

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 14th day of OCTOBER, 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:

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

HECTOR PEÑA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

The meeting was called to order by Judge Gilberto Hinojosa. He then 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 10, 1997, at 10:26 A.M.:

(1) APPROVAL OF COUNTY CLAIMS

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



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

At this time, Ms. Mary Lou MacNelly, Assistant Auditor, presented the Annual Salary Schedules for the General Fund and the Road and Bridge Fund.

Commissioner Cascos questioned whether the Salary Schedules had been reviewed, in order to determine whether any slots received more or less than the four percent (4%) salary increases and Ms. MacNelly responded that there were changes in job descriptions due to evaluations performed the previous year.

Commissioner Matz questioned how the results of the Salary Grievance Meeting were handled in relation to the Salary Schedules and Ms. MacNelly responded that the changes in the Elected Officials=salaries were incorporated into the General Fund Salary Schedules.

At this time, Mr. Doug Wright, Commissioners= Court Legal Counsel, noted that there was no action to be taken by the Court for the nine (9) to zero (0) votes of the Salary Grievance Committee and added that the Committee had the latitude to award an amount above the requested amount.

Commissioner Matz clarified that the Salary Schedule for the Road and Bridge Fund should be corrected to reflect the Administrative Assistant at a full-time slot and the Secretary Position at a half-time slot for Precinct No. 3.

Judge Hinojosa stated that a salary base should be defined for the vacant Secretary Position in the Road and Bridge Salary Schedule before the slot was filled, in order to begin the equalization among the slots.

Commissioner Cascos stated that due to the consolidation of Precincts No. 1 and No. 2, only one (1) secretary might be needed for the both Precincts.

Commissioner Benavides stated that Precinct No. 1 was overwhelmed with incoming phone calls and noted that the second Secretary Position was necessary for back up in the absence of either slot.

Judge Hinojosa suggested that the position be available for future needs and stated that once there was a vacancy in a Secretarial Slot, the issue would be brought before the Court, in order to set a base salary.

Commissioner Peña moved that the Salary Schedules be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Salary Schedules are as follow:

(3) **APPROVAL OF THE MINUTES OF SEPTEMBER 23, 1997, AND SEPTEMBER 30, 1997**

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Minutes of the Regular Meeting held September 23, 1997, at 9:30 A.M., and the Regular Meeting held September 30, 1997, at 9:30 A.M., were approved.

(4) **IN THE MATTER A CONSTRUCTION MANAGEMENT SERVICE AGREEMENT FOR THE SOUTH TEXAS BOOT CAMP FACILITY WITH PEACOCK CONSTRUCTION (TABLED)**

At this time, Commissioner Matz suggested that this Item be Tabled until additional information was submitted.

Commissioner Peña noted that there were programmatic aspects of the program which needed to be reviewed and suggested the Item be Tabled for thirty (30) days.

Judge Hinojosa stated that the funds from the Lapsed Salaries, the start up costs and the funds set aside in the County's Budget was close to the Budget necessary for the Boot Camp Project and expressed concern as to the necessity for the delay.

Commissioner Peña questioned who would be controlling the Programs and Judge Hinojosa responded that the slot for a Director of the Boot Camp Committee had been created, noting that said issue would be performed in-house, as opposed to contracting an outside agency.

Commissioner Matz moved that this Item be **TABLED** for thirty (30) days.

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

AYE: Commissioners Benavides, Cascos, Matz and Peña

NAY: Judge Hinojosa.

At this time, Mr. Juan Bernal, County Engineer, expressed his gratitude for the work and efforts of the County employees who assisted during the heavy rains and flooding of Cameron County.

Commissioner Benavides suggested that an Agenda Item concerning the status of the Valle Escondido Project be placed on the Agenda for the next Meeting.

Judge Hinojosa stated that the Road and Bridge Public Works Department employees worked above and beyond their call of duty during the heavy rains and floods, in order to ensure the safety of the residents of the County.

Commissioner Cascos noted that Mr. Albert Naranjo and Mr. Bud Wentz, County residents, volunteered their tractors and pumps to drain out the water in the Olmito area.

Commissioner Matz commended Mr. Desi Najera, Emergency Management Coordinator, for his prompt attention to the situation.

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(5) **ADOPTION OF A RESOLUTION HONORING MS. BLANCA S. VELA, ON THE OCCASION OF HER SELECTION AS THE LOCAL ACTIVE WOMEN'S OUTSTANDING WOMAN OF THE YEAR 1997-1998"**

Commissioner Matz moved that the Resolution honoring Ms. Blanca S. Vela, Brownsville residents, on the occasion of her selection as the Local Active Women's Outstanding Woman of the Year 1997-1998", be adopted.

The motion was seconded by Commissioner Peña and carried unanimously.

The Resolution is as follows:

(6) AUTHORIZATION TO OPEN AN INTEREST BEARING DDA (NOW ACCOUNT) ACCOUNT WITH THE INTERNATIONAL BANK OF COMMERCE

Commissioner Peña moved that the following Interest Bearing DDA (Now Account) Account be opened with the International Bank of Commerce.

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

AYE: Commissioners Benavides, Cascos and Peña

NAY: None

ABSTAINED: Commissioner Matz and Judge Hinojosa.

The Contract is as follows:

(7) APPROVAL OF THE CONTRACT BETWEEN THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT AND DR. XAVIER AJAY@ MARTINEZ, PRACTICING PSYCHOLOGIST, TO PROVIDE PSYCHOLOGICAL EVALUATIONS FOR CAMERON COUNTY JUVENILES ORDERED BY THE COURTS

Upon motion by Commissioner Peña, seconded by Commissioner Benavides and carried unanimously, the Contract between the Cameron County Juvenile Probation Department and Dr. Xavier AJay@ Martinez, Practicing Psychologist, was approved to provide Psychological evaluations for Cameron County Juveniles as ordered by the Courts.

The Contract is as follows:

- (8) **APPROVAL OF THE CONTRACT BETWEEN CAMERON COUNTY AND THE BROWNSVILLE INDEPENDENT SCHOOL DISTRICT TO JOIN TOGETHER AND PROVIDE A JUVENILE PROBATION OFFICER TO WORK WITH STUDENTS ATTENDING THE BISD AT THE ALTERNATIVE SCHOOLS**

- (9) **APPROVAL OF THE CONTRACT BETWEEN CAMERON COUNTY AND THE SAN BENITO INDEPENDENT SCHOOL DISTRICT TO JOIN TOGETHER AND PROVIDE A JUVENILE PROBATION OFFICER TO WORK WITH STUDENTS ATTENDING THE SBISD AT THE ALTERNATIVE SCHOOLS**

- (10) **APPROVAL OF THE CONTRACT BETWEEN CAMERON COUNTY AND THE HARLINGEN CONSOLIDATED SCHOOL DISTRICT TO JOIN TOGETHER AND PROVIDE A JUVENILE PROBATION OFFICER TO WORK WITH STUDENTS ATTENDING THE HCISD AT THE ALTERNATIVE SCHOOLS**

Commissioner Peña moved that the Contract between Cameron County and the Brownsville Independent School District, the San Benito Independent School District and the Harlingen Consolidated School District, be approved to join together and provide a Juvenile Probation Officer to work with students attending said Independent School Districts at the Alternative Schools.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Contracts are as follow:

(11) APPROVAL OF THE CONTRACTS FOR PROVIDERS OF RESIDENTIAL CHILD CARE SERVICES FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT FISCAL YEAR 1997-1998

Upon motion by Commissioner Peña, seconded by Commissioner Benavides and carried unanimously, the Contracts for Providers of Residential Child Care Services for the Cameron County Juvenile Probation Department Fiscal Year 1997-1998, was approved.

The Contracts are as follow:

(12) AUTHORIZATION TO ADVERTISE FOR BIDS ON THE SALE OF VOTING MACHINES (SHOUP MACHINES)

At this time, Judge Hinojosa clarified that the sale of the Voting Machines would be to any entity, except a political entity in the County for purposes of elections, noting that the political entities could buy the machines strictly for school elections.

Commissioner Peña moved that the Bids be advertised for the sale of Voting Machines (Shoup Machines).

The motion was seconded by Commissioner Benavides and carried unanimously.

(13) PUBLIC HEARING TO DISCUSS THE PROPOSED BOUNDARY ADJUSTMENTS ON THE VOTING TABULATION DISTRICTS NOS. 23 AND 25 FROM THE JUSTICES OF THE PEACE PRECINCTS NOS. 3 AND 7, PURSUANT TO VERNON-S ANNOTATED TEXAS CONSTITUTION ARTICLE 5, SECTION 18, AND SUBCHAPTER B, SECTION 42.0321 AND SECTION 42.032.

Upon motion by Commissioner Peña, seconded by Commissioner Benavides and carried unanimously, the Public Hearing was opened to discuss the proposed boundary adjustments on the Voting Tabulation Districts (VTD-s) No. 23 and No. 25 from Justices of the Peace Precincts No. 3 and No. 7, pursuant to Vernon-s Annotated Texas Constitution Article No. 5, Section 18, and Subchapter B, Section 42.0321 and Section 42.032.

At this time, Judge Hinojosa explained that boundary adjustments needed to be corrected from an omission of a Precinct that occurred as a result of the redistricting.

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

(14) ADOPTION OF A COMMISSIONERS- COURT ORDER RESOLUTION TO ADJUST THE BOUNDARIES ON VOTING TABULATION DISTRICTS NOS. 23 AND 25, JUSTICES OF THE PEACE PRECINCTS NOS. 3 AND 7, PURSUANT TO VERNON-S ANNOTATED TEXAS CONSTITUTION, ARTICLE NO. 5, SECTION 18 AND SUBCHAPTER B, SECTION 42.0321 AND SECTION 42.032

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Commissioners- Court Order Resolution was adopted, adjusting the boundaries on the Voting Tabulation Districts (VTD-s) No. 23 and No. 25 Justices of the Peace Precincts No. 3 and No. 7, pursuant to Vernon-s Annotated Texas Constitution, Article No. 5, Section 18, and Subchapter B, Section 42.0321 and Section 42.032.

The Resolution is as follows:

(15) AUTHORIZATION TO APPOINT SANDRA ZAMORA TO THE CAMERON COUNTY DUNE PROTECTION COMMITTEE

At this time, Commissioner Matz requested that a list of the current members and the designators be provided by the Executive Assistant to the County Judge.

Upon motion by Commissioner Peña, seconded by Commissioner Benavides and carried unanimously, Ms. Sandra Zamora was appointed to the Cameron County Dune Protection Committee.

(16) AUTHORIZATION TO REJECT ALL BIDS RECEIVED FOR THE 1996 DISASTER RELIEF GRANT PROJECT (ROAD REPAIRS) TEXAS COMMUNITY DEVELOPMENT PROJECT (TCDP) CONTRACT NO. 716097 AND AUTHORIZATION FOR THE PROJECT ENGINEER TO READVERTISE AND REBID THE PROJECT

Commissioner Peña moved that the Bids received for the 1996 Disaster Relief Grant Project (Road repairs) Texas Community Development Project (TCDP) Contract No. 716097 be rejected and that the Project Engineer be authorized to readvertise and rebid the Project.

The motion was seconded by Commissioner Cascos and carried unanimously.

(17) AUTHORIZATION TO AWARD THE BID TO DONALD D. FERGUSON, INCORPORATED, FOR THE CONSTRUCTION OF THE COUNTY COURT BUILDING SOUTH EAST PARKING LOT

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Bid was awarded to Donald D. Ferguson, Incorporated, for the construction of the County Court Building South East Parking Lot.

(18) AUTHORIZATION FOR THE PUBLIC WORKS DEPARTMENT TO DO ROAD REPAIR WORK ON A PRIVATE ROAD (NOGALES RANCH ROAD)

At this time, Commissioner Cascos expressed concern as to the work that was to be performed since the road was a Private Road.

Mr. Juan Bernal, County Engineer, stated that the County would perform the maintenance of the road and would bring the road to its original state.

**(20) APPROVAL OF THE CONTRACT AGREEMENT
BETWEEN CHRIS ROYAL AND CAMERON
COUNTY**

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Contract Agreement between Chris Royal and Cameron County was approved.

The Contract is as follows:

**(21) AUTHORIZATION TO ENTER INTO A MONTH-
TO-MONTH LEASE AGREEMENT WITH GE
CAPITAL MODULAR SPACE FOR THE
PORTABLE TRAILER FOR JUVENILE
PROBATION**

Commissioner Benavides moved that a Month-to-Month Lease Agreement be executed with GE Capital Modular Space for the portable trailer for the Juvenile Probation Department.

The motion was seconded by Commissioner Peña and carried unanimously.

The Agreement is as follows:

(22) AUTHORIZATION OF THE PURCHASE WITHOUT A PURCHASE ORDER FROM GARCIA-S WELDING AND REPAIR, IN THE AMOUNT OF \$300.00, FOR BURGLAR BARS INSTALLED AT THE CAMERON COUNTY WAREHOUSE

At this time, Judge Hinojosa stated that the facility had a problem with the roof leaking and should be addressed, in order to protect the records from being damaged.

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Purchase without a Purchase Order from Garcia-s Welding and Repair, in the amount of \$300.00, was approved for burglar bars installed at the Cameron County Warehouse.



(23) AUTHORIZATION TO AWARD THE BIDS FOR THE ISLA BLANCA PARK PAVING REPAIRS AND NEW PARKING LOT TO PEACOCK CONSTRUCTION

Commissioner Benavides moved that the Bids be awarded to Peacock Construction for the Isla Blanca Park paving repairs and the new parking lot.

The motion was seconded by Commissioner Peña and carried unanimously.

The Contract is as follows:

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 Peña, seconded by Commissioner Benavides and carried unanimously, the

AConsent® Agenda Items were approved as follow, with Item No. 25 being **TABLED** for two (2) weeks:

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

- a) Five (5) Court Administrators/Coordinators to attend the A21st Annual Education Conference, Texas Association for Court Administrators® in San Antonio, Texas, on October 21-24, 1997;
- b) County Treasurer to attend the ACounty Investment Officer (CIO) Training, Level II, Class II® in Austin, Texas, November 6-7, 1997;
- c) Commissioners= Court to attend the A75th Annual County Judges and Commissioners Association of Texas Conference® in October 21-23, 1997;
- d) Program Development and Management Director to attend the ALower Rio Grande Valley Corporation Professional Advisory Review Panel (PARP) Meeting® in Weslaco, Texas, on October 8, 1997;
- e) Community Development Coordinator to attend the AMeeting regarding Colonia Self-Help Center Contract Amendment No. 1" in Raymondville, Texas, on October 3, 1997;
- f) Justice of the Peace Precinct No. 6 to attend the ATJCTC Conference® in Austin, Texas, on October 30, 1997, through November 1, 1997;
- g) Three (3) Health Department employees to attend a ATuberculosis Medicaid Billing Process® in Hidalgo County, on October 17, 1997;
- h) Two (2) Program Development and Management employees to attend a ACriminal Justice Division Interactive Video Grant Application Workshop® in Weslaco, Texas, on October 24, 1997;
- I) Two (2) Engineering employees to attend a APublic Hearing® in McAllen, Texas, on October 15, 1997;
- j) County Court at Law No. 1 to attend the A8th Annual Advanced Drafting: Estate Planning and Probate Law Course® in Corpus Christi, Texas, on October 22-24, 1997;

- k) Juvenile Administrative Assistant to attend the AInteractive Video Grant Application Workshop@ in Weslaco, Texas, on October 24, 1997;
- l) Health Department employee to attend the ANursing Documentation Disaster@ in Brownsville, Texas, on October 20, 1997;
- m) Seven (7) Deputy District Clerks to attend the AArea VIII County and District Clerk=s Association@ in Padre Island, Texas, on October 9-10, 1997; and
- n) Constable Precinct No. 3 and Deputy to attend a ATexas Justice Court Training Center Civil Process Seminar@ in Tyler, Texas, on October 28-31, 1997.

(25) IN THE MATTER OF THE BIDS

- a) **OLMITO WATER SUPPLY CORPORATION - WATERLINE IMPROVEMENTS (TABLED)**

(26) AUTHORIZATION TO RENEW THE AWARD OF THE FOLLOWING ANNUAL BIDS FOR ONE (1) ADDITIONAL YEAR

- a) **ANNUAL BIDS NO. 2000 - COMMISSARY - HEALTH AND HYGIENE SUPPLIES;**
- b) **ANNUAL BID NO. 2014 - COMMISSARY - SNACKS; AND**
- c) **ANNUAL BID NO. 2070 - FILTERS- AIR CONDITIONER.**

(27) PRELIMINARY AND FINAL APPROVAL

- a) **Precinct No. 2**

Hackberry Estates Subdivision - being a plat of a 10.00 acres tract and being the South ten (10) acres of Block No. 175, El Jardin Subdivision of Shares No. 19 and No. 27.

(28) EXECUTIVE SESSION

- e) In the matter of the status on the case styled Bexco Operating, Incorporated, vs. Cameron County, Case No. 97-09-5849-C; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A). **(TABLED)**

(29) ACTION RELATIVE TO EXECUTIVE SESSION

- e) In the matter of the status on the case styled Bexco Operating, Incorporated, vs. Cameron County, Case No. 97-09-5849-C. **(TABLED)**

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

(28) EXECUTIVE SESSION

Upon motion by Commissioner Peña, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 10:30 P.M. to discuss the following matters:

- a) Deliberation regarding the Real Property concerning Parcel No. 39-A, B & C, FM/1419 (Southmost Road), pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) Deliberation regarding the Real Property concerning condemnation case for Parcels No. 73, 74, 75 and 78 FM/1419 (Southmost); pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) Deliberation regarding the Real Property concerning the possible sale of the Cameron County Trustee Property, known as Port Isabel - Unsubdivided Point, Part No. 1, Tract D, 4.41 acres, also known as, Old Marchan Restaurant; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- d) Confer with County Counsel on the contractual issue with Bobo Construction Company in regards to the Cameron County Adult Probation Detention Center Renovations Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2); and

Upon motion by Commissioner Peña, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 11:40 P.M.



(29) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Deliberation regarding the Real Property concerning Parcel No. 39-A, B & C, FM/1419 (Southmost Road).

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

- b) Deliberation regarding the Real Property concerning condemnation case for Parcels No. 73, 74, 75 and 78 FM/1419 (Southmost).

Commissioner Cascos moved that the Commissioners= Court Legal Counsel be authorized to enter into Condemnation Proceedings and that the County Judge be authorized to sign the Agreement regarding the Real Property for Parcels No. 73, 74, 75 and 78 FM/1419 (Southmost).

The motion was seconded by Commissioner Benavides and carried unanimously.

- c) Deliberation regarding the Real Property concerning the possible sale of the Cameron County Trustee Property, known as Port Isabel - Unsubdivided Point, Part No. 1, Tract D, 4.41 acres, also known as, Old Marchan Restaurant.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the County Judge was authorized to sign the Binder Agreement with National Seafoods, Incorporated, for the acquisition

of the Cameron County Trustee Property, known as Port Isabel - Unsubdivided Point, Part No. 1, Tract D, 4.41 acres, also known as, Old Marchan Restaurant.

- d) Confer with County Counsel on the contractual issue with Bobo Construction Company, regarding the Cameron County Adult Probation Detention Center Renovations Project.

Commissioner Cascos moved that the Contract be approved with Bobo Construction Company, regarding the Cameron County Adult Probation Detention Center Renovations Project, subject to Legal review.

The motion was seconded by Commissioner Benavides and carried unanimously.

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

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APPROVED this **28th** day of **October, 1997**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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