

**THE STATE OF TEXAS           §**

**COUNTY OF CAMERON       §**

**BE IT REMEMBERED** on the 11th day of **JULY, 1995**, there was conducted a **REGULAR PUBLIC Session 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:**

**1:30 P. M.**

**PRESENT:**

**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**LUCINO ROSENBAUM, JR**  
**COMMISSIONER, PRECINCT NO. 1**

**CARLOS H. CASCOS**  
**COMMISSIONER, PRECINCT NO. 2**

**JAMES R. MATZ**  
**COMMISSIONER, PRECINCT NO. 3**

**HECTOR PEÑA**  
**COMMISSIONER, PRECINCT NO. 4**

**INELDA T. GARCIA                   Deputy**  
**COUNTY CLERK**

**ABSENT:**

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The meeting was called to order by Judge Gilberto Hinojosa. He then asked Mr. Joe Zavaleta, for the invocation and Commissioner Cascos to lead the Court and the audience in reciting the Pledge of Allegiance to the Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on July 7, 1995, at 3:01 P. M.:

(4) **PRESENTATION OF RESOLUTION HONORING  
FORMER COMMISSIONER NATIVIDAD "TIVIE"  
VALENCIA**

Judge Hinojosa explained that the Resolution honoring former Commissioner Natividad "Tivie" Valencia, for his service as a County Commissioner from January 1, 1987, through December 31, 1994, was adopted May 2, 1995, and was being presented at this time.

Mr. Natividad "Tivie" Valencia, former County Commissioner, expressed his gratitude to the Court for the Resolution and for the opportunity to serve his constituents.

At this time, Mr. Adolph Betancourt, former County Court at Law Judge, congratulated the Court for honoring Mr. Valencia and highlighted some of Mr. Valencia's achievements during his tenure in Office.

**The Resolution is as follows:**

**(1) APPROVAL OF COUNTY CLAIMS**

At this time, Mr. Mark Yates, County Auditor, presented the late claims as to Sam's Wholesale, Warrant No. 121750, in the amount of \$1,319.45, and Circuit City, Warrants No. 121752, in the amount of \$1,399.98 and No. 121753, in the amount of \$699.00, for approval.

Commissioner Cascos moved that the County Claims be approved, inclusive of the late claims as to Warrant No. 121750, in the amount of \$1,319.45, Warrant No. 121752, in the amount of \$1,399.98, and Warrant No. 121753, in the amount of \$699.00, as recommended by the County Auditor.

The motion was seconded by Commissioner Matz and carried unanimously.



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

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Fiscal Year 1995 Budget Amendment No. 95-23 and the following Salary Schedules were approved, as recommended by the County Auditor:

- C County Attorney, Fund No. 10-475;**
- C Property Management, Fund No. 11-475;**
- C Financial Disruption Task Force, Fund No. 22-474;**
- C Maternal and Child Health, Fund No. 27-629;**
- C Women Infant and Children (WIC), Fund No. 32-630; and**
- C Anti-Illegal Dumping Program, Fund Nos. 39-418 (50%) and 39-419 (50%)**

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

**(3) APPROVAL OF MINUTES OF JUNE 16, 1995**

Commissioner Matz moved that the Minutes of the Regular Meeting held on June 16, 1995, at 1:30 P. M. be approved.

The motion was seconded by Commissioner Peña and carried unanimously.



**(5) AUTHORIZATION TO REQUEST PROPOSALS  
FOR AUDIT SERVICES FOR FISCAL YEARS  
1995, 1996 AND 1997**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Request for Proposals (RFP) for Audit Services for the Fiscal Years 1995, 1996 and 1997, were authorized.



**(7) APPROVAL OF A RESOLUTION AUTHORIZING  
A TEXAS CAPITAL FUND GRANT  
APPLICATION TO TEXAS DEPARTMENT OF  
COMMERCE ON BEHALF OF THE FRUIT-O-  
LOOM COMPANY**

Mr. Frank Bejarano, Program Development and Management Director, explained that the Grant Application, in the amount of \$500,000.00, would result in the physical improvements of the Water Works System, and would assist the Fruit of the Loom Company to maintain its current labor force. He indicated that a Public Hearing would be held the next day at the Project Site and if a favorable response was obtained, the Application would be presented to the Court the following week.

Commissioner Matz moved that the Resolution authorizing a Texas Capital Fund Grant Application to the Texas Department of Commerce, on behalf of the Fruit-O-Loom Company, be adopted.

The motion was seconded by Commissioner Peña and carried unanimously.

**The Resolution is as follows:**

(6) **AUTHORIZATION TO AWARD THE MANAGING BANK DEPOSITORY CONTRACT**

At this time, Mr. Eddie Gonzalez, County Treasurer, recommended that International Bank of Commerce (IBC) be awarded the Managing Bank Depository Contract, "on the basis of income stream, on the basis of cost and on the basis of consolidated CDs ( Certificate of Deposit) rates", and added that "economically" they were the best proposal.

Commissioner Cascos questioned whether all the Depository Contracts for which the County had jurisdiction would be handled through the Managing Bank, and the County Treasurer responded that it would include all the Accounts, except the Trust Accounts handled by the District Clerk, and some Cities that did not have a Managing Bank Branch.

Commissioner Rosenbaum moved that Managing Bank Depository Contract be awarded to International Bank of Commerce (IBC), Brownsville, Texas, as recommended by the County Treasurer.

The motion was seconded by Commissioner Peña.

At this time, Mr. Doug Wright, County Counsel, indicated that the Court needed to clarify to the Elected Officials the intent of the Court, that being that all Bank Accounts be handled through the Managing Bank.

There was some discussion as to the procedures to follow to ensure that all Elected Officials did not deviate from the Contract and that the Banks did not accept Accounts without Court approval.

At this time, Mr. Mark Yates, County Auditor, stated that "typically" the County had utilized two (2) Banks; one (1) as the major Depository and the other Bank for the Tax Department Branch Offices throughout the County. He recommended that all the Tax Funds from the Branch Offices be handled through the Branch Banks and the Funds transferred to the General Depository.

Mr. Gonzalez stated that the intent of the Proposed Managing Bank was to utilize their Branch Banks, where available, and added that the recommended action was based on the "economics" as outlined in the following tabulations.

Commissioner Cascos clarified that **all** the County's Depositories would go through International Bank of Commerce (IBC) in all Cities, with the exception of the Cities that did not have an International Bank of Commerce (IBC) Branch, and in that case the Account could remain with the current Bank and the money transferred to the Managing Bank.

Mr. Yates indicated that the action would create multiple tax accounts and that would create auditing problems, and recommended to utilize one Bank for all the Tax Accounts.

Mr. Tony Yzaguirre, Tax Assessor Collector, concurred with the County Auditor's recommendation to maintain all the Tax Accounts in one (1) Bank.

Upon motion duly made by Commissioner Rosenbaum, seconded by Commissioner Peña, and carried unanimously the Managing Bank Depository Contract was awarded to International Bank of Commerce (IBC), Brownsville, Texas, as recommended by the County Treasurer.

**The Tabulations are as follows:**

**(8) AUTHORIZATION FOR THE PROGRAM DEVELOPMENT AND MANAGEMENT (P D AND M) DEPARTMENT TO INITIATE AN AMENDMENT TO THE CAMERON PARK COLONIA DEMONSTRATION FUND TO ESTABLISH A MINOR REPAIR PROGRAM**

Mr. Frank Bejarano, Program Development and Management Director, explained that the proposed Amendment would request that the amount of \$60,000.00 be re-allocated from the Colonia Demonstration Fund in Cameron Park, Parks and Recreation Line Item, in order to provide monies for the "small" Repair Program. He stated that the Amendment would provide up to \$1,500.00 in small repairs for forty (40) homes in order to qualify for water and sewer connections. He indicated that a Public Hearing would be conducted on Saturday, July 15, 1995, and should the residents favor the Proposal, the Resolution would be presented to the Court the following week.

Judge Hinojosa stated that the Engineering Study concerning the Road Construction in Cameron Park revealed that money was "substantially" short and questioned whether the \$60,000.00 should not be re-programmed for the Roads. He added that the proposed Amendment was the result of discussions with the residents and Valley Interfaith and the concerns that homes were not qualifying for water and sewer connections. He stated that about twenty-five percent (25%) of those homes would have passed inspections, if small repairs, in the amount of \$500.00, had been completed.

At this time, Mr. Bejarano indicated that \$60,000.00 would not be sufficient for the Road Construction Program in Cameron Park.

Commissioner Cascos moved that the Program Development and Management (P D and M) Department initiate an Amendment to the Cameron Park Colonia Demonstration Fund, in order to establish a "Minor Repair Program".

The motion was seconded by Commissioner Rosenbaum and carried unanimously.



(9) **AUTHORIZATION TO AWARD A CONTRACT  
TO SWEEZY CONSTRUCTION FOR  
IMPROVEMENTS TO THE GATEWAY  
INTERNATIONAL BRIDGE FACILITIES**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, Sweezy Construction Co., Harlingen, Texas, was awarded the Contract for improvements to the Gateway International Bridge Facilities.

**The Contract is as follows:**



**(10) AUTHORIZATION FOR THE COUNTY JUDGE  
TO SIGN AND FORWARD THE MOBILE  
VENDOR'S PERMIT APPLICATION TO THE  
TEXAS PARKS AND WILDLIFE DEPARTMENT  
FOR HECTOR GARCIA, D/B/A HECTOR'S  
ROLLING SNACKS**

Commissioner Matz moved that the County Judge be authorized to execute and forward the Mobile Vendor's Permit Application to the Texas Parks and Wildlife Department for Hector Garcia, d/b/a Hector's Rolling Snacks.

The motion was seconded by Commissioner Peña and carried unanimously.

**The Application is as follow:**

(11) **APPROVAL OF ON-THE-JOB TRAINING CONTRACT BETWEEN CAMERON COUNTY AND THE CAMERON COUNTY PRIVATE INDUSTRY COUNCIL AND TO DESIGNATE THE PERSONNEL DIRECTOR AS THE CONTACT PERSON AND AUTHORIZED OFFICIAL FOR THE CONTRACT**

Commissioner Peña moved that the On-the-Job Training Contract between Cameron County and the Cameron County Private Industry Council be approved and that the Personnel Director be designated as the Contact Person and Authorized Official for the Contract.

The motion was seconded by Commissioner Rosenbaum.

At this time, Commissioner Cascos questioned the slot allocations of the On-the-Job Training Contract and whether the positions were for permanent or temporary slots.

Mr. Frank Bejarano, Program Development and Management Director, responded that the intent was for the Departments that had funds in their Budget to utilize the Program for part-time help; subject to the Court's approval.

Mr. Joe G. Rivera, County Clerk, stated that in order to take advantage of the On-the-Job Training Program, the Departments should utilize full time "slot" money.

Commissioner Cascos stated that his concern was that a Department would obtain "extra-help" slots through the Program and six (6) months later request money to fund said slots, and indicated his support for the On-the-Job Training Program, if the slot existed and the funds were available within the Department.

Mr. Rivera suggested that the money saved with the On-the-Job Training Program be allocated for "extra-help" for the Departments that needed the extra help.

Upon motion duly made by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously, the On-the-Job Training Contract between Cameron County and the Cameron County Private Industry Council was approved and the Personnel Director was designated as the Contact Person and Authorized Official for the Contract.

**The Contract is as follow:**

(12) **IN THE MATTER OF THE NUMBER OF  
CONSTABLE DEPUTIES AND RESERVES  
DEPUTIES (TABLED)**

Mr. Doug Wright, County Counsel, explained that the matter of Constables' Deputies and Reserve Deputies was considered in Executive Session and reported that they had met with the Constables and the Constables Association in order to resolve the issues of compliance. He stated that the County Auditor had prepared a form Letter to the Constables to comply to the Statutes that required that before a Deputy and Reserve Deputy was appointed, that the Court needed to make a finding that the workload required a Deputy and Reserve Deputy in said Precinct. He added that not all the Constables were in compliance, outlined in the Report prepared by the Judge's Office and he suggested that perhaps the Item should be tabled until all the Constables were in compliance.

Judge Hinojosa stated that it was his understanding that the Documents required were approved and that somehow were "lost", and added that the Court required the Documents in order to determine that a Deputy was, in fact, needed. He added that if any of the Constables that were not in compliance had "proof" of filing the Documents, that they should present it as soon as possible.

Mr. Wright reported that all the Constables were notified of the issues on the Agenda and added that the Constables that were present and in compliance should not be penalized.

Judge Hinojosa suggested that the Deputies and Reserves Deputies should be approved for those Constables whose documentation has been submitted; that being Precinct No. 4, Precinct No. 5 and Precinct No. 8; and that a "Notice" should be issued to the Constables, to submit the required documentation within two (2) weeks; otherwise the Court would not approve the Deputies and Reserves Deputies for that particular Precinct.

Commissioner Cascos questioned whether the matter of compliance of the Constables was going to be addressed and Judge Hinojosa remarked that the information for the Constables was not requested and may not be correct.

Ms. Grace Salinas, Administrative Assistant, stated that the Report was prepared from the Documents provided to her Office, and did not mean that the Constables did not have the required Documentation, only that the Documentation was not provided.

Mr. Wright stated that the Constables were responsible for the Deputies and Reserves Deputies and that it was a criminal violation for both the Constables and the Deputies to be operating as Representatives of the County if they were not in compliance.

There was a lengthy discussion as to the Documentation provided by the Constables, the Report "format" and the issues of the liability to the County from Deputies that were not in compliance and Judge Hinojosa directed the Personnel Director to work with the Constables for compliance and to report to the Court in two (2) weeks and suggested that the matter be tabled.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the number of Constables Deputies and Reserves Deputies was **Tabled**.

**The Report is as follows:**

**(13) AUTHORIZATION OF NUMBER(S) OF SHERIFF'S DEPUTIES AND RESERVES DEPUTIES**

Captain Ronnie Saenz, Sheriff Department, reported that the Department had fifty-four (54) Deputies and twenty-eight (28) Reserves Deputies and that the Documents required had been provided.

Mr. Doug Wright, County Counsel, stated that the statute required that the Reserves Deputies be Bonded.

There was some discussion concerning the purpose of the Bonds for the Reserves Deputies, other than to comply with the statutes, and the cost to the County to provide Bonds for them, since the Reserves Deputies had not been previously bonded and the suggestion was made that the Sheriff's Department should obtain the Bonds for the Reserves Deputies, within thirty (30) days.

There was some discussion as to the liability to the County of the use of personal vehicles for County business by the Deputies, the need to ensure adequate insurance coverage and the suggestion was made that the County should be named as "additional insured" and notified of the Insurance coverage termination.

Commissioner Peña moved that the number of the Sheriff's Deputies and Reserves Deputies be approved, effective the first Regular Meeting of 1997, subject to the Bond compliance within thirty (30) days.

The motion was seconded by Judge Gilberto Hinojosa and carried as follows:

AYE: Commissioners Rosenbaum, Peña and Judge Hinojosa

NAY: None

ABSTAIN: Commissioners Cascos and Matz.



**(14) APPROVAL OF A REVISED 1995 CAMERON COUNTY STANDARD OPERATING PROCEDURES (SOP) FOR THE PARKS SYSTEM HURRICANE ACTION PLAN**

Commissioner Matz moved that the revised 1995 Cameron County Standard Operating Procedures (SOP) for the Parks System Hurricane Action Plan be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**The Procedures are as follows:**

## **"CONSENT" AGENDA ITEMS**

**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 Rosenbaum and carried unanimously, the

"Consent" Agenda Items were approved as follows:

- (15) RATIFICATION OF RE-ADVERTISEMENT OF REQUEST FOR PROPOSAL (RFP) NO. 950501 FOR THE RECORDS MANAGEMENT AND IMAGING SYSTEM - COUNTY CLERKS**
  
- (16) AUTHORIZATION TO AWARD BIDS FOR ONE (1) 3 GB. DASD HARDWARE BIDS FOR I. B. M. AS/400 - DATA PROCESSING**  
  
**LOMAR MKT., Houston, Texas - \$13,300.00**
  
- (17) AUTHORIZATION TO CONDUCT THE COUNTY AUCTION ON AUGUST 12, 1995**
  
- (18) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET:**
  - a) Commissioners' Court to attend the "I-69 Texas Department of Transportation Meeting" in Austin, Texas, July 26-27, 1995;
  - b) Commissioners' Court to attend the "County Judges and Commissioners Association of Texas 73rd Annual Conference" in Plano, Texas, October 10-13, 1995;
  - c) Parks Director to meet with the Public Lands Director regarding issues related to Recreation Vehicle Parks, in Austin, Texas, on July 11, 1995; and to attend "General Land Office Workshop on Beach Erosion Management" in Galveston, Texas, July 12, 1995;
  - d) County Treasurer and Commissioner Precinct No. 2 to attend the "Texas County Hispanic Officials Association (TCHO) and the 1995 Texas Association of Counties (TAC) Post Legislative Conference" in Austin, Texas, August 15-18, 1995;
  - e) Animal Control Officers to attend the "Animal Control Officer Basic Certification" in Weslaco Texas, July 20-21, 1995;
  - f) County Judge Assistant Administrator to attend the "ASPA Meeting" in San Antonio, Texas, July 22-26, 1995; and

- g) County Judge, Assistant Administrator and Commissioner Precinct No.1 to attend the "Texas Association of Counties (TAC) 1995 Post Legislative Conference" in Austin, Texas, August 16-18,1995.
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**(19) EXECUTIVE SESSION**

Upon motion by Commissioner Peña seconded by Commissioner Rosenbaum and carried unanimously, the Court met in Executive Session at 2:55 P. M. to discuss the following matters:

- a) To confer with County Counsel concerning proposed Empowerment Zone Health Clinic in Port Isabel, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2);
- b) To confer with County Counsel on the Right-of-Way acquisition on FM/1419 for Parcel No. 3, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- c) To confer with County Counsel the Contract with Allen, Williford and Seale, Inc., for the Right-of-Way Acquisition Services for the Los Tomates Bridge Project, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 3:55 P.M.

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

- a) To confer with County Counsel concerning the proposed Empowerment Zone Health Clinic in Port Isabel.

Commissioner Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should be directed to discuss with members of the Empowerment Zone, the property acquisition for a Health Clinic in Port Isabel.

Upon motion by Commissioner Matz , seconded by Commissioner Peña and carried unanimously, County Counsel was directed to proceed with the discussion of property acquisition for a Clinic in Port Isabel with the Empowerment Zone Representatives.

- b) To confer with County Counsel on Right-of-Way acquisition on FM/1419.

Commissioner Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Engineer should proceed to close negotiations regarding the Right-of-Way acquisition on FM/1419, in the amount of \$28,600.00.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the County Engineer was directed to close the negotiations concerning the Right-of-Way acquisitions on FM/1419, in the amount of \$28,600.00.

- c) To confer with County Counsel to Contract with Allen, Williford and Seale, Inc., for Right-of-Way Acquisition Services for the Los Tomates Bridge Project.

Commissioner Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel and the County Engineer should proceed with the execution of the Contract regarding said matters, not to exceed the amount of \$30,000.00 for seven (7) Parcels.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, County Counsel and the County Engineer were directed to proceed with the execution of the Contract with the Firm of Allen, Williford and Seale, Inc., for the Right-of-Way Acquisition Services for the Los Tomates Bridge Project, in the amount not to exceed \$30,000.00 for seven (7) Parcels.





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**.

**APPROVED** this 3rd day of **AUGUST 1995**.

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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**