

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 21st of MAY, 1996, 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:

1:30 P. M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

LUCINO ROSENBAUM, JR.
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



The meeting was called to order by Judge Gilberto Hinojosa. He then asked Mr. Bob Clark, Brownsville resident, 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 May 17, 1996, at 1:25 P.M., and the Supplemental Agenda posted and filed for Record on May 17, 1996, at 3:58 P.M.:

**NOT ON
AGENDA**

**ADOPTION OF A POLICY AND
PROCEDURES FOR APPOINTMENTS TO
THE TROPICAL TEXAS CENTER FOR
MENTAL HEALTH AND MENTAL
RETARDATION**

At this time, Judge Hinojosa stated that the Item was inadvertently not included in the Agenda, but that two (2) representatives were present from Texas Tropical Mental Health and Mental Retardation to discuss the appointment of the Board Members.

Ms. Irene Cantu and Mr. Hector Falcon, family representatives, expressed their concerns regarding the appointment of the new Executive Director by the present Board and requested that the County Judge's appointment be made as soon as possible, in order to avoid inequitable selection of the Executive Director.

Judge Hinojosa stated that a consumer of the organization would be appointed to the Board and noted that the Board Members would need to take more control in order for the Agency to run efficiently.



(24) EXECUTIVE SESSION

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 1:45 P.M. to discuss the following matters:

- a) Discuss and authorize representation of Sheriff Alex Perez on the case styled Antonio G. Contreras vs. Issis Chaimberlan, et. al., B-95-113, in the United States District Court for the Southern District of Texas, Brownsville Division; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.0719 (1)(A);
- b) Discuss status of the case styled Rolando Flores vs. County, B-90-223, in the United States District Court, for the Southern District of Texas, Brownsville Division; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A); and
- c) Confer with County Counsel concerning various proposed Development Projects within Cameron County Parks System, in coordination with the County Property Management Coordinator; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 2:35 P.M.



(25) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Discuss and authorize representation of Sheriff Alex Perez on the case styled Antonio G. Contreras vs. Issis Chaimberlan, et. al., B-95-113, in the United States District Court for the Southern District of Texas, Brownsville Division.

Mr. Doug Wright, Cameron County Counsel, reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Counsel's Status Report should be acknowledged and that County Counsel should be authorized to represent Sheriff Alex Perez on said matter.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Status Report was acknowledged and County Counsel was authorized to represent Sheriff Alex Perez on the case styled Antonio G. Contreras vs. Issis Chamberlain, et. al., B-95-113, in the United States District Court for the Southern District of Texas, Brownsville Division, and to proceed along the terms and conditions as outlined in Executive Session.

- b) Discuss status of the case styled Rolando Flores vs. Cameron County, B-90-223, in the United States District Court for the Southern District of Texas, Brownsville Division.

Mr. Doug Wright, Cameron County Counsel, reported that after some discussion, it was the consensus of the Court as determined by polling, that the Status Report should be acknowledged on said matter.

Commissioner Cascos moved that the Status Report by County Counsel be acknowledged regarding the case styled Rolando Flores vs. Cameron County, B-90-223, in the United States District Court for the Southern District of Texas, Brownsville Division.

The motion was seconded by Commissioner Peña and carried unanimously.

- c) Confer with County Counsel concerning various proposed Development Projects within the Cameron County Parks System, in coordination with the County Property Management Coordinator.

Commissioner Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that the various proposed Development Projects within Cameron County Parks System should be acknowledged as presented by the Parks System Director.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the various proposed Development Projects within Cameron County Parks System, in coordination with the County Property Management Coordinator, was acknowledged as presented by the Parks System Director.

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

Commissioner Cascos moved that the Fiscal Year 1996 Budget Amendment No. 96-12 and the following Salary Schedules, be approved:

County Clerk - Fund No. 10-403;

Health-TB-PC/Eliminations - Fund No. 26-645;

Restitution Center - Fund No. 96-576; and

District Attorney/Planning Department - Fund No. 22-471.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Budget Amendment and Salary Schedules are as follow:

(3) APPROVAL OF THE MINUTES OF MAY 14, 1996

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Minutes of the Regular Meeting held May 14, 1996, at 1:30 P.M., were approved.

**(4) ADOPTION OF A PROCLAMATION
DECLARING MAY 24, 1996, AS "RIO GRANDE
VALLEY WHITEWING DAY" IN CAMERON
COUNTY**

Commissioner Cascos moved that the Proclamation declaring May 24, 1996, as "Rio Grande Valley Whitewing Day" in Cameron County, be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Proclamation is as follows:

(5) APPROVAL FOR THE PAYMENT TO APPRAISALS-R-US IN THE AMOUNT OF \$9,000.00, FOR PROFESSIONAL SERVICES RENDERED FOR PROPERTY MANAGEMENT

At this time, Mr. J.D. Garcia, Appraisals-R-Us, noted that funds from his Company, had to be utilized, in order to complete the work on the properties due to certain circumstances that were not anticipated and requested that the County reimburse the amount of \$9,000.00 as a full payment, or in installments by a specified date.

The County Attorney reported that the work had been completed by Appraisals-R-Us and recommended that payments be made for the Appraisal Reports.

Mr. Mark Yates, County Auditor, stated that the original Agreement was to pay Appraisals-R-Us as each property was sold, and suggested that a Reserve Fund should be implemented on each property owned by the County and added that the fees be paid from the acquired revenues from the properties.

After some discussion, the suggestion was made to pay the amount of \$5,000.00 to Appraisals-R-Us, and that the remainder of the balance be paid within three (3) months.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Payment to Appraisals-R-Us, Harlingen, Texas, in the amount of \$5,000.00, for Professional Services rendered for Property Management was approved, noting that the remainder of the balance be paid within three (3) months.



(6) IN THE MATTER TO CONTRACT WITH SOUTHWESTERN BELL MOBILE FOR ONE (1) MOBILE PHONE FOR SERGEANT JOEL GARCIA, TEXAS DEPARTMENT OF PUBLIC SAFETY (TABLED)

At this time, Mr. Mark Yates, County Auditor, stated that the State Narcotics Fund was low on funds and resulted on the Mobile Phone service for said Officer being discontinued and suggested that the issue be reviewed in order to evaluate the type of funding that the County would provide to outside Agencies that had their own funding source.

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



(7) **PRESENTATION OF THE NON-SALARY/NON-CAPITAL OUTLAY BUDGET COMPARED WITH EXPENDITURES AND ENCUMBRANCES AS OF APRIL 30, 1996**

At this time, Mr. Mark Yates, County Auditor, highlighted the Non-Salary/Non-Capital Outlay Budget compared with Expenditures and Encumbrances as of April 30, 1996.

Judge Hinojosa expressed concern regarding the estimated increase with respect to the County Courts at Law Court Appointed Attorneys and questioned whether said expenses would have to be included as an increase in next year's Budget.

The County Auditor responded that the Court Appointed Attorneys would be under Contract for the next Fiscal Year and would be within the Budget.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Presentation of the Non-Salary/Non-Capital Outlay Budget compared with Expenditures and Encumbrances as of April 30, 1996, was acknowledged.

The Report is as follows:

(8) APPROVAL TO REFUND TAXES TO MERCANTILE BANK IN THE AMOUNT OF \$743.00, FOR THE ERRONEOUS PAYMENT OF TAXES

(9) APPROVAL TO REFUND TAXES TO NORTHWEST FINANCIAL LEASING, INCORPORATED, IN THE AMOUNT OF \$1,001.23

At this time, Mr. Mark Yates, County Auditor, noted that the payee on Item No. 8 should be corrected to read "Cameron County", instead of Mercantile Bank.

Commissioner Cascos moved that the erroneous payment of taxes be refunded to Cameron County, in the amount of \$743.00, and Northwest Financial Leasing, Incorporated, Des Moines, Iowa, in the amount of \$1,001.23.

The motion was seconded by Commissioner Peña and carried unanimously.

(10) APPROVAL OF THE CONTRACT BETWEEN CAMERON COUNTY AND MR. JUAN JOSE MARTINEZ, ATTORNEY AT LAW, AS THE COURT APPOINTED ATTORNEY FOR INDIGENT DEFENDANTS IN THE 107TH DISTRICT COURT

Commissioner Cascos moved that the Renewal Contract be approved between Cameron County and Mr. Juan Jose Martinez, Attorney at Law, as the Court Appointed Attorney for the indigent defendants in the 107th District Court.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Contract is as follows:

(11) APPROVAL TO AWARD THE CONTRACT WITH MCALLEN CONSTRUCTION, IN THE AMOUNT OF \$85,470.00, FOR MAINTENANCE AND REPAIRS AT THE FREE TRADE BRIDGE AT LOS INDIOS

At this time, Mr. Michael Martin, County Engineer, stated that there were specific and unusual components to be repaired at the Free Trade Bridge and noted that cost had increased due to the complexity of the work to be performed.

Ms. Marie Perez, Martin and Brown Engineering Firm, reported that the bids received were high due to the complexity of the repairs and described the additional work required at the Free Trade Bridge.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, McAllen Construction, McAllen, Texas, was awarded the Contract, in the amount of \$85,470.00, for the Maintenance and Repairs at Free Trade Bridge at Los Indios.

The Contract and Bids are as follow:

(12) AUTHORIZATION TO USE A LOTTERY SYSTEM IN CHOOSING THE MOBILE BEACH VENDORS COMMENCING ON JANUARY 1, 1997

At this time, Judge Hinojosa questioned whether the vendors that previously applied for permits would object to the new permit regulations.

Mr. Kenneth Conway, Parks System Director, clarified that the usual vendors would be eligible to renew their permits and stated that the new regulations would apply to the new vendors.

Commissioner Cascos moved that the Lottery System be utilized in choosing the Mobile Beach Vendors commencing on January 1, 1997.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.



(13) AUTHORIZATION TO DISCONTINUE APPROVAL OF ANY NEW MOBILE VENDOR PERMITS FOR THE BALANCE OF THIS CALENDAR YEAR

Commissioner Cascos moved that the approval of the New Mobile Vendor Permits be discontinued for the balance of this Calendar Year.

The motion was seconded by Commissioner Peña and carried unanimously.



(14) AUTHORIZATION TO AWARD THE BIDS FOR THE LOS CUATES SUBDIVISION WASTEWATER PROJECT

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the bids for the Los Cuates Subdivision Wastewater Project was awarded to Cubco Construction, Incorporated, Brownsville, Texas, in the amount of \$211,585.00, subject to legal review.



(15) IN THE MATTER OF THE APPOINTMENT OF THE CAMERON COUNTY DUNE PROTECTION

COMMITTEE TO ADMINISTER THE DUNE PROTECTION COMPONENT OF THE CAMERON COUNTY PUBLIC BEACH ACCESS AND DUNE PROTECTION PLAN (TABLED)

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



(18) IN THE MATTER TO APPOINT AN ADVISORY COMMITTEE TO DISCUSS AND REVIEW ISSUES CONCERNING RECOMMENDATIONS WITH THE ASSIGNED FINANCIAL MANAGEMENT REVIEW (FMR) MANAGEMENT TEAM FROM THE TEXAS COMPTROLLERS OFFICE (TABLED)

At this time, Judge Hinojosa suggested that an Advisory Committee, composed of an appointment from each of the Commissioners and the Auditor, be organized in order to review the recommendations made by the Financial Management Review (FMR) Management Team.

Ms. Grace Salinas, Assistant Administrator, stated that the Financial and Management Review Team requested that the appointments be "internal" employees of the County, who were familiar with the organizational structures of the Departments and Systems.

Judge Hinojosa suggested that the Advisory Committee should consist of a representative from the County Judge's Office, the Auditor's Office, the County Attorney's Office, and that each of the Commissioners nominate an individual of their choice.

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



(19) APPROVAL OF THE LEASE AGREEMENT BETWEEN OAKCREST MANAGEMENT, INCORPORATED, AND CAMERON COUNTY

**FOR THE STORAGE OF CAMERON COUNTY
RECORDS AND FILES**

At this time, Ms. Grace Salinas, Assistant Administrator, stated that the Property Management Coordinator had negotiated the Lease Agreement with Oakcrest Management, Incorporated, and added that the Lease was for one (1) year and renewable for an additional year and noted the monthly rental Fee in the amount of \$825.00.

There was some concern as to the funding source and the County Auditor recommended that Records Management Fund No. 10-404 should be utilized.

Mr. Joe G. Rivera, County Clerk, suggested that the funding source be utilized from the Records Management Fund generated from the County and District Courts and added that the Court should consider the General Fund as an alternate funding source.

Judge Hinojosa requested that the Proposal for the Microfilming of the Records be submitted in order to budget for the new fiscal year.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Lease Agreement between Oakcrest Management, Incorporated and Cameron County, was approved for the storage of Cameron County Records and Files, subject to the review of the funding source by the County Auditor and the County Clerk.

The Lease Agreement is as follows:

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 Rosenbaum and carried unanimously, the "Consent" Agenda Items were approved as follow:

At this time, Mr. Michael Forbes, County Purchasing Agent, requested that the deadline be extended to June 11, 1996, on Item No. "23 d", since bids had not been received.

There was some discussion concerning the possibility of "Sole" Source, or the County acting as a General Contractor regarding said matter and the Legal ramifications, and Judge Hinojosa suggested that Mr. Michael Martin, County Engineer, and Mr. Michael Forbes, County Purchasing Agent, should be directed to resolve the particulars, in order to avoid delays with the Project, since the architectural plans were already prepared.

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

- a) Elections Administrator to attend the "Professional Education Program" in Chapel Hill, North Carolina, on July 12-20, 1996;
- b) Elections Administrator and employee to attend the "IACREOT's 25th Annual Conference" in Nashville, Tennessee, on May 31, 1996, through June 5, 1996;
- c) Health Department employee to attend the "Certification on Weight Control Program" in Dallas, Texas, on May 28, 1996, through June 2, 1996;
- d) Health Department employee to attend the "Computer Training" in Austin, Texas, on June 2-8, 1996;
- e) Health Department employee to attend the "Competent Progressional Authority Orientation" in Austin, Texas, on July 29, 1996, through August 2, 1996;
- f) Women's, Infants, and Children (WIC) Coordinator to attend the "Breast-feeding and Parenting Conference" in San Antonio, Texas, on June 7-9, 1996;
- g) Health Department Women's, Infants, and Children (WIC) employee to attend the "Nutrition Education and Breast-

feeding Promotion Workshop” in Austin, Texas, on June 26-28, 1996;

- h) Health Department Women’s, Infants, and Children (WIC) employee to attend the “Texas Perinatal Association Planning Committee Meeting” in Weslaco, Texas, on June 11, 1996;
- I) Four (4) Health Department employees to attend the “Patient Flow Analysis for Post-Texas Women’s, Infants, and Children (WIC) Information Network (WIN)” in Pharr, Texas, on May 22-23, 1996;
- h) Health Department employee to attend the “Texas Perinatal Association Planning Committee Meeting” in Weslaco, Texas, on June 11, 1996;
- j) Constable Precinct No. 2 and Deputies to attend the “Texas Justice of the Peace and Constable Association Conference” in South Padre Island, Texas, on June 5-6, 1996;
- k) County Extension Agent to visit the “Sierra Shrimp Hatchery” and make recommendations in Washington Beach, Mexico, on May 14, 1996;
- l) Parks System Director to meet with “TRAPS Staff and T.P.W.D. Officials on Legislative Matters” in Austin, Texas, on May 22, 1996;
- m) First Chair Prosecutor with the Adjudication of Drug Offenders to attend the “Texas Narcotics Control Program 9th Annual Statewide Conference” in Corpus Christi, Texas, on June 2-5, 1996;
- n) Two (2) Planning Development and Management employees to attend the “Criminal Justice Division Community Planning Workshop” in Weslaco, Texas, on May 21, 1996;
- o) Chief Juvenile Officer to attend the “Alternative Education Program” in Weslaco, Texas, on March 6, 1996;
- p) Chief Juvenile Officer to attend the “Texas Corrections Association (TCA) Arrangements Committee” in Corpus Christi, Texas, on March 8, 1996;
- q) Chief Juvenile Officer to attend the “Meeting with Texas Youth Commissioner Personnel and other South Texas Chiefs” in Edinburg, Texas, on March 25, 1996;
- r) Chief Juvenile Officer to meet “Texas Juvenile Probation Chief (TJPC) and Southwest Key Program Staff” in Austin, Texas, on April 24, 1996;

- s) Chief Juvenile Officer to attend the "Meeting of Texas Corrections Association (TCA) Arrangements Committee" in Corpus Christi, Texas, on April 30, 1996; and
- t) Chief Juvenile Officer and two (2) Juvenile Probation Officers to attend the "Texas Corrections Association (TCA) Arrangements Committee Meeting" in Corpus Christi, Texas, on May 22, 1996.



(21) PRELIMINARY APPROVAL

Precinct No. 4

Country Home Estates Subdivision - being a 11.406 acre subdivision comprised of 4.752 acres of Block No. 7, 4.752 acres of Block No. 8, and 1.901 acres out of the North 2 acres of Block No. 9, Stuart Place Subdivision of Survey No. 40.

(22) FINAL APPROVAL

Precinct No. 4

Encino Estates Subdivision - being a 4.98 acres resubdivision of Lot No. 34, Stuart Place Subdivision, Survey No. 295.

(23) AUTHORIZATION TO OPEN BIDS

- a) **ANNUAL BIDS - DIETARY SUPPLIES MISCELLANEOUS**
- b) **ANNUAL BIDS - FOOD SPICES**
- c) **ANNUAL BIDS - DRINKING WATER**
- d) **CONSTRUCTION OF ADULT PROBATION OFFICES**

The Bids received and opened follow:

(23) AUTHORIZATION TO OPEN BIDS

c) ANNUAL BIDS - DRINKING WATER

The Bids received and opened follow:

SUPPLEMENTAL AGENDA

(1) IN THE MATTER EXECUTIVE SESSION (NO ACTION TAKEN)

- a) In the matter to confer with County Counsel concerning litigation involving County Ownership of the Pasol Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551071 (1&2).

(2) IN THE MATTER OF ACTION RELATIVE TO EXECUTIVE SESSION (NO ACTION TAKEN)

- a) In the matter to confer with County Counsel concerning litigation involving County Ownership of the Pasol Building.

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There being no further business to come before the Court, upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously, the meeting was **ADJOURNED**.

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APPROVED this **4th** day of **June, 1996**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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