

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 10th day of **NOVEMBER, 1997**, there was conducted a **SPECIAL 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:

The meeting was called to order by Judge Gilberto Hinojosa. He then 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.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on November 7, 1997, at 9:25 A.M., and the Supplemental Notice posted and filed November 7, 1997, at 10:32 A.M.:

(1) APPROVAL OF COUNTY CLAIMS

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

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

AYE: Commissioners Benavides, Cascos and Peña

NAY: None

ABSTAINED: Commissioner Matz, as to Warrant No. 46534, payable to Valley Proud Environmental Council, in the amount of \$2,500.00.



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

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



**(3) APPROVAL OF THE MINUTES OF OCTOBER 22,
1997, SPECIAL MEETING**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Minutes of the Special Meeting held October 22, 1997, at 10:00 P.M., were approved, subject to the correction noted on Page No. 5.



(4) **PRESENTATION OF THE SOLAR WATER HEATER SYSTEM BY A TECHNISOLAR INDUSTRIES, INCORPORATED REPRESENTATIVE**

At this time, Mr. Francisco Sinfuentes, Technisolar Industries, Incorporated, presented and highlighted the functions and benefits of the Solar Water Heater System by Technisolar Industries.

Commissioner Cascos expressed concern regarding whether Technisolar Industries, Incorporated, was the sole source and whether the matter should be advertised for Request for Proposals.

Mr. Mark Yates, County Auditor, stated that the Request for Proposals would need to be advertised if the County had expressed an interest in the matter as a venture and added that implementation of energy saving concepts should be addressed for new County facilities being built.

Judge Hinojosa noted that the proposal regarding the construction of a new jail was to be discussed at a Workshop and added that the United States Marshall's Office had increased the proposed amount for the facility from 2.4 million dollars to the amount of \$3,000,000.00. He stated that the facility's estimated cost per bed would cover forty percent (40%) of the Project's cost and noted that the County had thirty (30) days to make a decision regarding the Proposal.

Commissioner Cascos suggested that the total cost of the proposed Project should be projected and budgeted into the next Fiscal Year's Budget by the County Auditor.

Mr. Yates stated that estimated averages would be submitted until the exact figures were determined and that the County would have to allocate the funds to operate and maintain the facility.

At this time, Mr. Sinfuentes highlighted the savings to be incurred by the County and noted that the System had an electrical backup with a very low voltage use.

Commissioner Matz expressed concern as to the weight of the system, which would be placed on the rooftops of the buildings and as to the maintenance of the Lease Purchase Agreement, noting that additional information regarding the maintenance and references from the agencies utilizing the system should be provided.

Commissioner Cascos suggested that a Request for Proposals should be developed and advertised if the County had an interest in implementing the system into the County buildings.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the presentation of the Solar Water Heater System by the Technisolar Industries, Incorporated, was acknowledged.

The Reports are as follow:

(5) **PRESENTATION AND ACKNOWLEDGMENT OF
THE FISCAL YEAR END 1996/1997 REPORT ON
INVESTMENTS OF COUNTY FUNDS**

At this time, Mr. Eddie Gonzalez, County Treasurer, highlighted the 1996/1997 Fiscal Year End Report on the Investments of County Funds, noting that the interest rates being earned were based on the Bids submitted to the County.

Commissioner Cascos expressed concern as to the County's Trust Accounts which still remained in separate banks, as opposed to utilizing the International Bank of Commerce.

Mr. Yates stated that the District and County Clerk's Offices handled the trust accounts, noting that per State Statutes, the District Clerk was excluded from following the County's Depository requirements. He added that dual arrangements had been made with a Money Market Mutual Funds which serviced the District Clerk's accounts and noted that the District Judges had been advised to utilize the District Clerk's Service.

Mr. Gonzalez noted that County's Tax Identification Number was an Internal Revenue Service Account and should not be utilized by any of the County's employees.

Commissioner Matz moved that the presentation of the Fiscal Year End 1996/1997 Report on Investments of County Funds be acknowledged.

Thee motion was seconded by Commissioner Cascos and carried unanimously.

The Report is as follows:

**(6) PRESENTATION AND ACKNOWLEDGMENT OF
THE DISTRICT CLERK-S SEPTEMBER
MONTHLY FEE AND FINES REPORT**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the presentation of the District Clerk-s September Monthly Fee and Fines Report was acknowledged.

The Report is as follows:

(7) **PRESENTATION AND DISCUSSION OF THE PROPOSAL FROM THE COMMUNITY DEVELOPMENT CORPORATION OF BROWNSVILLE TO CONSTRUCT A MODEL HOME/OFFICE AT THE SITE OF THE CAMERON PARK RECYCLING CENTER**

At this time, Mr. Nick Mitchell, Community Development Corporation, explained that the Corporation had received State Bond Funds to construct twenty-five (25) homes in Villa Pancho, Valle Escondido and Cameron Park, and that the proposed Model Home/Office to be built at the Cameron Park Recycling Center would be utilized to advertise the homes and would provide office space for the County.

Judge Hinojosa expressed the County's support for the proposed Project and noted that the legal issues regarding the property would be resolved, subject to the Corporation's commitment allowing the County to utilize the space in the Model Home/Office.

Mr. Joseph Ardito, Property Management Coordinator, informed the Court that the property was a Cameron County Trustee Property which would need to be addressed.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the presentation and discussion of the proposal from the Community Development Corporation of Brownsville to construct a Model Home/Office at the site of the Cameron Park Recycling Center was acknowledged, noting that the Legal and budgetary issues be addressed by County Staff, the Sheriff's Department and the Community Development Corporation.



(8) **APPROVAL TO OPEN TWO (2) NON-INTEREST BEARING DEMAND DEPOSIT ACCOUNTS (DDA) AND ONE (1) CERTIFICATE OF DEPOSIT (CD) ACCOUNT WITH THE INTERNATIONAL BANK OF COMMERCE**

Commissioner Peña moved that the following two (2) Non-Interest Bearing Demand Deposit Accounts (DDA) Accounts and one (1) Certificate of Deposit (CD) Account be opened with the International Bank of Commerce:

- a) Cameron County Treasurer/Disaster Relief Home Repairs Fund No. 65 - (DDA);
- b) Cameron County Treasurer/Disaster Relief Contract for Deeds Funds No. 66 - (DDA); and
- c) Cameron County Treasurer/Parks System Special Reserve 88, Refunding Bonds Fund No. 83.

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

AYE: Commissioners Benavides, Cascos, Matz and Peña

NAY: None

ABSTAINED: Judge Hinojosa.

The Contract is as follows:

**(9) AUTHORIZATION TO CANVASS THE
CONSTITUTIONAL AMENDMENT ELECTION
OF NOVEMBER 4, 1997**

Upon motion by Commissioner Peña, seconded by Commissioner Benavides and carried unanimously, the canvassing of the Constitutional Amendment Election of November 4, 1997, was acknowledged.

The Reports are as follow:

(10) ACTION ON CONTRACTS FOR PROVIDERS OF RESIDENTIAL CHILD CARE SERVICES FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT FOR FISCAL YEAR 1997/1998

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Contracts for Provider of Residential Child Care Services for the Cameron County Juvenile Probation Department for Fiscal Year 197/1998, were approved.

The Contracts are as follow:

- (11) **IN THE MATTER OF A DUNE PROTECTION PERMIT (RENEWAL) FOR THE TEXAS DEPARTMENT OF TRANSPORTATION (TABLED)**
- (12) **IN THE MATTER OF A LARGE PROJECT DUNE PROTECTION PERMIT FOR THE CAMERON COUNTY PARKS SYSTEM (SITE A, C AND D) (NO ACTION TAKEN)**
- (13) **IN THE MATTER OF THE APPLICATION FOR BEACH CONSTRUCTION CERTIFICATE FOR VARIOUS PLANNED OR PROPOSED IMPROVEMENTS IN THE ISLA BLANCA PARK (NO ACTION TAKEN)**
- (14) **IN THE MATTER OF A SMALL PROJECT DUNE PROTECTION PERMIT FOR MR. ROBERT D. AND MARTHA J. BRADLEY (TABLED)**
- (15) **IN THE MATTER OF THE APPLICATION BY ROBERT D. AND MARTHA J. BRADLEY FOR BEACH CONSTRUCTION CERTIFICATE FOR PRIVATE RESIDENCE ON A 7.3 ACRE TRACT ON SOUTH PADRE ISLAND (TABLED)**

At this time, Mr. Javier Mendez, County Engineering Department, stated that the Permit had been issued through the Texas Department of Transportation for the removal of sand, noting that the Texas General Land Office had requested that the sand be removed seaward of its origin. He stated that the sand was being removed West of the Right-of-Way and that the Texas Department of Transportation noted that they could only work within their Right-of-Way. He stated that the Advisory Committee had recommended that the sand be placed in washout areas, in the Gulf waters to renourish the beach or within one of the County Parks. Mr. Mendez stated that if the sand was moved to the Parks, it would have to be placed four (4) miles from the origin and out of the city limits and Isla Blanca Park.

Mr. Doug Wright, Commissioners=Court Legal Counsel, stated that the Parks Board recommendations would be consistent and noted that the Permit was for Dune Protection, as opposed to a Building Permit. He added that Court Orders would be prepared by County Counsel for the Agenda Items involving the Construction Certificates based on the findings of the recommendations of the Parks Advisory Board. Mr. Wright clarified the difference between the prior matter regarding the Baker Exploration Company and the Permits being presented. He stated that the prior matter had to utilize the beach, in order to have access to the construction site, and added that the construction permits being currently presented did not involve the access or utilization of the public beach.

Judge Hinojosa stated that the factual distinction was recognized, but expressed concern as to the distinction of how the findings were made factual regarding the granting of the permits. He stated that the construction of a

parking lot on Agenda Item No. 12, would require numerous amounts of construction activity and might have a permanent affect on the beach area.

Mr. Wright clarified that the application presented to the Court was a recommendation of the parking lot which would facilitate beach use, noting that the previous Application, which was denied, included utilization of the beach which would interfere with beach use. He noted that the factual determination could be made based on the findings or that the matter could be further addressed if the Court had specific concerns regarding the matter.

Judge Hinojosa stated that written factual findings should be provided and that the matter be processed consistently as the past permits. He added that the moving of sand was not a problem, but noted that Agenda Items Nos. 12, 13, 14, and 15 included construction projects which affected the beach and dune area. Judge Hinojosa suggested that the Items be Tabled for one (1) week until the Orders were drafted with the appropriate language.

Mr. Wright recommended that the Court should direct the Parks System Director and the Parks Advisory Board to present the factual situation, in order for County Counsel to draft the proposed Orders.

Mr. Conway noted that the Contractor would have to be deferred and added that dunes were not anticipated to interfere with the construction of the parking lot, noting that the Mr. Mendez recommended the Permits as a precoces measure.

Judge Hinojosa suggested that the matters be further reviewed, in order to resolve the details and addressed at the end of the Meeting.

Mr. Conway noted that Items Nos. 12 and 13 were critical and suggested that the Items be addressed.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, Items Nos. 11, 14, and 15 were **TABLED** for one (1) week, noting that Items Nos. 12 and 13 would be addressed at the end of the Meeting.

[REDACTED]

(16) **AUTHORIZATION TO TRANSFER OWNERSHIP INTEREST IN THE OLD ISLA BLANCA PARK REGISTRATION OFFICE BUILDING TO CASTILLO BROTHERS HOUSE MOVERS**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Ownership Interest in the Old Isla Blanca Park Registration Office Building was transferred to Castillo Brothers House Movers, subject to Legal review.

[REDACTED]

**(17) APPROVAL TO RENEW THE BURSTER
SERVICE AGREEMENT FROM MOORE
BUSINESS EQUIPMENT EFFECTIVE OCTOBER
1, 1997, THROUGH SEPTEMBER 30, 1998**

Commissioner Cascos moved that the Burster Service Agreement from Moore Business Equipment be renewed effective October 1, 1997, through September 30, 1998.

The motion was seconded by Commissioner Peña and carried unanimously.

The Agreement is as follows:

(18) AUTHORIZATION FOR APPROVAL OF THE AFFILIATION AGREEMENT: CLINICAL INTERNSHIP FOR HEALTH SCIENCE TECHNOLOGY III, BETWEEN THE BROWNSVILLE INDEPENDENT SCHOOL DISTRICT AND THE CAMERON COUNTY HEALTH DEPARTMENT

Upon motion by Commissioner Peña, seconded by Commissioner Benavides and carried unanimously, the Affiliation Agreement concerning the Clinical Internship for Health Science Technology III, between the Brownsville Independent School District and the Cameron County Health Department be approved.

The Agreement is as follows:

(19) IN THE MATTER OF THE PURCHASE OF MOBILE PHONE/SERVICES FOR JUSTICE OF THE PEACE PRECINCT NO. 2, PLACE NO. 2, AND JUSTICE OF THE PEACE PRECINCT NO. 3, PLACE NO. 1 (TABLED)

At this time, Mr. Mark Yates, County Auditor, stated that the Request for Proposals received for the Mobile Phone/Services were being currently reviewed and noted that recommendations would be submitted to the Court in two (2) weeks.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, this Item was **TABLED** for two (2) weeks.

(20) APPROVAL OF TH RESERVE DEPUTY CONSTABLES FOR PRECINCTS NOS. 1, 2 AND 4

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the following Reserve Deputy Constables for Precincts No. 1, No. 2 and No. 4 were approved:

- Mr. Joel Zamora, Precinct No. 2;
- Mr. Juan Jose Garcia, Precinct No. 1;
- Mr. Alfredo Gonzalez, Precinct No. 1; and
- Leroy A. Flores, Precinct No. 4.

(21) AUTHORIZATION TO AMEND THE 1997-1998 CAMERON COUNTY HOLIDAY SCHEDULE

At this time, Ms. Margarita Salazar, Interim Personnel/Safety Risk Director, stated that numerous County Departments had requested that the Christmas Holiday be observed on December 25 and 26, 1997, Thursday and Friday, as opposed to December 24 and 25, 1997, Wednesday and Thursday.

Mr. Mark Yates, County Auditor, noted that December 26, 1997, was a payroll day, but added that the County Auditor-s Office had anticipated the Holiday and was prepared for an early distribution of the paychecks.

Commissioner Peña moved that the 1997/1998 Cameron County Holiday Schedule be amended, noting that the paychecks would be distributed before December 25, 1997, within said week.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Amended Schedule is as follows:

(25) **APPROVAL OF A RESOLUTION ADOPTING
GUIDELINE CRITERIA GOVERNING TAX
ABATEMENT AGREEMENTS IN THE
HARLINGEN ENTERPRISE ZONE**

Commissioner Peña moved that the Resolution adopting Guideline Criteria Governing Tax Abatement Agreements in the Harlingen Enterprise Zone be adopted.

The motion was seconded by Commissioner Matz and carried unanimously.

The Resolution is as follows:

(26) **AUTHORIZATION TO ADVERTISE FOR
REQUEST FOR PROPOSALS FOR INMATE
TELEPHONE SERVICES**

At this time, Judge Hinojosa recommended that a Committee be created and that a Request for Proposal be issued for the Inmate Telephone Services. He recommended that a sixty percent (60%) minimum commission be set for the County, noting that the County could bid for sixty percent (60%) or more on commissions, and that the minimum bid requirements contain certain minimum requirements for equipment, maintenance and security, which would be drafted by the Committee. Judge Hinojosa noted that the sixty percent (60%) commission would be based upon the current method of computing commissions and recommended that the Committee should consist of the following individuals or representatives, which would review the Request for Proposals and submit recommendations to the Court:

Sheriff Omar Lucio, Sheriff's Department;
Mr. Mike Forbes, Purchasing Agent;
Representative of the Commissioners= Court Legal Counsel;
Mr. Richard Santellana, Adult Probation Director;
Representative of the District Attorney's Office; and
Representative of the County Judge's Office.

Judge Hinojosa noted that the possibility of revenues above forty-two percent (42%) of the commissions, up to the amount that the Request for Proposal was granted, would be utilized by the Sheriff's Department for personnel or equipment.

Commissioner Cascos noted that said matter was a Non-Binding Agreement which would be tendered on the wishes of the Court and added that future Courts would not be obligated to the Agreement made, due to the unknown complexion of the Court.

Judge Hinojosa recommended that Sheriff Lucio be the Committee Chairperson and stated that all State Guidelines be followed and that the sixty percent (60%) commission be the minimum requirement for the Request for Proposal.

Commissioner Cascos moved that the Request for Proposals be advertised for Inmate Telephone Services.

The motion was seconded by Commissioner Benavides and carried unanimously.



CONSENT AGENDA ITEMS

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

(27) APPROVAL OF THE TRAVEL AND/OR TRAVEL EXPENSES, SUBJECT TO FUNDS IN THEIR BUDGET

- d) In the matter of the Health Administrator to attend the AInfrastructure Meeting® in El Paso, Texas, on December 3-5, 1997. **(TABLED)**

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

Upon motion by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, the AConsent® Agenda Items were approved as follow, with the Bids on Item No. 31 being opened on November 12, 1997, at 9:30 A.M.:

- a) Gateway Bridge Manager to attend the ACriticism and Discipline Skills for Managers Seminar® in McAllen, Texas, on November 13, 1997;
- b) Gateway Bridge Manager to attend the ACommunication Skills for Women Seminar® in McAllen, Texas, on November 18, 1997;
- c) County Engineer to attend a AMeeting regarding Los Tomates Bridge® in Mexico City, DF, on November 7, 1997;
- e) Health Department employee and Jail Infirmary employee to attend the ANational Commission on Correctional Health Care Conference® in San Antonio, Texas, on November 8-12, 1997;
- f) Drug Enforcement Task Force Agent to attend a ACommercial Drug Interdiction Training® in Seguin, Texas, on November 17, 1997;
- g) Health Department employee to attend the AInformation Partnership Program Train-the-Trainer Workshop® in Dallas, Texas, on November 16-19, 1997;
- h) Health Department Personnel Technician to attend the AWages, Hours and Pay Seminar® in South Padre Island, Texas, on February 23, 1998;
- I) Two (2) County Clerk Deputies to attend the AClasses on Creating Web Pages® at the University of Texas at

Brownsville/Texas Southmost College, on November 15, 1997, and November 22, 1997;

- j) Computer Center Director to attend the Annual Texas Communications and Criminal Justice Fall Conference in Corpus Christi, Texas, on November 11-12, 1997; and
- k) Chief Juvenile Probation Officer and Assistant Chief Juvenile Probation Officer to attend the Management Conference sponsored by the Texas Juvenile Probation Commission on Personnel Matters in Austin, Texas, on December 1-3, 1997.

(28) AUTHORIZATION TO PURCHASE ONE (1) VAN (FIFTEEN (15) PASSENGER) - SHERIFF'S DEPARTMENT VIA HOUSTON/GALVESTON AREA COUNCIL OF GOVERNMENTS INTERLOCAL PURCHASING AGREEMENT (LEASE PURCHASE)

(29) AUTHORIZATION TO AWARD THE BID FOR THE SALE OF USED VOTING MACHINES (SHOUP) - ELECTIONS DEPARTMENT

RECYCLING INDUSTRIES - Harlingen, Texas

Used and Scheap (Shoup) Voting Machines - (Approximate quantity - 250 each)
Total \$5,625.00

(30) AUTHORIZATION TO RENEW AWARD OF ANNUAL BID NO. 2040 COPIER-TONER/DEVELOPER FOR ONE (1) ADDITIONAL YEAR

CORPORATE EXPRESS - Brownsville, Texas

- a) Monroe \$1,647.90
- c) Sharp \$2,397.60
- d) Canon \$15,600.00

COPIERS BY PETER - Brownsville, Texas

- b) Minolta \$1,137.00

O.R.C. - San Antonio, Texas

- e) Savin \$1,123.32

(31) AUTHORIZATION TO OPEN BIDS

- a) ELECTRICAL BOXES FOR RECREATIONAL VEHICLES (RV) SITES HOOK-UP - PARKS SYSTEM; AND
- b) RECREATIONAL VEHICLES (RV) SITES ELECTRICAL BOXES INSTALLATION AND WATER/SEWER RENOVATIONS.

The Bids received and opened are as follow:

- (32) **AUTHORIZATION TO REJECT THE REQUEST FOR PROPOSALS NO. 97-10-01 TURNSTILES AND RE-ADVERTISE FOR BIDS (QUANTITY 6-8 WITHOUT COMPUTERS/SOFTWARE**
- (33) **AUTHORIZATION TO RENEW THE AWARD FOR ANNUAL BID FOR VEHICLE LEASING FOR ONE (1) ADDITIONAL YEAR**

CAPPS RENT-A-CAR - Dallas, Texas

Item	Description	Cost
a)	Pontiac Grand Am	\$565.00
d)	Chevrolet Monte Carlo 3.1 V6	\$585.00
e)	Dodge Intrepid	\$635.00
f)	Ford Crown Victoria	\$795.00
g)	Ford Ranger Regular Cab Manual	\$385.00
h)	Ford Ranger Super Cab Automatic	\$550.00
I)	Ford or Chevy Full Size >wt= wide	\$485.00
j)	Silverado Regular Cab Fleet	\$510.00
k)	Dodge SLT Laramie	\$510.00
l)	Silverado Extended Cab Sportside	\$550.00
m)	Silverado Extended Cab Fleetside	\$550.00
n)	Dodge Extended Cab Slr Laramie	\$535.00
o)	Silverado Extended Cab Z71 4x4	\$595.00
p)	Dodge Extended Cab SLT Laramie 4x4	\$595.00
q)	Ford F150 XLT Extended Cab V8 Fleet	\$550.00
r)	Ford F150 XLT Extended Cab 4x4 V8	\$595.00
s)	Ford Explorer XLT 2WD	\$595.00
t)	Ford Cargo Van	\$595.00

(34) EXECUTIVE SESSION

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

- a) Confer with County Counsel to discuss the potential litigation on the case styled Maria Isabel Stearns vs. County of Cameron; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A).

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 11:18 A.M.

(35) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with County Counsel to discuss the potential litigation on the case styled Maria Isabel Stearns vs. County of Cameron.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Status Report by County Counsel was acknowledged regarding the potential litigation on the case styled Maria Isabel Stearns vs. County of Cameron.

- (22) **APPROVAL OF AMENDMENT TO JANUARY 5, 1997, CONTRACT BETWEEN TEXAS A&M AND CAMERON COUNTY PROVIDING ADDITIONAL FUNDING FOR CONSTRUCTION OF THE CAMERON PARK RECREATION PROJECT**
- (23) **ACTION TO AWARD THE LOW BID AND NEGOTIATE THE CONSTRUCTION CONTRACT WITH ZIMMERMAN CONSTRUCTION FOR THE CAMERON PARK RECREATION PROJECT**

At this time, Mr. Frank Bejarano, Program Development and Management Director, stated that the amount of \$146,500.00, was required, in order to award the Bid for the Cameron Park Recreation Project and noted that based on the existing Construction Budget, the County was short the amount of \$28,500.00. He stated that Texas A & M would contribute an additional amount of \$10,000.00, if the County would allocate the additional amount of \$18,500.00, from the County Parks System Budget, as recommended by the Parks System Director.

Commissioner Cascos expressed the Court's gratitude to the Texas A & M University for their contributions to the Cameron Park Subdivision.

Mr. Kenneth Conway, Parks System Director, recommended that the funds be allocated from the funds budgeted for land acquisition and added that several cuts had been made to the Project, in order to remain within the Budget.

There was some discussion regarding the cost of the outdoor basketball court that had been deleted, in order to remain within the Budget and Judge Hinojosa suggested that an adjustment be made to the Contract, in order for the basketball court to remain in the Project, said funding to be allocated from Bond Funds.

Mr. Bejarano noted that a Change Order would need to be submitted to the Court following the approval of the Contract, in order to add the outdoor basketball court to the Project.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Amendment to the January 5, 1997, Contract between Texas A&M and Cameron County, to provide additional funding for the construction of the Cameron Park Recreation Project was approved, said funding to be allocated from the County Parks System, noting that the Construction Contract be awarded and negotiated with Zimmerman Construction.

The Contract is as follows:

(24) **APPROVAL OF THE SUBCONTRACT BETWEEN CAMERON COUNTY AND THE TEXAS TRANSPORTATION INSTITUTE FOR A GRANT AWARD FROM THE STATE ENERGY CONSERVATION OFFICE FOR THE PURPOSE OF TWO (2) PASSENGER VANS**

At this time, Mr. Frank Bejarano, Program Development and Management Director, explained that Grant Funds, in the amount of \$35,000.00, would be utilized for the purchase of two (2) passenger vans for use by the Cameron Park Community Center. He noted that the cost of two (2) vans would be the approximate amount of \$42,000.00, noting that the County would need to allocate an additional amount of \$9,000.00, and added that the County would be responsible for the maintenance and operation of the vehicles.

Commissioner Cascos noted that the Grant Funds would not be available if the two (2) vans were not purchased and added that the idea of the two (2) vans had evolved from the assistance of the Texas A & M University.

Mr. Mark Yates, County Auditor, noted that the maintenance and operation costs were not budgeted and suggested that one (1) van be purchased by the County and the other solicited by a social service agency, in order to handle the maintenance and operation costs. He stated that the County would be required to purchase liability insurance and added that the vans could be utilized by the sponsoring agency, in order to operate the vans in conjunction with the social programs they provide at the Community Service. Mr. Yates suggested that the County should purchase the second van through an equipment list, noting that the remainder portion of the Grant would reimburse the County and the van would be paid for over a two (2) year lease.

Mr. Kermit Black, Texas A & M University, noted that the Grant would require that the van be utilized for the full range of the Community Center activities and added that the leasing of the van would be in violation to the terms and conditions of the Grant.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Subcontract was approved between Cameron County and the Texas Transportation Institute for a Grant Award from the State Energy Conservation Office for the purchase of two (2) passenger vans, subject to a sponsor for the second van.

The Contract is as follows:

**(12) AUTHORIZATION TO ISSUE A LARGE
PROJECT DUNE PROTECTION PERMIT FOR
THE CAMERON COUNTY PARKS SYSTEM
(SITE A)**

At this time, Mr. Javier Mendez, County Engineering Department, explained that the permit would allow the construction of a one hundred and fifty-two (152) space parking lot, noting that there would be no affect to the dunes, and added that the granting of the Permit had been recommended by the Dune Protection Committee.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Large Project Dune Protection Permit was issued for the Cameron County Parks System (Site A), as recommended by the Dune Protection Committee.

The Permit is as follows:

(13) **ACTION RELATIVE TO THE APPLICATION FOR BEACH CONSTRUCTION CERTIFICATE FOR VARIOUS PLANNED OR PROPOSED IMPROVEMENTS IN THE ISLA BLANCA PARK**

At this time, Mr. Kenneth Conway, Parks System Director, stated that the approval of the Application had been reviewed and recommended by the Parks Advisory Board for Element A; one hundred and fifty-two (152) car parking lot, noting that it did not impede or impair public use or access to the public beach in any way, and in fact, would enhance the use and access to the public beach areas.

Commissioner Matz moved that the Application and the issuance of the Beach Construction Certificate be approved for the Cameron County Parks Department for the proposed one hundred and fifty-two (152) car off-beach public parking lot at the Isla Blanca Park with the following findings: that the proposed project does not directly or indirectly reduce the size or encroach on the public beach in any manner, or impair or adversely affect public use of or access to and from a public beach; and moreover, the proposed parking area will in fact improved and enhance public access to and use of adjacent nearby public beach.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Order is as follows:

SUPPLEMENTAL NOTICE

(1) **AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES FOR THE ACOPS® PROGRAM**

At this time, Judge Hinojosa stated that the Application had already been submitted and added that the Grant would allow for additional police officers within a three (3) year period.

Sheriff Omar Lucio, Sheriff's Department, briefly highlighted the areas in need of community policing and noted that the cost of three (3) Officers would be the amount of \$75,000.00, per year, noting that the County was not obligated to sign the Contract until a funding source was designated, once the Grant was approved.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the submission of a Grant Application to the United States Department of Justice, Office of Community Oriented Policing Services for the ACOPS® Program, was approved.

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

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APPROVED this **9th** day of **December, 1997**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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