

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 25th day of NOVEMBER, 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 Pro-tem Carlos H. Cascos, C.P.A. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and 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 21, 1997, at 12:01 P.M.:

At this time, Judge Hinojosa acknowledged Mr. Sam Griffith, Historical Commission, who passed away on November 16, 1997.

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**(3) APPROVAL OF THE MINUTES OF NOVEMBER
4, 1997**

Commissioner Matz moved that the Minutes of the Regular Meeting held November 4, 1997, at 9:30 A.M., be approved.

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

AYE: Commissioners Benavides, Matz and Peña

NAY: None

ABSTAINED: Commissioner Cascos.

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**(4) ACKNOWLEDGMENT OF THE DISTRICT
CLERK'S OCTOBER MONTHLY FEE AND FINES
REPORT**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the District Clerk's October Monthly Fee and Fines Report was acknowledged.

The Report is as follows:

(5) APPROVAL OF THE INTERLOCAL AGREEMENT FOR THE TROPICAL TEXAS CENTER FOR MENTAL HEALTH AND MENTAL RETARDATION, PURSUANT TO CHAPTER 534, SUBCHAPTER A, TEXAS HEALTH AND SAFETY CODE

Commissioner Matz moved that the Interlocal Agreement for the Tropical Texas Center for Mental Health and Mental Retardation, pursuant to Chapter 534, Subchapter A, Texas Health and Safety Code, be approved.

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

AYE: Commissioners Benavides, Matz and Peña

NAY: None

ABSTAINED: Commissioner Cascos.

(6) APPROVAL OF THE CONTRACT FOR JANITORIAL/CUSTODIAL SERVICES AT THE RIO HONDO COUNTY BUILDING BETWEEN ADELAIDA S. DEL BOSQUE AND CAMERON COUNTY

At this time, Commissioner Cascos noted that the Term of the Agreement should read November 25, 1997, to November 24, 1998, in order for the term to be for one (1) year, and expressed concern as to how the compensation would be monitored.

Mr. Jesse Garcia, Jr., Tax Office, explained that the compensation was a fixed rate which was monitored by the Rio Hondo Branch Tax Office and stated that said individual worked three (3) hours a day, three (3) days a week.

Commissioner Cascos suggested that all Contracts regarding said matters should be standardized and that the Notice of Termination should be given by Return Receipt, in order to comply with County's Contract format.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Contract for Janitorial/Custodial Services at the Rio Hondo County Building between Ms. Adelaida S. Del Bosque and Cameron County was approved.

The Contract is as follows:

(7) APPROVAL OF THE CONSTRUCTION CONTRACT WITH ZIMMERMAN CONSTRUCTION FOR THE CAMERON PARK RECREATION PROJECT

At this time, Judge Hinojosa questioned whether the basketball court had been incorporated into the Contract and Mr. Frank Bejarano, Program Development and Management Director, responded that the Contract was based on the base bid, noting that the basketball court would be submitted with a Change Order to the Contract.

Commissioner Cascos moved that the Construction Contract with Zimmerman Construction for the Cameron Park Recreation Project be approved, subject to the Bonds being reviewed and cleared by the County Auditor as recommended by County Counsel.

The motion was seconded by Commissioner Peña and carried unanimously.

(8) AUTHORIZATION TO NEGOTIATE THE PROFESSIONAL SERVICES (ENGINEERING) CONTRACT FOR THE VALLE ESCONDIDO/VALLE HERMOSO DRAINAGE IMPROVEMENT PROJECT (TCDP CONTRACT NO. 717109)

At this time, Mr. Frank Bejarano, Program Development and Management Director, stated that the Review Committee had evaluated the proposals received and selected the top three (3) entities, and after the interviews were conducted, the Committee was recommending the Firm of Holdar-Gomez Engineering.

Judge Hinojosa noted that the Firm of Holdar-Gomez was agreeing to perform limited Engineering Services, as opposed to the entire Project as estimated by the County.

Mr. Bejarano stated that the scope of work would be outlined and that the fee would be negotiated, noting that if an Agreement was not reached, the second highest consultant would be considered. He noted that there was some confusion regarding the work funded by the Grant and clarified that the Grant would fund the culvert under the highway and the levee and the new drainage outfall to the river. He stated that the Drainage District expressed concern as to the existing ditch, which presently flowed westward to the main ditch and added that if there were Grant Funds remaining, the ditch could be upgraded. Mr. Bejarano noted that the proposed consultant would be required to implement a design that incorporated all the elements of the Project, including improvements to the existing ditch and additional Right-of-Way needed for the ditch.

Commissioner Benavides moved that the Professional Services (Engineering) Contract for the Valle Escondido/Valle Hermoso Drainage Improvement Project, that being the Texas Community Development Program (TCDP) Contract No. 717109, be negotiated with Holdar-Gomez Engineering.

The motion was seconded by Commissioner Peña.

At this time, Commissioner Cascos expressed concern as to the contingency the County would have if the funds were not available for the West portion of the Project regarding the existing ditch.

Mr. Bejarano stated that the new outfall would still be functional and noted that the upgrading of the existing ditch would retain a greater capacity of water.

Upon motion duly made by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, authorization to negotiate the Professional Services Contract with Holdar-Gomez Engineering for the Valle Escondido/Valle Hermoso Drainage Improvement Project, that being the Texas Community Development Program (TCDP) Contract No. 717109, was approved.

(9) **DISCUSSION OF THE DISASTER RELIEF HOME REPAIR PROGRAM, INCLUDING PROGRAM FUNDING, PROGRAM REQUIREMENTS PROJECT IMPLEMENTATION AND RELATED MATTERS (TDHCA CONTRACT NO. 537057)**

At this time, Mr. Frank Bejarano, Program Development and Management Director, stated that the County had received a Grant Fund, in the amount \$500,000.00, for repairs to homes damaged by the 1996 floods and highlighted the process of the Program. He stated that the rules of the Program restricted the repairs to "homeowner occupied repairs", and noted that the homeowners with Contract for Deeds would need to convert to Warranty Deeds, in order to qualify for the Grant Funds. Mr. Bejarano stated that the State would loan the homeowners up to the amount of \$10,000.00, at a three percent (3%) interest, to refinance the Contract for Deeds for the conversion to a Conventional Mortgage. He emphasized that a willing seller and a buyer would need to be located and that the County would need to comply with the appropriate guidelines regarding the conversion process. Mr. Bejarano noted that there was half a million dollars home Grant for the repairs and added that the funds would be allocated between the Community Development Corporation of Brownsville for work performed in Self-Help Colonias and the Cameron-Willacy Counties Community Action, Incorporated, to be allocated to any colonia in the County's rural area, noting that a portion of the funds would be reserved for the conversion of the Contract for Deeds. He highlighted the costs to be allocated among the participating agencies and explained the process regarding the Permit Fees, requirements and application process.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the discussion of the Disaster Relief Home Repair Program, including Program Funding, Program Requirements Project Implementation and related matters to the Texas Department of Housing and Community Affairs (TDHCA) Contract No. 537057, was acknowledged.

The Reports are as follow:

**(10) AUTHORIZATION TO ADVERTISE FOR
REQUEST FOR QUALIFICATIONS FOR THE
CONSTRUCTION MANAGEMENT OF THE
RENOVATION OF THE OSCAR DANCY
BUILDING**

Commissioner Cascos moved that the Request for Qualifications for the Construction Management of the renovation of the Oscar Dancy Building be advertised.

The motion was seconded by Commissioner Peña and carried unanimously.

The Request for Qualifications is as follows:

(11) APPROVAL OF THE LEASE CONTRACT (RENEWAL) BETWEEN OUR LADY OF LOURDES CHURCH LOCATED AT ROUTE NO. 10, LA PALOMA COMMUNITY, SAN BENITO, CAMERON COUNTY, TEXAS, AND THE CAMERON COUNTY HEALTH DEPARTMENT WOMEN'S, INFANTS AND CHILDREN (WIC) PROGRAM

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the renewal Lease Contract between Our Lady of Lourdes Church located at Route No. 10, La Paloma Community, San Benito, Cameron County, Texas, and the Cameron County Health Department Women's, Infants and Children (WIC) Program was approved.

The Contract is as follows:

(12) APPROVAL FOR THE ELECTIONS ADMINISTRATOR TO CONTRACT WITH THE BROWNSVILLE IRRIGATION AND DRAINAGE DISTRICT AND WITH THE CAMERON COUNTY IRRIGATION DISTRICT NO. 2 FOR ELECTIONS TO BE HELD ON JANUARY 17, 1998

Commissioner Cascos moved that the Elections Administrator be authorized to Contract with the Brownsville Irrigation and Drainage District No. 2 for Elections to be held on January 17, 1998.

The motion was seconded by Commissioner Matz and carried unanimously.

The Contract is as follows:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Judge Hinojosa stated that the Budget Projections for the proposed jail included the assumption that the Detention Center No. 2 would remain opened and added that the new jail would provide an additional three hundred (300) beds, which would allow the Center to close.

Mr. Mark Yates, County Auditor, noted that the Detention Center would be unoccupied which would keep the County in compliance and briefly explained the alternatives of the per diem and up-front costs of the facility.

At this time, Mr. Yates presented the following additional late claims for approval:

Warrant No. 47700, as to CJAD Conference Fund, in the amount of \$45,427.16;

Warrant No. 47701, as to CJAD Conference Fund, in the amount of \$1,710.36;

Warrant No. 47702, as to CJAD Conference Fund, in the amount of \$246,053.02;

Warrant No. 47703, as to Alberto Garcia, in the amount of \$4,000.00;

Warrant No. 47704, as to Joe R. Hernandez, in the amount of \$2,000.00;

Warrant No. 47705, as to Lopez and Smith, in the amount of \$18,241.90;

Warrant No. 47706, as to Unified Narcotics Intelligence Task Force, in the amount of \$50,000.00; and

Warrant No. 47707, as to Women's, Infants and Children Program, in the amount of \$25,000.00.

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:

Warrant No. 47700, in the amount of \$45,427.16;

Warrant No. 47701, in the amount of \$1,710.36;

Warrant No. 47702, in the amount of \$246,053.02;

Warrant No. 47703, in the amount of \$4,000.00;

Warrant No. 47704, in the amount of \$2,000.00;

Warrant No. 47705, in the amount of \$18,241.90;

Warrant No. 47706, in the amount of \$50,000.00; and

Warrant No. 47707, in the amount of \$25,000.00.

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

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

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:

At this time, Commissioner Cascos expressed concern as to the standard mileage rate and added that a Policy regarding said matter should be implemented, in order to educate the employees.

There was some discussion regarding the County employees traveling separately to the same destination and Commissioner Cascos suggested that the employees traveling to the same destinations should travel together, in order obtain the most cost efficient manner to save County funds.

Upon motion by Commissioner Peña, seconded by Commissioner Benavides and carried unanimously, the "Consent" Agenda Items were approved as follow:

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

- a) Constable Precinct No. 4 to attend the "Law Enforcement In Service Training" in Corpus Christi, Texas, on December 9, 1997;
- b) Constable Precinct No. 6 to attend the "Law Enforcement In Service Training" in Corpus Christi, Texas, on December 9, 1997;
- c) Constable Precinct No. 2 and Deputy to attend the "Law Enforcement In Service Training" in Corpus Christi, Texas, on December 9, 1997;
- d) Two (2) County Extension Agents to attend the "Healthy Families 2000 Conference" in South Padre Island, Texas, on November 12-14, 1997;
- e) Two (2) County Extension Secretaries to attend the "Web Training Courses" in Alice, Texas, on November 10, 1997;
- f) Two (2) Assistant District Attorneys to attend the "Walking the Walk Legal Ethics and Legal Malpractice Seminar" in Harlingen, Texas, on November 20, 1997;
- g) District Attorney to attend the "1997 TDCAA Elected Prosecutor Conference" in Kerrville, Texas, on December 3-5, 1997;
- h) Sheriff's Department employee to attend the "Advanced Motor Vehicle Theft Investigation School" to be held in the Texas Department of Public Safety Training Academy in Austin, Texas, on November 9-14, 1997;

- I) Sheriff's Department employee to attend the "Court Security Management Program" in Huntsville, Texas, on November 17-20, 1997;
- j) Sheriff and employee to tour the Collins Detention Center in Collins County, on November 21, 1997;
- k) Five (5) Health Department employees to attend the "Future of the Diabetes Dilemma in the Rio Grande Valley Conference" in Edinburg, Texas, on November 19, 1997;
- l) Four (4) Health Department employees to attend a "Clinical Records In Service Seminar" in Harlingen, Texas, on December 5, 1997;
- m) Health Department employee to attend the "Tuberculosis Project 4th Annual Binational Conference" in Laredo, Texas, on November 19-21, 1997;
- n) Two (2) Health Department employees to attend the "Client Eligibility Inquiry (CEI) Conference" in Edinburg, Texas, on December 2, 1997;
- o) Unified Narcotics Intelligence Task-Force Agent to trade in a leased vehicle from CAPPS Car Rental in San Antonio, Texas, on November 25, 1997;
- p) Cameron Park Center Coordinator to attend a "Promotor Training" given by Texas A & M University Housing and Urban Development Colonia Program in Laredo, Texas, on November 19-21, 1997; and
- q) Justice of the Peace Precinct No. 6 Court Clerk to attend the "Court Training School" in South Padre Island, Texas, on November 10-13, 1997.



(14) PRELIMINARY AND FINAL APPROVAL

a) Precinct No. 3

Ismael R. Gracia Estates Subdivision Section II - being a replat of Ismael R. Gracia Estates Subdivision, Lot No. 2, being 18.77 acres of land out of the South West Part of Block No. 58, Fresnos Land and Irrigation Company Subdivision; and

b) Precinct No. 3

Old Man's Subdivision - a replat of 8.94 acres out of Lot No. 1, Block No. 209, San Benito Land and Water Company Subdivision.

(15) FINAL APPROVAL

a) Precinct No. 3

NPE Subdivision - being a resubdivision of
1.0 acre of land out of the North 25.0 acres
of Block No. 8, Lee Minner Subdivision.

**(16) AUTHORIZATION TO OPEN BIDS FOR DEMOLITION AND
ASBESTOS ABATEMENT - ISLA BLANCA PARK**

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(17) EXECUTIVE SESSION

- c) In the matter of the case styled Natalia Flores vs. Cameron County, et. al., Civil Action No. B-88-145 to discuss and authorize mediation; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 91)(A)(B). **(TABLED)**

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(18) ACTION RELATIVE TO EXECUTIVE SESSION

- c) In the matter of the case styled Natalia Flores vs. Cameron County, et. al., Civil Action No. B-88-145 to discuss and authorize mediation; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 91)(A)(B). **(TABLED)**

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

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(17) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 10:23 A.M. to discuss the following matters:

- a) Deliberation concerning the possible sale of Real Property, known as, the Old Cameron County Precinct No. 3 Warehouse, located in Los Fresnos, Texas, Cameron County, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) Deliberation concerning the possible Lease or purchase of adjacent building to the Cameron County Health Department in San Benito, Cameron County, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- d) Deliberation with County Counsel regarding the Texas Worker's Compensation Commission on a matter in which the duty of the Attorney to the Governmental Body conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2); and
- e) Deliberation regarding the Real Property to negotiate the Concessionaire Agreement of the Sea Ranch Marina, referenced to Request for Proposal No. 97-07-03; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 11:43 A.M.



(18) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Deliberation concerning the possible sale of Real Property, known as, the Old Cameron County Precinct No. 3 Warehouse, located in Los Fresnos, Texas, Cameron County, Texas.

Upon motion by Commissioner Peña, seconded by Commissioner Cascos and carried unanimously, the Property Management Coordinator was authorized to proceed with the sale of the Real Property, known as the Old Cameron County Precinct No. 3 Warehouse, located in Los Fresnos, Texas, Cameron County, Texas, pursuant to Statutes.

- b) Deliberation concerning the possible Lease or purchase of Real Property adjacent building to the Cameron County Health Department in San Benito, Cameron County, Texas.

Commissioner Matz moved that the Property Management Coordinator be directed to contact the Property Owner with substantial time to make an offer of the possible Lease or purchase of the adjacent building to the Cameron County Health Department in San Benito, Cameron County, Texas, noting that an Agreement regarding the sale had not been reached.

The motion was seconded by Commissioner Peña and carried unanimously.

- e) Deliberation regarding the Real Property to negotiate the Concessionaire Agreement of the Sea Ranch Marina, referenced to Request for Proposal No. 97-07-03.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, County Counsel was directed to draft the final Concessionaire Agreement of the Sea Ranch Marina for a signature provided by the County Judge on behalf of the County, pursuant to the Request for Proposal No. 97-07-03.

The Agreement is as follows:

- d) Deliberation with County Counsel regarding the Texas Worker's Compensation Commission on a matter in which the duty of the Attorney to the Governmental Body conflicts with the Open Meetings Act.

At this time, Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the matter regarding the appropriateness of said Item had been raised and that the decision, upon inquiry, was made to discuss the matter in Open Meeting, noting that there was no discussion held in Executive Session.

At this time, Mr. Rod Gibbs, Texas Association of Counties Safety Specialist, stated that the Sheriff's Department and the Road and Bridge Department had been identified under the State's Extra-Hazardous Employer Program and noted that the Program with the measured loss work time. He stated that the Texas Association of Counties would determine the status and assist the County with the action plan and noted that the State would perform a detailed inspection December 17 or 18, 1997.

Ms. Margarita Salazar, Personnel/Safety Risk Acting Administrator, stated that a Training Program had been implemented in the Sheriff's Department and had complied with the noted requirements.

Mr. Gibbs noted that the Constables were included along with the Sheriff's Department and reported that the status of the Constables position regarding said matter was unknown. He expressed concern as to certain safety issues which had not been addressed due to the lack of funds noted by the Sheriff's Department.

Mr. Mark Yates, County Auditor, suggested that safety issues, including physicals, could be provided by the physicians who have current Contracts with the County.

Mr. Wright noted that there was a two (2) week deadline to be met by the County, in order to be in compliance and recommended that one (1) individual should be designated to represent the Court to determine the issues and eliminate any miscommunication throughout the different Departments.

Commissioner Matz stated that the individual designated to administer the Program would have to rely heavily on County Counsel regarding the requirements and expectations of the Program. He added that the matter should be emphasized to the Departments as a critical issue and stated that the Budget Officer would be instructed not to issue checks to the Departments and eliminate the Budgets if the requirements and deadlines were not met.

Judge Hinojosa stated that the Court had not been informed of the safety issues which were not being addressed and suggested that the individuals in charge of the matter should evaluate and follow through the matter, in order to comply with the deadlines and requirements. He stated that the Texas Association of Counties should determine the safety issues not being addressed with the Road and Bridge and the Sheriff's Department and should submit the issues to the Court, in order to resolve the matter.

At this time, Ms. Lori Honeycutt, Texas Association of Counties Field Representative, briefly highlighted the number of claims and premiums regarding Worker's Compensation since 1995, based on annual periods.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Status Report of the Texas Worker's Compensation Commission was acknowledged.

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**.

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APPROVED this **6th** day of **January, 1997**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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