

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 23rd 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.

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PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A.
COMMISSIONER, PRECINCT NO. 2

COMMISSIONER, PRECINCT NO. 3

HECTOR PEÑA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:
JAMES R. MATZ

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The meeting was called to order by Judge Gilberto Hinojosa. He then asked Pastor Gayle Gardner, Good Shepherd Church, 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 December 19, 1997, at 12:34 P.M.:

(5) IN THE MATTER OF THE PRESENTATION OF A RESOLUTION RECOGNIZING MS. EVA RAMIREZ (NO ACTION TAKEN)

At this time, Judge Hinojosa presented the Resolution recognizing Ms. Eva Ramirez, on the occasion of her official declaration as a National Sport Karate Champion.

Ms. Eva Ramirez, Brownsville resident, expressed her gratitude to the Court and briefly highlighted her accomplishments and goals.



(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, noted that a Contract was necessary, in order to provide the Courthouse with a Maintenance Agreement for the Security, Fire Alarm and Environmental Control System and added that the Honeywell Corporation had quoted a monthly amount of \$4,200.00.

Mr. Yates presented the following late claims for approval:

Warrant No. 48988, as to Cameron County Library System, in the amount of \$39,666.96;

Warrant No. 48989, as to Lidia S. Cruz, in the amount of \$400.00;

Warrant No. 48990, as to Group and Pension Administrators, in the amount of \$101,328.23;

Warrant No. 48991, as to Peacock Construction Company Incorporated, in the amount of \$147,699.00;

Warrant No. 48992, as to Hilda Treviño, in the amount of \$375.00; and

Warrant No. 48993, as to Women's, Infants and Children (WIC), in the amount of \$30,000.00.

Upon motion by Commissioner Cascos, 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. 48988, in the amount of \$39,666.96;

Warrant No. 48989, in the amount of \$400.00;

Warrant No. 48990, in the amount of \$101,328.23;

Warrant No. 48991, in the amount of \$147,699.00;

Warrant No. 48992, in the amount of \$375.00; and

Warrant No. 48993, in the amount of \$30,000.00.



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

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

**(3) APPROVAL OF THE MINUTES OF NOVEMBER
18, 1997**

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Minutes of the Regular Meeting held November 18, 1997, at 9:30 A.M., were approved.

**(4) IN THE MATTER OF THE CAMERON COUNTY
SHERIFF'S DEPARTMENT POLICY AND
PROCEDURE MANUAL (TABLED)**

At this time, Sergeant Ronnie Saenz, Sheriff's Department, presented the new uniforms purchased for the Office Staff through the Drug Forfeiture Funds to provide a new image for the Sheriff's Office and noted that the Sheriff's Office had positive results regarding the policies and procedures concerning the Worker's Compensation requirements.

There was some discussion regarding the submission of the Sheriff's Department Policy and Procedures Manual and Judge Hinojosa suggested that the Sheriff's Office should be consistent with the Personnel Safety/Risk Director's Employee Grievance Manual and Classification System.

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

(6) APPROVAL TO REFUND TAXES

Commissioner Cascos moved that the following taxes be refunded:

- a) Brownsville Hotel Limited Partner - in the amount of \$3,350.98 - Court Agreed Judgement;
- b) Harlingen Hotel Limited Partnership - in the amount of \$12,220.19 - Court Agreed Judgement;
- c) Palm Boulevard Medical Clinic - in the amount of \$1,335.28 - Business Sold; and
- d) Julio Gonzalez - in the amount of \$1,037.36 - ARB Determination.

The motion was seconded by Commissioner Peña and carried unanimously.

(7) APPROVAL OF THE AMENDMENTS AND/OR ADDITIONS TO THE INVESTMENT POLICY

At this time, Mr. Eddie Gonzalez, County Treasurer, stated that the Investment Advisory Committee recommended that the County enter into an Investment Pool with a limit of a thirty-five percent (35%) of total investments.

Commissioner Cascos moved that the Amendments and/or additions to the Investment Policy be approved.

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

AYE: Commissioners Benavides, Cascos and Peña

NAY: None

ABSTAINED: Judge Hinojosa.

The Policy is as follows:

(8) APPROVAL TO OPEN THE CAMERON COUNTY DISTRICT ATTORNEY RESTITUTION TRUST ACCOUNT (CERTIFICATE OF DEPOSIT) WITH THE INTERNATIONAL BANK OF COMMERCE

At this time, Mr. Eddie Gonzalez, County Treasurer, explained that the funds were being transferred from Texas Commerce Bank to the International Bank of Commerce, subject to reconciliation of the account.

Commissioner Peña moved that the Cameron County District Attorney Restitution Trust Account (Certificate of Deposit) 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: Judge Hinojosa.

The Contract is as follows:

(9) AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH MR. JOE ZAYAS TO OPEN AMICK ROAD, BEING AN EXTENSION OF AMICK ROAD FROM FM/800 (BASS BOULEVARD) TO TAMM LANE

At this time, Mr. Juan Bernal, County Engineer, stated that Mr. Joe Zayas had requested that Amick Road be opened and noted that Mr. Zayas had agreed to provide the necessary Right-of-Way and construction costs.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that said road would need to be brought up to County Standards and accepted into the County Road System. He clarified that the Court would need to make a finding and authorize the opening of the road and that the size of the roadway would need to be increased to meet the required sixty feet (60') of Right-of-Way. Mr. Wright stated that the intent of the Agreement with Mr. Zayas should be acknowledged concerning the road being brought to County Standards and that the Court should then proceed with accepting the road into the County Road System.

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Agreement with Mr. Joe Zayas was acknowledged, in order to open Amick Road, being an extension of Amick Road from FM/800 (Bass Boulevard) to Tamm Lane.



(10) AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH PUBLIC UTILITIES BOARD TO PROVIDE LAND ACQUISITION SERVICES FOR THE VALLE HERMOSO/VALLE ESCONDIDO WATER TREATMENT PROJECT

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Interlocal Agreement with Public Utilities Board was approved to provide Land Acquisition Services for the Valle Hermoso/Valle Escondido Water Treatment Project.



(11) AUTHORIZATION FOR THE ENGINEERING DEPARTMENT TO NEGOTIATE THE AGREEMENT WITH RUST LICHLITER/JAMESON FOR ADDITIONAL ENGINEERING SERVICES FOR CAMERON PARK FIRM REVISION

Commissioner Cascos moved that the Engineering Department negotiate the Agreement with Rust Lichliter/Jameson for additional Engineering Services for the Cameron Park Firm Revision.

The motion was seconded by Commissioner Benavides and carried unanimously.



**(12) AUTHORIZATION OF CHANGE ORDER NO. 1
FOR THE PAVING CONTRACT BETWEEN
PEACOCK CONSTRUCTION AND CAMERON
COUNTY**

At this time, Mr. Kenneth Conway, Parks System Director, stated that the Change Order would allow the construction of twenty (20) Recreational Vehicle (RV) spaces replacing old spaces, noting that the costs remained within twenty-five percent (25%) of the Budget.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, Change Order No. 1 was approved for the Paving Contract between Peacock Construction and Cameron County.

The Order is as follows:

(13) APPROVAL OF THE TEXAS DEPARTMENT OF HEALTH DOCUMENT NO. 7460004207 98, CHANGE NO. 07 - ATTACHMENT NO. 06: TB - PREVENTION AND CONTROL FOR THE PERIOD OF SEPTEMBER 1, 1997, THROUGH AUGUST 31, 1998

Commissioner Peña moved that the Texas Department of Health Document No. TB - Prevention and Control for the period of September 1, 1997, through August 31, 1998, be approved

The motion was seconded by Commissioner Benavides and carried unanimously.

The Contract is as follows:

**(14) AUTHORIZATION TO AWARD THE ANNUAL
REQUEST FOR PROPOSAL NO. 97-10-04-1740
FOR CELLULAR TELEPHONES AND SERVICES**

At this time, Mr. Michael Forbes, Purchasing Agent, stated that the Request for Proposals were recommended based on the time needed by non Law Enforcement employees and the Law Enforcement employees and briefly highlighted the tabulated recommendations.

Commissioner Cascos expressed concern as to whether a process would be implemented, in order for each Department to justify the need of the phones and the County Auditor responded that the number of minutes needed should be determined for each Department.

Mr. Mark Yates, County Auditor, stated that basic guidelines would be set for each Department to limit the number of minutes necessary for operating purposes and added that if additional minutes were requested by a Department, a detail listing would be compiled by the Auditor's Office regarding the usage and be submitted to the Court.

Commissioner Cascos stated that the Law Enforcement Departments should not have limited usage of the phones and added that there was a significant disparity of usage and number of phones among the other Departments. He stated that a fixed fee should be implemented and that the employee be responsible for any personal use of the phone over the fee.

Judge Hinojosa stated that the time and usage should be justified by the non Law Enforcement employees and noted that if the matter could not be justified, the phones should not be issued to said individuals.

At this time, Mr. Pete Harris, Century Cellunet, suggested that the Bids be resubmitted, in order to restructure the scale utilized in paying the limited usage and that a matrix be implemented to limit the phones.

Commissioner Cascos moved that the Annual Request for Proposal No. 97-10-04-1740 for Cellular Telephones and Services be awarded and negotiated with Sprint PCS and Southwestern Bell and that a Policy be developed to monitor the cellular telephone usage.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Reports are as follow:

(15) APPROVAL OF THE MEMORANDUM OF UNDERSTANDING AGREEMENT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT WOMEN'S, INFANTS AND CHILDREN (WIC) PROGRAM AND THE TEXAS MIGRANT COUNCIL, INCORPORATED, HEAD START DAY CARE CENTERS

Commissioner Cascos moved that the Memorandum of Understanding Agreement be approved between the Cameron County Health Department Women's, Infants and Children (WIC) Program and the Texas Migrant Council, Incorporated, Head Start Day Care Centers.

The motion was seconded by Commissioner Peña and carried unanimously.

The Agreement is as follows:

**(16) AUTHORIZATION FOR THE COUNTY JUDGE
TO SIGN THE GRANT CONTRACT WITH THE
UNITED STATES DEPARTMENT OF JUSTICE
FOR THE SHERIFF'S DEPARTMENT LOCAL
LAW ENFORCEMENT BLOCK GRANTS
PROGRAM**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the County Judge was authorized to sign the Grant Contract with the United States Department of Justice for the Sheriff's Department Local Law Enforcement Block Grants Program.

The Contract is as follows:

(17) AUTHORIZATION TO ADVERTISE FOR THE POSITION OF THE INTERNATIONAL BRIDGE SYSTEM DIRECTOR

At this time, Judge Hinojosa recommended that the maximum Salary Range be set at the amount of \$65,000.00, based on the qualifications and added that the appointment of Ms. Lydia Rodriguez as Interim Bridge Systems Director be placed on the following Agenda.

Mr. Joe Galvan, Bridge Systems Director, expressed his gratitude to the Court for the support in accomplishing the Bridge Systems' goals and noted the great relationship and assistance of the Commissioners' Court Legal Counsel, the Engineering Department and the Auditor's Office.

Judge Hinojosa commended Mr. Galvan for setting the standards of professionalism in the County by maintaining an ideal Department and added that the Department provided a fundamental infrastructure for South Texas, noting that Mr. Galvan provided numerous amount of time and services towards the creation of the Los Tomates Bridge Project.

Commissioner Peña moved that Position of the International Bridge System Director be advertised, said Salary Range, in the amounts of \$50,000.00 to \$65,000.00.

The motion was seconded by Commissioner Benavides and carried unanimously.

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

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

- a) Health Administrator to attend a "Local Health Department Director's Meeting" in Falfurrias, Texas, on February 15, 1998;
- b) Health Department employee to attend the "Texas Department of Health Food Code Training Course" in Austin, Texas, on January 26-29, 1998; and
- c) Tactical Intelligence Agent to trade in his County leased vehicle from CAPPS Car Rental in San Antonio, Texas, on December 4, 1997.

(19) FINAL APPROVAL

a) Precinct No. 4

La Hara Estates - being a resubdivision of 7.58 acres of land out of Lot No. 126, Adams Gardens Subdivision "C"; and

b) Precinct No. 3

Mi Tierra Subdivision - being a resubdivision of the West 33.24 acres of land out of Block No. 8, Cole Tract Subdivision, Share 19.



(20) AUTHORIZATION TO AWARD ANNUAL BIDS

a) No. 2340 Light Bulbs

WATSON ELECTRIC - Harlingen, Texas

Item	Description	Cost
a)	F40 T12 Cool White 40 Watt	\$1.03
b)	F96 T12 Cool White 75 Watt	\$1.91
c)	H096 T12CW 75 Watt	\$2.96
d)	Incandescent Bulbs - F/W 150 Watt/130 V	\$0.61
e)	Incandescent Bulbs - F/W 75 Watt/130 V	\$0.39
f)	Ballast 40T12 120V	\$8.53
g)	Ballast 40T 12 277V	\$8.83
h)	Ballast 90T12 120V	\$15.30

b) No. 2320 Laundry Supplies

DIVERSITECH - McAllen, Texas

Item	Description	Cost
a)	Powder Detergent	\$0.27
b)	Liquid Detergent	\$5.80
c)	Liquid Bleach	\$1.33

c) No. 2210-1 Food: Spices

FARMERS BROTHERS - McAllen, Texas

Total Cost \$923.66

d) No. 2050-1 Dietary Supplies

JOINER - Harlingen, Texas

Total Cost \$1720.37

(21) AUTHORIZATION TO AWARD ANNUAL BIDS

a) No. 2165-1 Food: Frozen

SYSCO - San Antonio, Texas
Total Cost \$5,036.22

b) **No. 2170-1 Food: Meats**

H & H FOODS - Mercedes, Texas
Category A: Total Cost \$14,793.47

Category B: Total Cost \$1,365.00

(22) EXECUTIVE SESSION

Upon motion by Commissioner Peña, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 10:35 A.M. to discuss the following matters:

- a) Confer with County Counsel on the potential litigation regarding the case styled Jessie De La Rosa, doing business as, Sunshine Roofing vs. Pete Blanco and Cameron County, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A); and
- b) Deliberation regarding the Real Property concerning the concession on the Village at Sea Ranch, located in Isla Blanca Park, Cameron County, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A).

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 11:08 P.M.

(23) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with County Counsel on the potential litigation regarding the case styled Jessie De La Rosa, doing business as, Sunshine Roofing vs. Pete Blanco and Cameron County, Texas.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Status Report by County Counsel was acknowledged regarding the potential litigation regarding the cases styled Jessie De La Rosa, doing business as, Sunshine Roofing vs. Pete Blanco and Cameron County, Texas.

- b) Deliberation regarding the Real Property concerning the concession on the Village at Sea Ranch, located in Isla Blanca Park, Cameron County, Texas

Commissioner Benavides moved to authorize the extension of a sixty (60) day period of the existing Concession Lease term and that the County Judge and the Property Management Coordinator continue to negotiate with the concessionaire regarding the Village at Sea Ranch, located in Isla Blanca Park, Cameron County, Texas.

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 Benavides, seconded by Commissioner Peña and carried unanimously, the meeting was **ADJOURNED**.

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APPROVED this **20th** day of **January, 1998**.

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GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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