

THE STATE OF TEXAS           §

COUNTY OF CAMERON         §

**BE IT REMEMBERED** on the 16th day of DECEMBER, 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:**  
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The meeting was called to order by Judge Pro-tem Carlos H. Cascos, C.P.A. He then asked Pastor Gayle Gardner, Good Shepherd Church, for the invocation and the Court to lead 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 December 12, 1997, at 2:07 P.M.:

**(17) AUTHORIZATION TO ACCEPT MONTE BONITO AVENUE, ALA BLANCA DRIVE AND MONTE BELLO CIRCLE, ALL ROADS LOCATED IN MONTEVERDE SOUTH SUBDIVISION SECTION NO. 1, PRECINCT NO. 1, INTO THE COUNTY ROAD SYSTEM**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, Monte Bonito Avenue, Ala Blanca Drive and Monte Bello Circle, all roads located in Monteverde South Subdivision, Section No. 1, Precinct No. 1, were accepted into the County Road System.

**CONSENT AGENDA ITEM**

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

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

**(19) PRELIMINARY AND FINAL APPROVAL**

**a) Precinct No. 4**

Resaca View Subdivision - being a resubdivision of Lot No. 17, Island Estates Cameron County, Texas; and

**b) Precinct No. 4**

Garza-Guzman Subdivision - being a 2.40 acres comprised of a 1.15 acre tract and a 1.25 acre tract, both out of a 35.22 acres tract, being one of two (2) tracts of land conveyed by V.W. Taylor to A.P. Hicks.

**(20) PRELIMINARY APPROVAL**

**a) Precinct No. 3**

Siesta Acres Section II - being 20.24 acres of land out of Blocks Nos. 23, 24, 27 and 28, Bayview Citrus Groves Subdivision, Section 15, Unit No. 4.

**(1) APPROVAL OF COUNTY CLAIMS**

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

Warrant No. 48703, as to Adult Probation Project, in the amount of \$14,000.00;

Warrant No. 48704, as to Los Tomates Construction Fund, in the amount of \$103,000.00;

Warrant No. 48705, as to Port Isabel Health Clinic, in the amount of \$5,000.00; and

Warrant No. 48707, as to Unified Narcotics Intelligence Task Force, in the amount of \$20,000.00.

At this time, there was some discussion regarding the additional fees for the redesign of the Los Tomates Bridge Facilities by Kell, Muñoz, Wigodsky Architects, noting that the County should not pay for the redesign of the facilities.

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. 48703, in the amount of \$14,000.00;

Warrant No. 48704, in the amount of \$103,000.00;

Warrant No. 48705, in the amount of \$5,000.00; and

Warrant No. 48707, in the amount of \$20,000.00.

**The Budget Officer's Comments Report is as follows:**

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

Commissioner Cascos moved that the Fiscal Year 1997 Budget Amendment No. 98-04 and the following Salary Schedules be approved:

County Auditor - Fund No. 10-495; and

Levi Strauss - ATI - Fund No. 26-628.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Budget Amendments and Salary Schedules are as follow:**

**(3) IN THE MATTER OF THE MINUTES OF  
NOVEMBER 18, 1997, REGULAR MEETING  
(TABLED)**

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

At this time, Judge Hinojosa welcomed and introduced Mr. Manuel Villarreal, Personnel/Safety Risk Director.

**(5) IN THE MATTER OF A RESOLUTION  
AUTHORIZING THE DISTRICT ATTORNEY'S  
OFFICE TO SUBMIT A CONTINUATION  
APPLICATION TO THE GOVERNOR'S OFFICE  
CRIMINAL JUSTICE DIVISION FOR THE  
ADJUDICATION OF DRUG OFFENDERS  
PROJECT, ALSO KNOWN AS, THE DRUG  
IMPACT COURT (TABLED)**

At this time, Judge Menton Murray, Jr., 103rd District Court, requested that the Court fund the amount of \$48,000.00, from the General Fund, in order to maintain the Drug Impact Court and staff. He stated that the Court would be managed appropriately to collect the monies generated from the court cases and noted that the Court would be funding two thirds (2/3) of the local expenditures from the next Fiscal Year's Budget.

Mr. Mark Yates, County Auditor, suggested that the County Court at Law's Collection Program should be utilized in the Drug Impact Court, in order to increase the revenues, noting that improvement of the collection of fines would increase revenues.

Judge Hinojosa stated that the funding commitment should be the responsibility of the District Attorney's Office and added that the District Attorney's Office had received the largest net increase, noting that the Commissioners' Court had been cooperative with the District Attorney's Office, in order to provide the resources for the operations of the Office. He stated that the County could not afford the additional funding due to the proposed new Court and Boot Camp and added that the new Court would be opened effective June 1, 1999, noting that many of the Drug cases would be implemented into the three (3) County Courts.

Commissioner Cascos expressed concern as to the County Auditor advocating funds from certain Departments to fund other Departments and added that said funds were placed into the General Fund to assist the non-revenue generating Departments, noting that said funds were previously committed for said Departments.

Mr. Yates stated that the Court activity functions were difficult to monitor, but added that the strong possibility of the improvement of the collection of fines would cover the costs of the Program. He noted that the



**(6) APPROVAL OF THE REQUEST FOR PROPOSAL  
NO. 97-11-08 FOR INMATE TELEPHONE  
SERVICES**

Commissioner Cascos moved that the Request for Proposal No. 97-11-08 for Inmate Telephone Services be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

At this time, Mr. Mark Yates, County Auditor, noted that there was not a vendor in the United States that met the sixty percent (60%) revenue requirement.

Judge Hinojosa stated that the matter should be given back to the Cameron County Sheriff for negotiations, if the Request for Proposals submitted did not include the sixty percent (60%) requirement.

Commissioner Cascos recommended that the Request for Proposals should be readvertised if the vendors could not submit the bids with the sixty percent (60%) requirement, noting that the revenues were placed in the General Fund.

Commissioner Matz expressed his support regarding the re-advertisement of the Request for Proposals should the bids not include the required percentage.



**(7) DISCUSSION REGARDING THE DISASTER  
RELIEF ASSISTANCE GRANTS FROM THE  
TEXAS DEPARTMENT OF HOUSING AND  
COMMUNITY AFFAIRS FOR THE OCTOBER  
1996 FLOODS**

Commissioner Benavides moved that the discussion regarding the Disaster Relief Assistance Grants from the Texas Department of Housing and Community Affairs for the October 1996 Floods be acknowledged.

The motion was seconded by Commissioner Cascos.

At this time, Mr. Francisco Sinfuentes, Brownsville resident, expressed concern as to the eligible residents receiving the Disaster Relief Assistant Grants form the Texas Department of Housing and Community Affairs for the October 1996 Floods for home repairs and as to the procedure that would be taken regarding the qualifications.

Mr. Frank Bejarano, Program Development and Management Director, briefly explained the process and the requirements necessary to be eligible for the Program.

Judge Hinojosa clarified that the residents were familiar with the Program criteria and stated that the residents were concerned regarding the bulk of the funds being spent on the Valle Escondido, the Valle Hermoso and the Villa Pancho Colonias. He noted that the Community Development Corporation of Brownsville gave the County assurances

that the bulk of the expenditures would be allocated appropriately to the three Colonias and added that the focus would be on said Colonias, including Green Valley Acres, which were also damaged due to the floods.

Mr. Bejarano stated that the guidelines for the eligible homes would be based on Section Eight or Colonia Housing Standards determined by the Building Official, as required by the State.

Commissioner Benavides reiterated that the funds would be allocated appropriately among the Valle Escondido, Villa Pancho, Valle Hermoso and the Green Valley Acres Colonias and added that the homes would need to be owned by the resident, as opposed to the homes being rented.

Mr. Sinfuentes expressed concern as to the majority of the homes not qualifying for the Program and added that most of the homes did not meet the Section Eight Housing Standards.

Judge Hinojosa stated that the State's applicable guidelines would be implemented and added that the Community Development Corporation of Brownsville would combine other Programs to deal with the homes that did not qualify.

Mr. Bejarano stated that the County had originally applied for Disaster Relief Assistance which was a more flexible Program and added that since the County did not receive a Presidential Declaration, the County received the Home Program which noted that it would not change or waive any requirements.

Mr. Javier Mendez, County Engineering Department, reported that the houses being constructed which were evaluated were not completed, but were built on stable grounds. He noted that the Community Development Corporation of Brownsville had been informed of the items to be corrected, noting that the minimum Building Codes were being enforced.

Commissioner Cascos noted that the houses and colonias would need to be reevaluated, in order to determine whether the Building Codes were met and expressed concern as to the funding source for the additional work to be performed by the County.

Mr. Doug Wright, Commissioners' Court Legal Counsel, reported that the construction of the homes in the area appeared to be consistent and noted that the Inspection Department would need to be responsible to determine whether the requirements were being met. He noted that there was concern regarding the matter of wind destruction due to the houses being built above the ground and noted that the matter should be addressed with a County Ordinance.

Commissioner Cascos stated that addressing said matter would require County funds which were not available and noted that a large number of houses were built on beams above the ground.



Judge Hinojosa reiterated that County funds were not available to address the matter, noting that the State would need to provide the funds and added that if the State could not provide the assistance, the homeowners would need to be responsible to resolve the matter.

Mr. Sinfuentes expressed concern as to the manner in which the homes were constructed and added that the houses would need repairs the following year.

Upon motion duly made by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, the discussion regarding the disaster Relief Assistance Grants from the Texas Department of Housing and Community Affairs for the October 1996 Floods was acknowledged.

**[REDACTED]**

**(8) APPROVAL OF THE CONTRACT BETWEEN THE OFFICE OF COURT ADMINISTRATION AND CAMERON COUNTY AND IN AID OF THE CRIMINAL JUSTICE DIVISION GRANT NO. SF-98-ALL-10969 TITLE ADMINISTRATIVE PRESIDING JUDGES ASSISTANCE PROJECT**

**NOTE: JUDGE HINOJOSA LEFT THE COURT ROOM.**

Commissioner Peña moved that the Contract between the Office of Court Administration and Cameron County and in aid of the Criminal Justice Division Grant No. SF-98-ALL-10969 Title Administrative Presiding Judges Assistance Project be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Contract is as follows:**

**(9) APPROVAL OF THE COMMUNITY DEVELOPMENT FUND CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE VALLE ESCONDIDO/VALLE HERMOSO DRAINAGE IMPROVEMENT PROJECT (TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 717109)**

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the Community Development Fund Contract with the Texas Department of Housing and Community Affairs was approved for the Valle Escondido/Valle Hermoso Drainage Improvement Project, that being the Texas Community Development Program Contract No. 717109.

**The Contract is as follows:**

**(10) APPROVAL OF THE ENGINEERING SERVICES CONTRACT WITH HOLDAR-GOMEZ AND ASSOCIATES FOR THE DESIGN AND DEVELOPMENT OF THE VALLE ESCONDIDO/VALLE HERMOSO DRAINAGE IMPROVEMENT PROJECT (TEXAS DEVELOPMENT COMMUNITY PROGRAM CONTRACT NO. 717109)**

Commissioner Benavides moved that the Engineering Services Contract with Holdar-Gomez and Associates be approved for the Design and Development of the Valle Escondido/Valle Hermoso Drainage Improvement Project, that being the Texas Development Community Program Contract No. 717109.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Contract is as follows:**

**(11) APPROVAL OF THE COLONIA CONSTRUCTION FUND CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR PORTABLE WATER FACILITIES IN THE TIERRA BONITA AND GRANDE ACRES COLONIAS AND SANITARY SEWER FACILITIES IN LA PALOMA CUT-OFF COLONIA (TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 717045)**

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Colonia Construction Fund Contract with the Texas Department of Housing and Community Affairs was approved for Portable Water Facilities in the Tierra Bonita and Grande Acres Colonias and Sanitary Sewer Facilities in La Paloma Cut-off Colonia, that being the Texas Community Development Program Contract No. 717045.

**The Contract is as follows:**

(12) **APPROVAL OF THE COLONIA PLANNING FUND CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR A HOUSING, PAVING AND DRAINAGE STUDY IN ARROYO COLORADO ESTATES AND DEL MAR HEIGHTS AND A SANITARY SEWER CONNECTION PLAN IN ARROYO COLORADO; AND AUTHORIZATION FOR THE PROGRAM DEVELOPMENT AND MANAGEMENT DEPARTMENT TO REQUEST AN AMENDMENT TO SECTION D.1 OF THE CONTRACT'S PERFORMANCE STATEMENT (TCDP CONTRACT NO. 717175)**

Commissioner Matz moved that the Colonia Planning Fund Contract be approved with the Texas Department of Housing and Community Affairs for a Housing, Paving and Drainage Study in Arroyo Colorado Estates and Del Mar Heights and a Sanitary Sewer Connection Plan in Arroyo Colorado and that the Program Development and Management Department be authorized to request an Amendment to Section D.1 of the Contract's Performance Statement, that being the Texas Community Development Program Contract No. 717175.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Contract is as follows:**

**(13) APPROVAL OF THE COLONIA PLANNING FUND CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TO UNDERTAKE A COMPREHENSIVE STUDY OF ALL COLONIAS IN CAMERON COUNTY AND DEVELOP A CAPITAL IMPROVEMENTS PROGRAM (TCDP CONTRACT NO. 717185)**

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Colonia Planning Fund Contract with the Texas Department of Housing and Community Affairs was approved to undertake a Comprehensive Study of all Colonias in Cameron County and develop a Capital Improvements Program, that being the Texas Community Development Program Contract No. 717185.

**The Contract is as follows:**

- (14) **APPROVAL OF THE GRANT CONTRACT BETWEEN CAMERON COUNTY AND THE VALLEY PROUD ENVIRONMENTAL COUNCIL FOR A “KEEP RECYCLING WORKING: BUY RECYCLING” PROJECT**
- (15) **APPROVAL OF THE GRANT CONTRACT BETWEEN CAMERON COUNTY AND THE VALLEY PROUD ENVIRONMENTAL COUNCIL FOR A CHRISTMAS COMPOST PROJECT**

Commissioner Peña moved that the Grant Contract between Cameron County and the Valley Proud Environmental Council be approved for a “Keep Recycling Working: Buy Recycling” Project and the Christmas Compost Project.

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

**AYE:** Commissioners Benavides, Cascos and Peña

**NAY:** None

**ABSTAINED:** Commissioner Matz.

**The Contract is as follows:**

**(16) APPROVAL OF THE NATIONAL HERITAGE  
INSURANCE COMPANY (NHIC) AGREEMENT  
FOR AUTOMATIC CLAIMS SUBMISSION**

Commissioner Benavides moved that the National Heritage Insurance Company (NHIC) Agreement for Automatic Claims Submission be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

**The Agreement is as follows:**



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

Commissioner Matz moved that the following travel and/or travel expenses be approved, subject to funds in their Budget:

- a) Health Department employee to attend the "Third Chronic Disease Training Conference" in Austin, Texas, on January 26-28, 1998;
- b) Two (2) Jail Health Facility employees to attend the "Tuberculosis Control in Correctional Facilities Conference" in San Antonio, Texas, on January 14-15, 1998;
- c) Eight (8) Juvenile Probation Staff members to attend the "Caseworker Training in the Hidalgo County Juvenile Probation Department" in Edinburg, Texas, on December 2-3, 1997;
- d) Chief Juvenile Probation Officer and the Juvenile Justice Alternative Education Program Administrator to attend a "Workshop Balancing Education and Juvenile Justice" in San Antonio, Texas, on January 17-20, 1998;
- e) Juvenile Probation Officer to attend the "South Texas Chiefs' Association Meeting" in Raymondville, Texas, on October 8, 1997;
- f) County Auditor and Assistant to attend the "Texas Practitioner Workshop - Interactive Video Grant Application Workshop Ethics for Texas Certified Public Accountants" in Weslaco, Texas, on December 1, 1997; and
- g) County Auditor to attend the "Interactive Video Grant Application Workshop, conducted by the Criminal Justice Division, Office of the Governor" in Corpus Christi, Texas, on December 8, 1997.

The motion was seconded by Commissioner Peña and carried unanimously.

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

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Bids for the Demolition and Asbestos Abatement - Isla Blanca Park were opened.

**The Bids received and opened are as follow:**

**(22) EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 10:52 A.M. to discuss the following matters:

**NOTE: JUDGE HINOJOSA RETURNED TO THE COURT ROOM.**

- a) In the matter of the case styled County of Cameron vs. Texas E.P. Enterprises, Incorporated, doing business as, Sunrise Properties, et. al., Case No. 96-12-07299-E, in the 357th District Court; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A); **(TABLED)** and
- b) Confer with County Counsel regarding the case styled Heard, Goggan, Blair and Williams vs. Tony Yzaguirre, Jr., et. al., Case No. 97-08-5499-C, in the 197th District Court, to discuss the status and authorization to take the appropriate action; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A).



**(23) ACTION RELATIVE TO EXECUTIVE SESSION**

- a) In the matter of the case styled County of Cameron vs. Texas E.P. Enterprises, Incorporated, doing business as, Sunrise Properties, et. al., Case No. 96-12-07299-E, in the 357th District Court. **(TABLED)**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, this Item was **(TABLED)** for one (1) week.



**(22) EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 11:02 P.M.



**(22) EXECUTIVE SESSION**

Upon motion by commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 11:04 A.M. to discuss the following matter:

- a) Confer with County Counsel concerning the case styled County of Cameron vs. Texas E.P. Enterprises, Incorporated, doing business as, Sunrise Properties, et. al., Case No. 96-12-07299-E, in the 357th District Court; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A); and

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 11:20 A.M.



**(23) ACTION RELATIVE TO EXECUTIVE SESSION**

- a) Confer with County Counsel concerning the case styled County of Cameron vs. Texas E.P. Enterprises, Incorporated, doing business as, Sunrise Properties, et. al., Case No. 96-12-07299-E, in the 357th District Court; 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 Status Report by County Counsel was acknowledged regarding the case styled County of Cameron vs. Texas E.P. Enterprises, Incorporated, doing business as, Sunrise Properties, et. al., Case No. 96-12-07299-E, in the 357th District Court.

- b) Confer with County Counsel regarding the case styled Heard, Goggan, Blair and Williams vs. Tony Yzaguirre, Jr. et. al., Case No. 97-08-5499-C, in the 197th District Court, to discuss the status and authorization to take the appropriate action.

Commissioner Matz moved that the Status Report by County Counsel be acknowledged regarding the case styled Heard, Goggan, Blair and Williams vs. Tony Yzaguirre, Jr. et. al., Case No. 97-08-5499-C, in the 197th District Court, concerning the status and authorization to take the appropriate action.

The motion was seconded by Commissioner Peña and carried unanimously.

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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 **12th** day of **January, 1998**.

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**COUNTY JUDGE**

**ATTEST:**

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**COUNTY CLERK AND EX-OFFICIO CLERK  
OF THE COMMISSIONERS' COURT OF  
CAMERON COUNTY, TEXAS.**