

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 28th day 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

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

HECTOR PEÑA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:



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 24, 1996, at 9:50 A.M., and the Supplemental Agenda posted and filed for Record on May 24, 1996, at 4:10 P.M.:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented the late claims as to Mr. Edward J. Mann, Jr., Administrator of the Estate of Jose Pasol Dilasky, Warrant No. 13759, in the amount \$100,000.00, which was deferred for Executive Session, and Warrants Nos. 14169 through 14175, in the amount of \$180,723.85.

Commissioner Cascos expressed some concern regarding the Purchases without Purchase Orders and suggested that said Items should not be approved until the Purchase Orders were submitted to the Auditor's Office.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the County Claims were approved as presented by the County Auditor, inclusive of the late claims as to Warrant Nos. 14169 through 14175, in the amount of \$180,723.85, excluding the Purchases without Purchase Orders.

The Budget Officer's Comments Report is as follows:

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

The County Auditor reported that there were no Budget Amendments and/or Salary Schedules for approval at this time.



(3) IN THE MATTER OF THE MINUTES (NO ACTION TAKEN)

The Deputy County Clerk noted that there were no Minutes for approval at this time.



(4) PRESENTATION OF THE INTERIM REPORT ON INVESTMENTS OF COUNTY FUNDS THROUGH APRIL 30, 1996

At this time, Mr. Eddie A. Gonzalez, County Treasurer, highlighted the Interim Report on the Investments of the County Funds through April 30, 1996, and reported that the interest in the amount of \$146,000.00, was generated during April, 1996.

Commissioner Cascos expressed some concern regarding the Current Tax Increase on the Budget Officer's Comments Report and requested that the Interest Income should be reflected as an increase to the Budgeted Revenue thus reducing the estimated increase in taxes.

The County Auditor responded that the revenue and the tax offset would be projected on the General Fund in order to reflect an increase in the Interest Income.

There was some discussion regarding the Interest Income earned by the Tax Assessor-Collector, the County Clerk, and the District Clerk, and the County Auditor stated that the Trust Funds remained within the individual funds and noted that the Tax Assessor-Collector earned interest on the Vehicle Inventory Tax which was implemented into the Budget that allowed utilization of the funds. He stated that the County was required to distribute the interest earned on funds collected on behalf of an entity that remained in the County for over three (3) days and noted that the County had to assure Safety of Principal, Liquidity, and Rate of Return on the interest earned as opposed to maximizing the earnings.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Presentation of the Interim Report on Investments of County Funds through April 30, 1996, was acknowledged.

The Report is as follows:

**(5) ADOPTION OF A RESOLUTION TO COLLECT
FEES AND COSTS FOR THE COUNTY COURTS
AT LAW**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Resolution to collect Fees and Costs for the County Courts at Law, was adopted.

The Resolution is as follows:

(6) IN THE MATTER OF THE POLICY AND PROCEDURES FOR APPOINTMENTS TO THE TROPICAL TEXAS CENTER FOR MENTAL HEALTH AND MENTAL RETARDATION (TABLED)

At this time, Ms. Graciela Salinas, Director of Management, noted that not all the members were present at the previously held Policy Review Committee Meeting and reported that the meeting was rescheduled to discuss said issues.

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



(7) RE-APPOINTMENT OF MR. RUBEN GALLEGOS TO THE CAMERON COUNTY HOUSING AUTHORITY

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, Mr. Ruben Gallegos, Brownsville, Texas, was re-appointed to the Cameron County Housing Authority.

There was some discussion regarding the information on the Directors and the Officers of the Boards being submitted to the Court and the County Auditor recommended that each Board should present a yearly Status Report, to the Court.

Judge Hinojosa suggested that a Workshop be scheduled to discuss the County's liability, once the information was received from the Boards and Commissions.



(8) RE-APPOINTMENT OF MR. RAYMOND CISNEROS TO THE CAMERON COUNTY HOUSING FINANCE CORPORATION

Commissioner Cascos moved that Mr. Raymond Cisneros, Brownsville, Texas, be re-appointed to the Cameron County Housing Finance Corporation.

The motion was seconded by Commissioner Matz and carried unanimously.



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

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the following Cameron County Dune Protection Committee was appointed to administer the Dune Protection Component of Cameron County Public Beach Access and Dune Protection Plan:

Mr. Michael Goad - Chairman - Brownsville, Texas;
Ms. Shermin Lee - Condominium Manager - South Padre Island, Texas;
Mr. Eliseo Muñoz - Brownsville, Texas;
Mr. Bobby Balli - South Padre Island City Engineer; and
Ms. Mary Wood Ferguson - Construction Contractor.

(10) AUTHORIZATION TO CONTRACT WITH SOUTHWESTERN BELL MOBILE FOR ONE (1) MOBILE PHONE FOR SERGEANT JOEL GARCIA, TEXAS DEPARTMENT OF PUBLIC SAFETY

At this time, Judge Hinojosa referenced the Memorandum dated May 23, 1996, that explained the use of the mobile phone for Sergeant Joel Garcia, Texas Department of Public Safety, and added that the Drug Funds were no longer available for the remaining fiscal year to fund the Contract with Southwestern Bell.

Mr. Mark Yates, County Auditor, recommended that a certain dollar amount and a limited time use of the mobile phone be allowed for the Trooper and noted that the appropriate funds for said issue needed to be researched.

Commissioner Cascos suggested that a dollar amount limitation Policy be implemented among the Mobile Phone users funded by the County.

Mr. Yates stated that a Plan for the funding would be presented to Commissioners' Court at the following Meeting.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, Sergeant Joel Garcia, Texas Department of Public Safety, was authorized to Contract with Southwestern Bell Mobile for one (1) mobile phone, subject to the Plan for funding presented by the County Auditor.

The Memorandum is as follows:

(11) **APPROVAL OF THE AGREEMENT BETWEEN CAMERON COUNTY AND SANTA ROSA INDEPENDENT SCHOOL DISTRICT FOR THE USE OF THE SWIMMING POOL AT THE SANTA ROSA PARK TO GIVE SWIMMING LESSONS**

At this time, Ms. Dylbia Jefferies, County Attorney, stated that the swimming pool fee, in the amount of \$500.00 a month had been established, with the understanding that Santa Rosa Independent School District provide two (2) certified lifeguards and one (1) adult representative from the School District at the pool, while the swimming lessons were in session.

Mr. Edwardo Hinojosa, Santa Rosa Independent School District, stated that said Project had been in operation for the past eight (8) years, and that a fee was never charged for the use of the pool and added that the Agreement was updated every year as long as certified lifeguards were provided.

The County Auditor stated that the fees would provide for chlorine and the required equipment for the pool maintenance and would provide additional income for the certified lifeguards.

The suggestion was made to waive the fees and the School District was directed to provide the Court with a letter confirming the inspection of the pool area, a copy of the Certification of the lifeguards, and proof of insurance.

Commissioner Cascos moved that the Agreement between Cameron County and Santa Rosa Independent School District be approved, for the use of the swimming pool at the Santa Rosa Park in order to provide swimming lessons, subject to the School District providing a confirmation letter regarding the inspection of the pool area, a copy of the Certification of the lifeguards, and proof of Liability Insurance, noting that the fees be waived.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.



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

At this time, Judge Hinojosa stated that the Committee should be composed of the County Auditor, the County Attorney, and one (1) appointment from each of the members of the Commissioners' Court.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the following individuals were appointed to the Advisory Committee:

Mr. Mark Yates, County Auditor;
Mr. Doug Wright, Cameron County Counsel;
Mr. Joe G. Rivera, County Clerk;
Mr. Eddie A. Gonzalez, County Treasurer;
Ms. Grace Salinas, Director of Management;
Commissioner Carlos H. Cascos, Precinct No. 2; and the
Seventh Member to be appointed by Commissioner Matz.

(13) AUTHORIZATION AND ACKNOWLEDGMENT TO RELEASE PLEDGE SECURITIES

Commissioner Matz moved that the Pledge Securities be acknowledged and released.

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

AYE: Commissioners Rosenbaum, Cascos, Matz, and Peña

NAY: None

ABSTAINED: Judge Hinojosa.

(14) DISCUSSION TO ALLOCATE TEXAS SURPLUS GUARDRAILS AND POSTS PER THE COUNTY ENGINEERS RECOMMENDATIONS

Commissioner Rosenbaum moved that Texas Surplus Guardrails and Posts be allocated as recommended by the County Engineers.

The motion was seconded by Commissioner Matz and carried unanimously.

[REDACTED]

(15) **APPROVAL OF THE CONTRACT BETWEEN CAMERON COUNTY AND THE PRIVATE INDUSTRY COUNCIL FOR THE 1996 SUMMER YOUTH EMPLOYMENT AND TRAINING WORK EXPERIENCE PROGRAM, AND DESIGNATING MR. MARIANO AYALA, PERSONNEL/SAFETY RISK DIRECTOR, AS THE AUTHORIZED REPRESENTATIVE FOR THE CONTRACT**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Contract between Cameron County and the Private Industry Council was approved for the 1996 Summer Youth Employment and Training Work Experience Program, and Mr. Mariano Ayala, Personnel/Safety Risk Director, was designated as the authorized Representative for the Contract, subject to Legal review.

The Contract is as follows:

(16) APPROVAL OF THE REQUEST FOR THE AMOUNT OF \$3,000.00, TO COVER THE COST OF DISPOSING ANIMALS AT HARLINGEN CITY LAND FILL

At this time, Mr. Ray Rodriguez, Health Department, reported that the Cities of San Benito, La Feria, and Santa Rosa could no longer assist in disposing of dead animals and noted that the Health Department had to Contract with the Harlingen City Land Fill, which resulted in additional costs.

Mr. Mark Yates, County Auditor, stated that the funds were available within the Health Department's lapsed Fringe Benefits.

Commissioner Rosenbaum moved that the amount of \$3,000.00, be approved to cover the cost of disposing animals at the Harlingen City Land Fill.

The motion was seconded by Commissioner Cascos and carried unanimously.

(17) APPROVAL OF THE GRANT AWARD AND CONTRACT IN THE AMOUNT OF \$1,031,876.00, FROM THE RIO GRANDE VALLEY EMPOWERMENT ZONE CORPORATION FOR THE CONSTRUCTION OF A NEW PORT ISABEL HEALTH CLINIC

Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously, the Grant Award and the Contract, in the amount of \$1,031,876.00, from the Rio Grande Valley Empowerment Zone Corporation, was approved for the Construction of a new Port Isabel Health Clinic, subject to Legal review.

SUPPLEMENTAL AGENDA

(1) ADOPTION OF A RESOLUTION REQUESTING CAMERON COUNTY CITIZENS, MUNICIPALITIES, AND LOCAL GOVERNMENTS TO INITIATE WATER RATIONING MEASURES

At this time, Commissioner Matz suggested that the Resolution be reworded to reflect a provision of the cooperation and participation of the Agricultural Community, since agriculture accounted for ninety percent (90%) of the water usage.

Judge Hinojosa explained that the County was facing a drought in high proportions and noted that the efforts by Municipalities in the County had not been initiated regarding the water rationing measures, and added that the County should approve the Resolution, in order to impose the water rationing measures in the County.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Resolution requesting Cameron County Citizens, Municipalities, and Local Governments, to initiate water rationing measures, was adopted.

The Resolution is as follows:

(2) **APPOINTMENT OF COUNTY REPRESENTATIVES TO THE RAILROAD RELOCATION COMMITTEE**

Commissioner Peña moved that the County Representatives, that being Judge Hinojosa, Commissioner Cascos, and the County Engineer, be appointed to the Railroad Relocation Committee.

The motion was seconded by Commissioner Cascos and carried unanimously.

(3) **IN THE MATTER OF THE AGREEMENT WITH THE CITY OF BROWNSVILLE REGARDING THE MULTI-STORY PARKING GARAGE FEASIBILITY STUDY (TABLED)**

At this time, Judge Hinojosa stated that the County Attorney had negotiated the proposed document with the City Attorney and added that the construction was projected for the Summer of 1996, noting that the Agreement had to be expedited and that the major aspects of the Agreement had been resolved between the County and the City.

Commissioner Cascos noted that the Contract date should be June 1, 1996, through May 31, 1997, and expressed concern regarding the County providing the up-front costs for the Project.

The County Auditor responded that the County was requesting that reimbursement be made within thirty (30) days and the suggestion was made to table the Item until the issues were incorporated into the Agreement.

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

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:

Commissioner Cascos expressed regarding the travel request for the overnight stay in South Padre Island, since the travel destination was within the County.

There was some discussion as to the exception of overnight stay for a County employee organizing an activity within the County and the suggestion was made to approve overnight stay for the organizers within the County.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the "Consent" Agenda Items were approved as follow, subject to the exception of overnight stay within the County:

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

- a) County Court at Law No. 1 Judge to attend the "20th Annual Advanced Estate Planning and Probate Course" in Houston, Texas, on June 4-7, 1996;
- b) County Court at Law No. 2 Judge to attend the "5th Region Administrative Business Meeting" in Corpus Christi, Texas, on May 31, 1996, through June 2, 1996;
- c) County Court at Law No. 2 Administrator and Coordinator to attend the "Professional Development Program on Trial Court Management and Administration" in Huntsville, Texas, on June 10-14, 1996;
- d) Computer Center Director to attend the "Criminal Justice/Law Enforcement Telecommunications Seminar at Pan American University" in Edinburg, Texas, on May 15, 1996;
- e) Sheriff and Jail Administrator to attend the "Jail Management Issues Seminar" in South Padre Island, Texas, on June 3-5, 1996;
- f) Cameron County Drug Enforcement Staff to attend the "Annual Texas Narcotics Control Program Annual Staff Training Conference" in Corpus Christi, Texas, on June 2-5, 1996;
- g) Health Department Employee to attend the "Texas Natural Resource Conservation Commission Discussion of the Site Sewage Facility Proposed Rules Revision" in Austin, Texas, on June 3-5, 1996;
- h) Constable Precinct No. 8 to attend the "Texas Justice of the Peace and Constables Association Annual Conference" in South Padre Island, Texas, on June 5-8, 1996;
- I) Constable Precinct No. 4 to attend the Texas Justice of the Peace and Constables Association Annual Conference" in South Padre Island, Texas, on June 5-8, 1996;
- j) Justice of the Peace Precinct No. 2, Place No. 1, to attend the "Texas Justice of the Peace and Constables Association Annual Conference" in South Padre Island, Texas, on June 5-8, 1996; and
- k) County Judge to attend the "Alliance for I-69 Texas State Meeting" in Austin, Texas, and May 29-30, 1996.

[REDACTED]

(19) **AUTHORIZATION TO AWARD BIDS**

a) **ANNUAL BIDS - DRINKING WATER**

ST. JOSEPHS WATER - Brownsville, Texas
Drinking Water - Gallon size - \$0.58

(20) **AUTHORIZATION TO REJECT AND READVERTISE FOR BIDS**

a) **ANNUAL BIDS - LUBES, OILS, AND GREASES**

(21) **FINAL APPROVAL**

a) **Precinct No. 4**

Rancho Grande South Section V - being 146.759 acres out of a 591.85 acre tract, said 591.85 acres consisting of part of 392.50 acres actual survey, same property described as a 380.2 acre tract in deed granting a 30 foot Water Transmission Canal Easement, from E.D. Palmer to W.B. Mobley, dated February 9, 1955, out of a 780 acre tract as described in Partition Deed between W.B. Hinkly and R.B. Hinkly, dated December 18, 1929, and all of Tract Nos. 1 and 3, of a plat of a portion of San Pedro de Carricitos Grant showing eleven tracts of land, out of Subdivision "E", "F", "G", "H", of Shares Nos. 7 and 8, dated March 6, 1944, in Share Nos. 6, 7, and 8, San Pedro de Carricitos Grant.

[REDACTED]

(22) **EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 2:30 P.M. to discuss the following matters:

- a) Confer with County Counsel on Resolution to institute and prosecute Court proceedings, and to otherwise act to condemn Parcel No. 1, Tract No. 1, Lots Nos. 7, 8, and 61, for public use; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- b) 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 551.071(1&2);
- c) Discuss potential litigation on the case styled Juarez and Rodriguez vs. Sanchez claim, on behalf of the Texas Municipal League Intergovernmental Risk Pool; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A); and

- d) Confer with County Counsel to authorize expenses to remove an outdoor sign located on the FM/509 Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Court reconvened in Regular Session at 2:50 P.M.

██

(23) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with County Counsel on Resolution to institute and prosecute Court proceedings, and to otherwise act to condemn Parcel No. 1, Tract No. 1, Lots Nos. 7, 8, and 61, for public use.

Commissioner Matz reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should proceed along the terms and conditions as outlined in Executive Session regarding said matter.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session regarding the Resolution to institute and prosecute Court proceedings, and to otherwise act to condemn Parcel No. 1, Tract No. 1, Lots Nos. 7, 8, and 61, for public use.

The Resolution is as follows:

- b) Confer with County Counsel concerning litigation involving County ownership of the Pasol Building.

Commissioner Matz reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should proceed along the terms and conditions as outlined in Executive Session regarding said matter.

Commissioner Matz moved that County Counsel be directed to proceed along the terms and conditions as outlined in Executive Session concerning the litigation involving County ownership of the Pasol Building.

The motion was seconded by Commissioner Peña and carried unanimously.

- c) Discuss potential litigation on the case styled Juarez and Rodriguez vs. Sanchez claim, on behalf of the Texas Municipal League Intergovernmental Risk Pool.

Commissioner Matz reported that after some discussion, it was the consensus of the Court as determined by polling, that the claim regarding said matter should be denied.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the litigation on the case styled Juarez and Rodriguez vs. Sanchez claim, on behalf of the Texas Municipal League Intergovernmental Risk Pool was denied.

- d) Confer with County Counsel to authorize expenses to remove an outdoor sign located on the FM/509 Project.

Commissioner Matz reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should proceed along the terms and conditions as outlined in Executive Session regarding said matter.

Commissioner Matz moved that County Counsel be directed to proceed along the terms and conditions as outlined in Executive Session regarding the expenses to remove an outdoor sign located on the FM/509 Project.

The motion was seconded by Commissioner Peña and carried unanimously.



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 **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