the Status Report by County Counsel should be acknowledged regarding the Real Property pertaining to the Port Isabel Health Clinic Project, noting that Judge Hinojosa was not present during the discussion of this Item.

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

AYE: Commissioners Benavides, Cascos, Matz and Peña

NAY: None

ABSTAINED: Judge Hinojosa.

- e) Confer with County Counsel on the possible Lease Consolidation of the County Tax Office, the Justice of the Peace, the Constable and the Women-s, Infants, and Children (WIC) for a long term Lease in one central location in Port Isabel.

Mr. Doug Wright, Cameron County Counsel, recommended that County Counsel should be authorized to continue the negotiations regarding said matter.

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, County Counsel was directed to continue the negotiations regarding the Lease Consolidation of the County Tax Office, the Justice of the Peace, the Constable and the Women-s, Infants, and Children (WIC) for a long term Lease in one central location in Port Isabel.



(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, reported that the list of Purchases without Purchase Orders was increasing and added that notices would be forwarded to inform the Departments of the issue.

Commissioner Matz questioned Warrants Nos. 29332 and 29334, as to the Brownsville Herald, and the County Auditor responded that a research would be performed and submitted to the Court.

Commissioner Cascos questioned Warrant Nos. 29399 and 29400, as to Alberta Ann Gann, regarding the District Attorney's January-February Contract and the County Auditor responded that the Contract had been reviewed by County Counsel and explained that said individual's retirement would be jeopardized if she was placed on the County's payroll, noting that the District Attorney needed to include a hold harmless clause in the Contract.

At this time, Commissioner Cascos questioned whether the Tax Refund as to Warrant No. 29737, payable to the Texas Commerce Bank, in the amount of \$5,992.16, should be listed separately as an Agenda Item due to the amount being over \$500.00, and the County Auditor responded that the previous Agendas would be researched to determine whether said issue had been approved by the Commissioners' Court.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the County Claims were approved as presented by the County Auditor, with the exception of Warrant No. 29399, in the amount of \$8,866.24, and Warrant No. 29400, in the amount of \$2,467.16.

(2) IN THE MATTER OF THE BUDGET AMENDMENTS AND/OR SALARY SCHEDULES (NO ACTION TAKEN)

At this time, the County Auditor stated that there were no Budget Amendments and/or Salary Schedules for approval.

(3) IN THE MATTER OF THE MINUTES OF FEBRUARY 11, 1997 (NO ACTION TAKEN)

At this time, the Deputy County Clerk noted that there were no Minutes for approval.

(5) ACKNOWLEDGMENT OF THE REQUIRED MANDATORY COMMISSIONERS-CONTINUING EDUCATION COMPLETED BY COMMISSIONER JAMES R. MATZ, IN 1996

Commissioner Cascos moved that the Required Mandatory Commissioners-Continuing Education completed by Commissioner James R. Matz, in 1996, be acknowledged.

The motion was seconded by Commissioner Peña and carried unanimously.

The Certificate is as follows:

(7) **ADOPTION OF A RESOLUTION SUPPORTING A GRANT REQUEST FOR A COMMUNITY CHILD ABUSE PREVENTION PROGRAM SUBMITTED TO THE TEXAS CRIMINAL JUSTICE DIVISION BY THE BROWNSVILLE COMMITTEE TO HELP PREVENT CHILD ABUSE, THE ONE BORDER FOUNDATION (MANO-A-MANO PROGRAM) AND THE BROWNSVILLE FAMILY OUTREACH CENTER**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Resolution, was adopted supporting a Grant request for a Community Child Abuse Prevention Program, submitted to the Texas Criminal Justice Division by the Brownsville Committee to help prevent child abuse, the One Border Foundation (Mano-a-Mano Program) and the Brownsville Family Outreach Center.

The Resolution is as follows:

(8) ADOPTION OF A RESOLUTION OPPOSING ANY LEGISLATION THAT WOULD REQUIRE COUNTIES TO PROVIDE JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAMS (JJAEP-S) FOR ALL STUDENTS EXPELLED FROM SCHOOL WITHOUT SUFFICIENT FUNDING FROM THE SCHOOL DISTRICT AND SUPPORTING THE RECOMMENDATIONS OF THE JOINT WORK GROUP TO ENCOURAGE LOCAL AGREEMENTS BETWEEN COUNTY AND SCHOOL OFFICIALS THAT DEFINE THE SCOPE AND FUNDING OF JJAEP-S AND MEET THE POLICY OBJECTIVES OF CHAPTER 37 OF THE EDUCATION CODE

Commissioner Cascos moved that the Resolution be adopted opposing any Legislation that would require Counties to provide Juvenile Justice Alternative Education Programs (JJAEP-s) for all students expelled from school without sufficient funding from the School District and supporting the recommendations of the Joint Work Group to encourage Local Agreements between the County and School Officials that define the scope and funding of JJAEP-s and meet the Policy Objectives of Chapter 37 of the Education Code.

The motion was seconded by Commissioner Matz and carried unanimously.

The Resolution is as follows:

(9) AUTHORIZATION TO OPEN ALL BIDS AND PROPOSALS AS THE COMMISSIONERS=COURT ENTERS EXECUTIVE SESSION OR AT 9:00 A.M. THE FOLLOWING DAY IN THE COMMISSIONERS= COURT ROOM WITH THE COUNTY CLERK-S STAFF PRESENT TO RECORD OPENING OF BIDS AND PROPOSALS

Commissioner Cascos moved that the approval to open all Bids and Proposals as the Commissioners=Court convened in Executive Session or at 9:00 A.M. the following day in the Commissioners=Court Room with the County Clerks Staff present to record the opening of Bids and Proposals be ratified, noting that this Item was considered prior to 5:00 P.M.

The motion was seconded by Commissioner Benavides and carried unanimously.

(10) AMENDMENT TO THE INVESTMENT POLICY AND PROCEDURES SECTION NO. 4.0 AND NO. 4.02 AINVESTMENT ADVISORY COMMITTEE@

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Amendment to the Investment Policy and Procedures, Section No. 4.0 and No. 4.02 AInvestment Advisory Committee@, was approved.

The Policy and Procedures are as follow:

**(11) APPROVAL OF THE COMPUTER SOFTWARE
POLICIES AND PROCEDURES**

Commissioner Cascos moved that the Computer Software Policies and Procedures be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Policies and Procedures are as follow:

(12) APPROVAL OF THE LEASE CONTRACT WITH LORDA CORPORATION FOR THE BUILDING LOCATED AT 215 HIGHWAY 100, PORT ISABEL, CAMERON COUNTY, TEXAS, FOR CAMERON COUNTY WOMEN-S, INFANTS, AND CHILDREN (WIC)

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Lease Contract with Lorda Corporation for the building located at 215 Highway 100, Port Isabel, Cameron County, Texas, for the Cameron County Women-s, Infants, and Children (WIC) was approved.

The Agreement is as follows:

**(13) APPROVAL OF THE GRANT AGREEMENT
WITH THE RIO GRANDE VALLEY
EMPOWERMENT ZONE CORPORATION FOR
THE AIRPORT IMPROVEMENT FUNDS**

Commissioner Matz moved that the Grant Agreement with the Rio Grande Valley Empowerment Zone Corporation for the Airport Improvement Funds be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Agreement is as follows:

(14) APPROVAL OF THE TEXAS COMMUNITY DEVELOPMENT PROGRAM (TCDP) COLONIA FUND CONTRACT NO. 715165, PROVIDING FUNDING FOR WATER AND SEWER CONNECTIONS IN CAMERON PARK

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Texas Community Development Program (TCDP) Colonia Fund, Contract No. 715165, providing funding for water and sewer connections in Cameron Park, was approved.

The Contract is as follows:

(15) CREATION OF THE HEALTH EDUCATION SPECIALIST POSITION

Commissioner Peña moved that the Health Education Specialist Position be created for the Cameron County Health Department.

The motion was seconded by Commissioner Benavides and carried unanimously.

(16) AUTHORIZATION FOR IMPROVEMENTS TO A CERTAIN ROAD PROVIDING ACCESS TO LEAL SUBDIVISION, RANGERVILLE, TEXAS, CAMERON COUNTY PRECINCT NO. 4

At this time, Mr. Juan Bernal, County Engineer, stated AWe called to confirm about the Affidavit received last time, like I was directed to do. We called, my staff, Javier Mendez and they confirmed that in reality the County has been maintaining that road for quite awhile.@

Commissioner Cascos questioned ASo then, you recommend we take it into the County System?@

Mr. Bernal responded AYes.@

Commissioner Peña moved that the improvements to a certain road providing access to Leal Subdivision, Rangerville, Texas, Cameron County Precinct No. 4, be approved.

The motion was seconded by Commissioner Cascos.

Commissioner Matz questioned AWhat conditions are these roads in?@

Commissioner Cascos responded ADirt!@

Commissioner Peña replied AThey are pretty good.@

Commissioner Cascos stated AThey're dirt roads.@

Commissioner Matz questioned AYeah, but they are not up to County Standards?@

Judge Hinojosa stated ABut he wants to put them up to County Standards.@

Commissioner Matz replied ANo, but that's not what the County Policy says.@

Commissioner Cascos responded ANo, but as we've done with other areas where there's been a prescriptive easement, of some sort, we've allowed the Commissioner, subject to the Affidavits, to allow them to bring them into the System. If we've maintaining them all this time, is it a private road, Hector?@

Commissioner Peña replied ANo.@

Commissioner Cascos questioned AIt's a County Road?@

Judge Hinojosa responded AA County Dedicated Road.@

Mr. Bernal replied AIt's not a County Road, we want to build it up to County Road Standards, bring it up.@

At this time, Mr. Doug Wright, Cameron County Counsel, stated AI just provided the Court with a Memorandum, I don't know if you've had a chance to look at it. There's two (2) decisions you have to make. One is: that it is a Public Road and the seconded is: that you are going to bring it into the County System. So you have to find first of all, that it is a Public Road.®

Commissioner Peña responded APublic Road.®

Mr. Bernal stated AI'ts not a County Road. It a prescriptive easement that be can bring down to be a County Road.®

Commissioner Cascos questioned ABut is it a Public Road?®

Mr. Bernal replied AYes, it is a Public Road.®

Commissioner Cascos clarified AI't is a Public Road?®

Mr. Wright questioned AHas there been ten (10) years of providing upkeep.®

Commissioner Cascos responded AYou have people lie on an Affidavit, I mean, you have people say it on an Affidavit. The reason that I'm going to support this, because we've done that traditionally, more in Precinct No. 1.®

Commissioner Benavides stated AI'm going to bring you one (1) or two (2) next week too.®

Commissioner Cascos replied AWell, if you can provide documentation to show we been working on it illegally anyway, for the last ten (10) years, Hector?®

Commissioner Peña responded AThat's why I'm trying to bring, in legally.®

Commissioner Cascos stated AMy understanding is it becomes a prescriptive type road. Is that right or not right?®

Mr. Bernal stated AThat's correct, I think that the proper term APrescriptive Easement.®

Commissioner Matz stated AYeah, but that's true, but that allows us to maintain and not improve.®

Mr. Wright clarified ABeing a Prescriptive Road does not require you to maintain it.®

Commissioner Matz replied ANo, but you have the option, you can maintain it, but you don't improve. There's a big difference when you're going from dirt to caliche.®

Commissioner Cascos stated AIs that what you're going to do? What do you want to do? Lets get on with this.®

Commissioner Peña responded ABottom line, is that this road needs to be worked on because children cannot get on the bus from where they live. I've got enough evidence saying, that the County's work on it, so by law, I believe that we can pick up by Prescriptive Easement.®

Commissioner Cascos AO.K. Second.®

Commissioner Peña moved that the improvements to a certain road providing access to Leal Subdivision, Rangerville, Texas, Cameron County Precinct No. 4, be approved.

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

AYE: Commissioners Benavides, Cascos and Peña

NAY: Commissioner Matz, due to inadequate facts.

[REDACTED]

(17) **AUTHORIZATION TO ADVERTISE FOR REQUEST FOR PROPOSALS FOR THE COLLECTION OF MISDEMEANOR DELINQUENT ACCOUNTS OF COURT COSTS AND FINES**

Commissioner Matz moved that the advertisement for the Request for Proposals be ratified for the Collection of Misdemeanor Delinquent Accounts of Court Costs and Fines.

The motion was seconded by Commissioner Peña and carried unanimously.

[REDACTED]

(18) **AUTHORIZATION FOR MR. LEO SAYAVEDRA, S & B INFRASTRUCTURE, TO REPRESENT CAMERON COUNTY AND THE LOS TOMATES INTERNATIONAL BRIDGE PROJECT IN QUERETERO, MEXICO, ON FEBRUARY 27, 1997, THROUGH MARCH 2, 1997**

At this time, Judge Hinojosa explained that several potential Bidders would be present at said Meeting and stressed the importance of a representative from Cameron County to attend, in order to discuss and bid for the Project.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, Mr. Leo Sayavedra, S & B Infrastructure, was authorized to represent Cameron County and the Los Tomates International Bridge Project, in Queretero, Mexico, on February 27, 1997, through March 2, 1997.

[REDACTED]

(19) **AUTHORIZATION FOR THE ROAD CONSOLIDATION COMMITTEE TO DEVELOP A TRANSITION AND OPERATION PLAN FOR THE CAMERON COUNTY ROAD SYSTEM**

At this time, Judge Hinojosa recommended that the action should include the authorization of the Road Consolidation Committee to travel to the Counties with Road Consolidation within the State, said funding to be allocated from the Road and Bridge Fund. He added that the Budget be set in the maximum amount of \$5,000.00 and that Mr. Juan Bernal, County Engineer, be designated as the Committee Chairperson.

Commissioner Matz moved that the Road Consolidation Committee develop a Transition and Operation Plan for the Cameron County Road System and that the Committee travel to the Counties with Road Consolidation within the State, said funding to be allocated from the Road and Bridge Fund, and that Mr. Juan Bernal, County Engineer, be designated as the Committee Chairperson.

The motion was seconded by Commissioner Cascos 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 Peña and carried unanimously, the AConsent® Agenda Items were approved as follow:

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

- a) Commissioner Precinct No. 1 employee to attend a AUsed Oil Conference® in Dallas, Texas, on February 24, 1997;
- b) Program Development and Management Director to attend the ALower Rio Grande Valley Development Council (LRGVDC) Professional Advisory Review Panel (PARP) Meeting® in McAllen, Texas, on February 12, 1997;
- c) Two (2) Program Development and Management Staff Members to attend a ATexas Narcotics Task Force Program Meeting® in McAllen, Texas, on February 20, 1997;
- d) Juvenile Probation Staff Member to meet with the AMission Housing Authority® in Mission, Texas, on February 19, 1997;
- e) Free Trade Bridge Economic Development Specialist to attend the A1996-1997 Economic Development Courses® in College Station, Texas, on March 23-28, 1997;
- f) Tax Assessor-Collector and Chief Deputy to attend the ATax Assessor-Collectors- Association Jurisprudence Committee Meeting® in Austin, Texas, on February 11, 1997;
- g) Director and Tactical Intelligence Agent to attend an AAAnalytical Investigation Course® in Las Vegas, Nevada, on April 14-18, 1997; and
- h) Computer Center Programmer to attend the AAnnual Government Technology Conference Southwest 1997" in Austin, Texas, on February 12-13, 1997.

(21) AUTHORIZATION TO AWARD BIDS/PROPOSALS

a) ANNUAL BID #1500 - LIGHTING REPAIRS - CAUSEWAY

A. G. HILL - Corpus Christi, Texas
\$14,335.50

b) QUARTERLY BIDS NO. 2170-97-1 FOOD - MEATS

H & H FOODS - Mercedes, Texas
\$14,430.23

TEXAS MEAT PURV. - Harlingen, Texas
\$2,065.00

c) QUARTERLY BIDS NO. 2210-97-1 FOOD - SPICES

SYSCO - San Antonio, Texas
\$613.17

**d) QUARTERLY BIDS NO. 2050-97-1 DIETARY SUPPLIES
- MISCELLANEOUS**

SYSCO - San Antonio, Texas
\$2,165.95

(22) PRELIMINARY AND FINAL APPROVAL

a) Precinct No. 4

Burton Weaver Subdivision - being a 3.129 acre tract of land situated in and a part of Block No. 18, Dougherty and Paillet Subdivision; and

b) Precinct No. 3

Estes Estates No. 3 - being a 1.0 acre tract of land, more or less, out of Block Two-hundred twenty-three (223), San Benito Irrigation Company.

(23) AUTHORIZATION FOR PRELIMINARY APPROVAL

a) Precinct No. 4

Ariela Acres, being a 40.022 acres, out of Blocks Nos. 68 and 70, in the plat resurvey of Rice Tract Subdivision.



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

APPROVED this **25th** day of **February, 1997**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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