

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 18th 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 Ms. Francisca Camacho, Cameron Park resident, to lead the Court and the audience in reciting the Pledge of Allegiance to the Flag and to give the invocation.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on July 14, 1995, at 10:46 A.M. and the Supplemental Agenda Recorded on July 14, 1995 at 3:28 P.M.:

(1) APPROVAL OF COUNTY CLAIMS

Mr. Mark Yates, County Auditor, presented the Summary of Revenues and Expenditures as of June 30, 1995, for the Court's review, and the late claim as to Mr. Joe G. Rivera, County Clerk, Warrant No. 122287, in the amount of \$1,187.00, for travel expenses.

Commissioner Rosenbaum moved that the County Claims be approved, inclusive of the late claim as to Warrant No. 122287, in the amount of \$1,187.00, as presented by the County Auditor.

The motion was seconded by Commissioner Peña and carried unanimously.

The Summary is as follows:

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

Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously, the Fiscal Year 1995 Budget Amendment No. 95-24 was approved as recommended by the County Auditor.

The Budget Amendment is as follows:

(3) APPROVAL OF THE MINUTES OF JUNE 27, 1995

Commissioner Matz moved that the Minutes of the Regular Meeting held on June 27, 1995, at 1:30 P.M. be approved, noting that Item No. 26 should read: "International Toll Bridge System Fund Balance" instead of "Gateway Fund Balance".

The motion was seconded by Commissioner Cascos and carried unanimously.



**(4) IN THE MATTER OF THE POSITION OF
PROGRAM DEVELOPMENT COORDINATOR FOR
THE HEALTH DEPARTMENT (TABLED)**

Ms. Yvette Salinas, Acting Health Administrator, requested that the Item be tabled until some issues regarding the Indigent Health Care Program were discussed.

Commissioner Cascos suggested that the matter be tabled until the status of the Health Director's position was discussed and the person retained for the position.

At this time, Judge Hinojosa questioned the status of the Health Director's position and Ms. Grace Salinas, Administrative Assistant, reported that she had been working with the Search Committee and that the Job Announcement had been placed in the American Journal of Public Health; the Houston, San Antonio and Dallas newspapers, and would appear in the local newspapers during the week-end. She added that Universities with Public Health Programs would receive the Job Announcements, and added that the Applications would be screened between August and September and the position filled by the beginning of the Fiscal Year.

Judge Hinojosa stated that he would like to have the position filled by September 1, 1995, and added that the position of Grant Writer should be more specifically defined as to the responsibilities and how the Grants would be generated, and suggested that a "grant writer" be contracted in the interim.

Commissioner Peña suggested that the new Health Director should be given the administrative latitude to evaluate the methods and philosophies that would be more appropriate for the effective utilization of said position.

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



At this time, Commissioner Matz addressed the Court concerning Items No. 4 and No. 5 and stated that frequently, requests were received to fund positions and other activities without having the requests reviewed by the Budget Officer for the funding source and County Counsel, and requested that the Court consider adopting a "Policy" regarding an "Agenda Request Form" which would provide the basic information prior to the Meeting.

Ms. Grace Salinas, Administrative Assistant, responded that the "Agenda Request Form" was being revised and would go through all the appropriate Departments before it reached the County Judge's Office, and anticipated that it would be effective by the end of the Fiscal Year.

Mr. Mark Yates, County Auditor, concurred with Commissioner Matz and suggested that Requests concerning personnel or "new" positions should be routed to the Personnel Director, in order to assess the need for the position and to provide the necessary information for the decision.



**(5) IN THE MATTER OF A NEW POSITION FOR A
JUVENILE CLERK IN THE CAMERON COUNTY
DISTRICT CLERK'S OFFICE (TABLED)**

At this time, Mr. Mark Yates, County Auditor, stated that there was a need for District Clerk's services at the Juvenile Center, and that it was his understanding that an employee had been designated by the District Clerk to perform such duties and suggested that the matter be tabled for further study.

Commissioner Matz moved that this Item be Tabled.

The motion was seconded by Commissioner Cascos.

At this time, Ms. Aurora de la Garza, District Clerk, stated that she agreed that the matter be tabled, in order to develop a plan that would be acceptable to the Court, but "more important, that it would be easier for the Judges not to take their Court Clerks as they are currently doing". She added that the Juvenile cases had increased and outlined the responsibilities and the workload involved at the Juvenile Detention Center, and added that the County Court at Law Judges were faced with a problem because the District Clerk did not have Court Clerks for said Courts.

At this time, Judge Everardo Garcia, County Court at Law No 1, stated that it was the District Clerk's responsibility to process the cases and provide the files to the District Judges in a timely manner, and requested the Court's support in providing the District Clerk with the personnel to meet said responsibilities.

Judge Hinojosa remarked that the matter would be discussed with the County Auditor and a recommendation would be made and added that the County was experiencing a "short-fall" in income due to a decrease in State reimbursement for jail inmates.

Commissioner Cascos questioned the County Clerk as to whether the position had been addressed in the Budget process for the following year and Mr. Joe G. Rivera, County Clerk, stated that the Juvenile cases were in the District Clerk's jurisdiction but were being heard in the County Court level.

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

(6) **APPROVAL TO INCREASE FUND NO. 10-455 LINE ITEM .014, IN THE AMOUNT OF \$1,500.00, FOR JUSTICE OF THE PEACE PRECINCT NO. 2, PLACE NO. 2**

Mr. Mark Yates, County Auditor, stated that the Justice of the Peace was in need of additional Docket Books which were being utilized at the rate of one (1) Docket Book per month, due to the increase in citations by the Sheriff's Department.

Commissioner Rosenbaum moved that Fund No. 10-455, Line Item .014, be increased in the amount of \$1,500.00, for the Justice of the Peace Precinct No. 2, Place No. 2.

The motion was seconded by Commissioner Matz and carried unanimously.

(7) **IN THE MATTER OF THE INTERLOCAL AGREEMENT FOR MUTUAL AID BETWEEN HIDALGO, STARR, WILLACY AND CAMERON COUNTIES (TABLED)**

Commissioner Matz explained that the Emergency Coordinating Council was formed with the objective to organize responsible parties from the four (4) County areas who would be involved in case of natural disasters, such as hurricanes. He stated that one (1) of the issues discussed was an Interlocal Agreement of "mutual aid" between the Counties whereby one County would assist another County that was experiencing a disaster. He suggested that the matter be tabled, in order for the County Counsel and the County Judge's Office to review the agreement.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Item was **TABLED**.

At this time, Judge Hinojosa suggested that a Workshop be scheduled to discuss the Commissioners' role and responsibilities in case of a hurricane.

(8) APPROVAL OF A PROFESSIONAL SERVICES CONTRACT WITH ALLEN, WILLIFORD, AND SEALE, INCORPORATED, FOR THE ACQUISITION OF PROPERTY FOR THE LOS TOMATES BRIDGE PROJECT

Mr. Michael A. Martin, County Engineer, stated that the matter was discussed in Executive Session and that the price was negotiated as directed by Commissioner's Court and recommended approval.

Commissioner Rosenbaum moved that the Professional Services Contract with Allen, Williford, and Seale, Incorporated, for the Acquisition of Property for the Los Tomates Bridge Project, be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Contract is as follows:

(9) APPROVAL OF AN ENGINEERING SERVICES CONTRACT WITH S AND B INFRASTRUCTURE, INCORPORATED, FOR THE DESIGN OF THE LOS TOMATES BRIDGE AND LEVEE

Commissioner Cascos stated that he had a problem with the fifteen percent (15%) per annum interest on late payments regarding said Contract and suggested that it be negotiated downward.

Judge Hinojosa suggested that the paragraph be eliminated and added that the entire Engineering Design of the Los Tomates Bridge must be completed in order for Mexico to give the final approval. He stated that the Mexican Government did not have the resources for an Engineering Firm, at this time.

Commissioner Matz noted that the amount was "not to exceed \$975,000.00, and that the work would extend through Fiscal Year 1997, and questioned whether the funding source would be the Toll Bridge System Fund Balance, and the County Auditor responded affirmatively.

Judge Hinojosa noted that half of the cost would be reimbursed by the City of Brownsville, and added that it was his understanding that once the Diplomatic Notes were exchanged with Mexico, and the Bonds were issued, that the Bond money would pay for the Engineering Fees and the Fund Balance would be reimbursed.

Commissioner Cascos questioned contracting with the City of Brownsville on a "pay as you go" basis, with the County "fronting" the money and reimbursing the bills as they were paid and questioned whether the City had encumbered any monies for the expenditures.

Mr. Mark Yates, County Auditor, responded that the terms of the Agreement would be reviewed, but that the agreement should not be significantly different from the Agreement with the Los Indios Bridge.

Commissioner Cascos remarked that the Agreement with Los Indios was re-negotiated to a "pay as you go" basis and expressed concerns regarding the reimbursements and the County's ability to maintain a certain level of Fund Balance. He suggested that the County Auditor review the Agreement and address the concerns of whether money was encumbered in the City Budget and the "pay as you go" reimbursements.

Judge Hinojosa noted that when the Agreement was negotiated with the City of Brownsville, the process of securing the Bridge was completely different and did not include the Engineering Fees prior to the Bond issuance. He noted that Mexico changed the approval system and now required a complete "construction ready" Engineering Design which was not anticipated.

At this time, Mr. Martin noted that the Bridge Committee making the recommendation consisted of the following:

- C Judge Hinojosa, County Judge,
- C Mr. Andy Vega, City Manager, City of Brownsville,
- C Mr. D. J. Garcia, City of Brownsville,
- C Mr. Joe Galvan, County Bridge Systems Director, and
- C Mr. Michael Martin, County Engineer

Mr. Martin noted that the Texas Department of Transportation was invited but did not participate.

Upon motion by Commissioner Matz , seconded by Commissioner Rosenbaum and carried unanimously, the Contract with S and B Infrastructure, Incorporated, for the Design of the Los Tomates Bridge and Levee was approved, subject to legal review.

The Contract is as follows:

**(10) AUTHORIZATION TO HOLD A PUBLIC HEARING
TO AMEND AN ORDER FOR FLOOD CONTROL**

Mr. Michael Martin, County Engineer, explained the need to have proper Drainage Systems along the roadside ditches, and requested that funds be expanded to advertise for a Public Hearing regarding the Flood Control, said Public Hearing date to be scheduled consistent with the requirements of the Court.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the County Engineer was authorized to hold a Public Hearing to Amend an Order for Flood Control, said funds to be allocated from within the County Engineering Departments Budget.



**(11) AUTHORIZATION TO ALLOW SEWER SERVICE
CONNECTIONS TO ONE HOME OF MULTIPLE
HOMES ON A SINGLE LOT IN CAMERON PARK
THAT MEET BUILDING CODE REQUIREMENTS
AND WERE CONSTRUCTED PRIOR TO JANUARY
1, 1995**

Judge Hinojosa explained that there were several multi-homes in Cameron Park that did not qualify for sewer and water connections because of the "multi-home status" of the Building Code Requirements and suggested that the homes that were built before January 1, 1995, and met the Building Code be allowed the connections.

Commissioner Cascos questioned how the County Engineer was going to ensure that the one (1) home that qualified, did not connect the other home and the County Engineer replied that it would be difficult to monitor the one home that did not meet the Building Code Requirements.

Upon motion by Judge Hinojosa, seconded by Commissioner Rosenbaum and carried unanimously, the Sewer Service connections were approved for one (1) home of multiple homes on a single lot in Cameron Park that met Building Code Requirements and were constructed prior to January 1, 1995.

Mr. Martin noted that out of the one thousand seventy six (1,076) homes that had been inspected only eighteen (18) had been approved as outlined in the following Report:

At this time, Ms. Maria Palacios, Valley Interfaith, expressed the concerns and need to have services connected in the Cameron Park homes.

(12) **APPROVAL OF A CELLULAR PHONE FOR THE PERSONNEL/SAFETY RISK DIRECTOR**

Commissioner Cascos moved that a Cellular Phone for the Personnel/Safety Risk Director be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(13) **APPROVAL FOR THE COMPUTER CENTER DIRECTOR TO ISSUE REQUEST FOR PROPOSALS (RFP) APPROVED BY THE EVALUATION COMMITTEE FOR THE CRIMINAL JUSTICE COMPUTER SYSTEM**

Commissioner Cascos moved that the Computer Center Director be directed to issue Request for Proposals (RFP) approved by the Evaluation Committee for the Criminal Justice Computer System be approved.

The motion was seconded by Commissioner Rosenbaum.

Commissioner Matz noted the Budget Officer's recommendation that the Proposal amount should not exceed the amount of \$120,000.00.

Mr. Norio Nishiguchi, Computer Center Director, explained that the Request for Proposals would be in two (2) parts, one for the amount available and the other for the entire Criminal Justice System.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Computer Center Director was directed to issue Request for Proposals (RFP) as approved by the Evaluation Committee, for the Criminal Justice Computer System.

(14) **ADOPTION OF A RESOLUTION REQUESTING AN AMENDMENT TO THE TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 714005 TO IMPLEMENT A MINOR REPAIR PROGRAM IN CAMERON PARK**

Mr. Frank Bejarano, Program Development and Management Director, explained that the Item proposed to transfer \$60,000.00 from to the Colonia Funds which was currently allocated to the Parks and Recreations Line Item. He

proposes to have the funds transferred to a new program named "Minor Repair Program", to allow small repairs to single family low income households. He stated that the repairs would qualify the home for the Water and Sewer System connections. He noted that the proposal received favorable comments at the Public Hearing and added that the Boys and Girls Club favored retaining the Parks and Recreation Budget.

Judge Hinojosa proposed that rather than transferring \$60,000.00 from Parks and Recreations Line Item, to instead transfer the portion allocated for land acquisition, that being \$30,000.00, and suggested that the Parks System Director be designated to secure Texas Parks and Wildlife funding for the Park.

At this time, Commissioner Matz questioned whether the Parks System Director was aware of the matter.

Judge Hinojosa moved that the Resolution on a Minor Repair Program in Cameron Park be adopted.

The motion was seconded by Commissioner Cascos and carried the following vote:

AYE: Commissioners Rosenbaum, Cascos and Peña

NAY: None

ABSTAIN: Commissioner Matz.

The Resolution is 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 Matz, seconded by Commissioner Peña and carried unanimously, the "Consent" Agenda Items were approved as follow:

- (15) **AUTHORIZATION TO OPEN: A) REFERENCE NO. 950501 - RECORD ACHIEVING SERVICES AND B) ANNUAL BID - LASER PRINTING TAX STATEMENTS**

The Bids follow:

- (16) **PRELIMINARY APPROVAL:**

- a) **Precinct No. 4 -**

Rancho Grande South Secti

February 9, 1955, (Cameron County Deed Records Volume 590, Page 203), out of a 780 acre tract as described in Partition Deed between W.B. Hinkly and R.B. Hinkly, dated December 18, 1929, (Cameron County Deed Records Volume 206, Page 432) and all of tracts 1 (107.53 acres recorded, 107.41 measured), 2 (98.48 acres recorded, 98.76 acres measured), and 3 (46.67 acres recorded, 46.64 acres measured), of a Plat of a portion of San Pedro de Carricitos Grant showing eleven (11) tracts of land out of Subdivision "E", "F", "G", "H" of Shares No. 7 and No. 8, dated March 6, 1944, (Cameron County Map Records Volume 11, Page 22), in Shares Nos. 6, 7 and 8, San Pedro de Carricitos Grant.

- (17) **FINAL APPROVAL:**

- a) **Precinct No. 1 -** Capistran-Alejandro Estates Subdivision - being a re-plat of 13.52 acres out of Lot No. 8, Block 406, El Jardin subdivision, Share 31, Espiritu Santo Grant; and

- b) **Precinct No. 3 -** Williams Bend Subdivision - being 10.90 acres of land out of a 23.54 acre tract, in the North 53.54 acre tract of Block 250, San Benito Land and Water Company Subdivision, Concepcion de Carricitos Grant.

(18) AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET

- a) Two (2) Health Department employees to attend the "U.S.- Mexico Border/Conference on Women's Health" in South Padre Island, Texas, on September 26-28, 1995;
 - b) County Clerk to attend the "Secretary of State 13th Annual Election Law Seminar" in Austin, Texas, on August 9-11, 1995;
 - c) County Auditor to attend the "Meeting of the Texas Association of Counties Employee Benefits Pool Board of Trustees" in Austin, Texas, on July 12, 1995;
 - d) One (1) Health Department employee to attend the "Sexually Transmitted Diseases (STD) Facts and Fallacies Workshop" in Corpus Christi, Texas, on July 17-18, 1995;
 - e) Juvenile Probation Officer to attend the Strategies for Juvenile Supervision (SJS) Training for Trainers Final Training Session" in Huntsville, Texas, on July 30 - August 4, 1995;
 - f) Computer Center Director to attend the "Criminal Justice Division" in Weslaco, Texas, on July 21, 1995;
 - g) Lieutenant from the Sheriff's Department to attend the "117th Annual Training Conference" in Waco, Texas, on July 23-26, 1995;
 - h) County Court at Law No. 2 Judge to attend the "21st Annual Advanced Criminal Law Course" in Corpus Christi, Texas, on July 24-27, 1995; and
 - i) Election Administrator and two (2) employees to attend the "Secretary of State 13th Annual Election Law Seminar" in Austin, Texas, on August 9-11, 1995.
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SUPPLEMENTAL AGENDA

- 1) **CONSIDERATION AND ACTION APPROVING
CONTRACT NO. 5116210201 WITH THE TEXAS
NATURAL RESOURCE CONSERVATION
COMMISSION FOR THE COUNTY'S ANTI-
ILLEGAL DUMPING PROGRAM AND
AUTHORIZING THE COUNTY JUDGE TO
EXECUTE SAID DOCUMENT**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, Contract No. 5116210201 with the Texas Natural Resources for the County's Anti-Illegal Dumping Program was approved and the County Judge was authorized to execute said Document.

The Contract is as follows:

(19) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 2:45 P.M. to discuss the following matters:

COMMISSIONER ROSENBAUM RETURNED TO THE COURTROOM AT THIS TIME.

- a) To discuss the claim on Maria del Jesus Saucedo, Individually and as Next Friend of the Estate of Lazaro T. Saucedo, pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code Section 551.071(1)(A);
- b) To confer with County Counsel to contract with Allen, Williford and Seale, Incorporated, for Right-of-Way Acquisition Services for Tandy Avenue Townsite of Olmito, pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code Section 551.072, and
- c) To confer with County Counsel on Right-of-Way acquisition on FM/1419 for Parcel No's. 051, 048, 013, 07, and 050, pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code 551.071.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 3:00 P.M.



(20) ACTION RELATIVE TO EXECUTIVE SESSION

- a) In the matter to discuss the claim on Maria del Jesus Saucedo, Individually and as Next Friend of the Estate of Lazaro T. Saucedo. (DENIED)

Commissioner Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that the claim on Maria del Jesus Saucedo should be denied.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the claim on Maria del Jesus Saucedo, Individually and as Next Friend of the Estate of Lazaro T. Saucedo, was **DENIED.**

- b) To confer with County Counsel to Contract with Allen, Williford and Seale, Inc., for Right-of-Way Acquisition Services for Tandy Avenue Townsite of Olmito.

Commissioner Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Engineer should proceed with the negotiations regarding the Contract with Allen, Williford and Seale, Incorporated, for the Right-of-Way Acquisition Services for Tandy Avenue, Townsite of Olmito, and to seek re-imburements.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the County Engineer was directed to proceed with the negotiations regarding the Contract with Allen, Williford and

Seale, Incorporated, for the Right-of-Way Acquisition Services for Tandy Avenue Townsite of Olmito, and to seek reimbursements.

- c) To confer with legal counsel on Right-of-Way acquisition on FM/1419 for Parcel Nos. 051, 048, 013, 07, and 050.

Commissioner Matz reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should proceed with the Right-of-Way acquisitions, along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, County Counsel was directed to proceed with the Right-of Way acquisitions concerning FM/1419, that being Parcel Nos. 051, 048, 013, 07, and 050, along the terms and conditions as outlined in Executive Session.



At this time, Mr. Joe G. Rivera, County Clerk, presented a Memorandum to the Court and explained that he would not be present the following week when a request by his Office would be considered. He stated that the request concerned transferring the money from a vacant full time slot into "extra help", in order to hire two (2) part-time staff members to assist with the back log of work in the Judicial Section.

The Memorandum is as follows:

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 **8th** day of **AUGUST 1995**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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