

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 11th day of JUNE, 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 Pastor Van Vaugh, Church of the Good Shepherd, 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 June 7, 1996, at 12:59 P.M., and the Supplemental Agenda posted and filed for Record on June 7, 1996, at 12:59 P.M.:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Judge Hinojosa reported that the Juvenile Boot Camp Project Application for the Construction of the Boot Camp was approved, said funding in the amount of 1.2 million dollars.

Mr. Mark Yates, County Auditor, presented the following late claims as to GECPAC, Warrant No. 14854, in the amount of \$8,563.93, and as to Imprest Account, Warrant No. 14855, in the amount of \$3,044.64; and highlighted the Purchases without Purchase Orders referenced in the Budget Officer's Comments Report.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the County Claims were approved as presented by the County Auditor, inclusive of the late claims as to Warrant No. 14854, in the amount of \$8,563.93, and Warrant No. 14855, in the amount of \$3,044.64.

The Budget Officer's Comments Report is as follows:

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

Commissioner Rosenbaum moved that the Fiscal Year 1996 Budget Amendment No. 96-13 and the following Salary Schedules be approved:

County Sheriff - Fund No. 10-560;

Tuberculosis/PC Elimination - Fund No. 26-645;

Tuberculosis Control - Fund No. 27-635;

Drug Forfeiture - County Attorney - Fund No. 90-475; and

Maternal and Child Health -Fund No. 27-637.

The motion was seconded by Commissioner Peña and carried unanimously.

The Budget Amendment and Salary Schedules are as follow:

(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) ADOPTION OF A PROCLAMATION DECLARING A STATE OF DISASTER FOR THE COUNTY OF CAMERON DUE TO THE THREAT OF WILDFIRES

At this time, Judge Hinojosa stated that the Court should support the declaration of the County as a disaster area due to the drought conditions and noted that many complaints were received from the Emergency Services District with respect to funding in order to provide for firefighting services in the rural areas.

Commissioner Matz moved that the Proclamation declaring a state of disaster for the County of Cameron, due to the threat of wildfires, be adopted.

The motion was seconded by Commissioner Peña and carried unanimously.

The Proclamation is as follows:

**(5) IN THE MATTER OF A RESOLUTION
REQUESTING THE GOVERNOR OF TEXAS TO
BAN THE SALE OF FIREWORKS IN CAMERON
COUNTY (TABLED)**

Commissioner Cascos moved that this Item be **TABLED**.

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

AYE: Commissioners Cascos, Peña, and Judge Hinojosa

NAY: None

ABSTAINED: Commissioners Rosenbaum and Matz.

SUPPLEMENTAL AGENDA

**(1) POSSIBLE APPROVAL OF ORDER
CONCERNING THE REGULATION OF
FIREWORKS FOR THE 1996 FOURTH OF JULY
FIREWORKS SEASON, PURSUANT TO V.T.C.A.,
LOCAL GOVERNMENT CODE, SECTION 240.904**

At this time, Mr. Ramiro Gonzalez, Jr., Mr. G's Fireworks, stated that the Texas Pyrotechnic Association had taken the initiative to voluntarily remove Aerial Fireworks and stick rockets from retail sale on a statewide basis at a meeting in Dallas, Texas, on May 30, 1996. He reported that flyers would be made available to the public to explain the drought situation and would publicize the designated areas for the fireworks to be utilized.

There was some discussion on the designated areas and whether the current display of fireworks in South Padre Island, Texas, was banned and the County Attorney responded that the municipal designated display areas were exempt from the Order.

Commissioner Cascos moved that the Order concerning the Regulation of Fireworks for the 1996 Fourth of July Fireworks Season, pursuant to V.T.C.A., Local Government Code, Section 240.904, be approved.

The motion was seconded by Commissioner Peña.

At this time, Mr. Mike Frazier, Brownsville resident, expressed concern regarding the rural areas that did not have accessible fire hydrants and noted that the fire trucks carried a limited amount of water which would not be sufficient for the brush fires. He requested that the Court consider the homes, wildlife and agriculture that would be affected by the brush fires.

Mr. Manuel Hernandez, Southmost area resident, stated that the water was disconnected from time to time, due to the construction in the area, and noted that the water would be unavailable to utilize in a fire hazardous situation.

Commissioner Peña questioned whether the regulations allowed for the banning of all fireworks and the County Attorney responded that under a disaster act, the County Judge had the authority to completely ban the sale of the fireworks.

Ms. JuaNita Brodecky, Rio Hondo resident, suggested that the Court ban the fireworks with the exception of County approved areas due to the lack of fire protection.

Upon motion duly made by Commissioner Cascos to approve the Order concerning the Regulation of fireworks for the 1996 fourth of July Fireworks Season, pursuant to V.T.C.A., Local Government Code, Section 240.904, the motion was seconded by Commissioner Peña and carried as follows:

AYE: Commissioners Rosenbaum, Cascos, and Peña

NAY: Commissioner Matz.

The Order is as follows:

(6) IN THE MATTER OF AN EMERGENCY ORDER FOR THE COUNTY OF CAMERON PROHIBITING THE USE AND/OR SALE OF FIREWORKS (TABLED)

Commissioner Cascos moved that this Item be **TABLED**.

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

AYE: Commissioners Rosenbaum, Cascos, and Peña

NAY: Commissioner Matz.



(7) ADOPTION OF AN EMERGENCY ORDER FOR THE COUNTY OF CAMERON PROHIBITING OUTDOOR BURNING

Commissioner Cascos moved that the Emergency Order for the County of Cameron be adopted in order to prohibit outdoor burning.

The motion was seconded by Commissioner Peña.

At this time, Mr. Doug Wright, Cameron County Counsel, stated that the Order should include provisions regarding the outdoor burning within certain periods of time, that being; Saturdays and Sundays from the hours of 8:00 A.M. to 12:00 P.M., and noted that the wind velocity should be six (6) miles per hour but not to exceed ten (10) miles per hour.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Emergency Order for the County of Cameron prohibiting outdoor burning was adopted, inclusive of the provision to allow outdoor burning on Saturdays and Sundays, within the hours of 8:00 A.M. to 12:00 P.M.

The Emergency Order is as follows:

At this time, Judge Hinojosa noted that the Item was inadvertently not included on the Agenda and stated that Cameron County should adopt a Water Conservation Policy. He suggested that the following individuals should be appointed to a Committee in order to submit recommendations to the Court on the Water Conservation efforts that the County employees should adopt. He recommended that the Personnel/Safety Risk Coordinator should schedule a Workshop in order to train County employees regarding Water Conservation efforts:

Mr. Mariano Ayala, Personnel/Safety Risk Coordinator,
Ms. Graciela Salinas, Director of Management,
Mr. Kenneth Conway, Parks System Director,
Mr. Pete Blanco, Maintenance Superintendent, and
Major Gustavo Reyna, County Jail.

**(8) PRESENTATION THE ON FM/509
LANDSCAPING PROJECT AT THE FREE TRADE
BRIDGE AT LOS INDIOS, BY MR. STEVE
WALKER, LANDSCAPE ARCHITECT**

At this time, Mr. Joe Galvan, Bridge Systems Director, highlighted a Memorandum dated June 10, 1996, regarding the FM/509 Landscaping Project at the Free Trade Bridge at Los Indios.

Mr. Steve Walker, Landscape Architect with the Texas Department of Transportation, defined the Landscaping Project and the work to be performed and added that low maintenance would be required, noting that a drip irrigation system would be placed in order to conserve water.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Presentation on the FM/509 Landscaping Project at the Free Trade Bridge at Los Indios, by Mr. Steve Walker, Landscape Architect, was acknowledged.

The Memorandum is as follows:

(9) APPOINTMENT OF MS. DORA CASTILLO TO THE TROPICAL TEXAS CENTER FOR MENTAL HEALTH AND MENTAL RETARDATION BOARD

Commissioner Peña moved that Ms. Dora Castillo, Harlingen, Texas, be appointed to the Tropical Texas Center for Mental Health and Mental Retardation Board.

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

AYE: Commissioner Rosenbaum, Matz, and Peña

NAY: None

ABSTAINED: Commissioner Cascos.

(10) POSSIBLE APPROVAL OF THE ARBITRATION CLAUSE IN THE CONTRACT BETWEEN CAMERON COUNTY AND THE RIO GRANDE VALLEY EMPOWERMENT ZONE FOR THE PORT ISABEL HEALTH CLINIC

At this time, Ms. Dylbia Jefferies, County Counsel, stated that the Contract had been previously approved by the Court, subject to Legal review and added that the Rio Grande Valley Empowerment Zone had requested that an Arbitration Clause be included in the Contract.

Mr. Mark Yates, County Auditor, stated that the Contracts with the County typically request that the disputes be settled in the jurisdiction of Cameron County and noted that it would benefit the County to have the clause included in the Contract.

Commissioner Matz moved that the Arbitration Clause be approved in the Contract between Cameron County and the Rio Grande Valley Empowerment Zone for the Port Isabel Health Clinic.

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

AYE: Commissioners Rosenbaum, Matz, and Peña

NAY: None

ABSTAINED: Commissioner Cascos.

**(11) AUTHORIZATION TO OPEN THE FOLLOWING
ACCOUNTS WITH INTERNATIONAL BANK OF
COMMERCE: CAMERON COUNTY
TREASURER ADULT PROBATION
RELOCATION PROGRAM - FUND NO. 7, AND
CAMERON COUNTY TREASURER PORT
ISABEL HEALTH CLINIC - FUND NO. 41**

Commissioner Peña moved that the following accounts be opened with the International Bank of Commerce:

Cameron County Treasurer Adult Probation Relocation Program - Fund No. 7; and

Cameron County Treasurer Port Isabel Health Clinic - Fund No. 41.

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

AYE: Commissioners Rosenbaum, Cascos, Matz, and Peña

NAY: None

ABSTAINED: Judge Hinojosa.

The Resolutions are as follow:

(12) AUTHORIZATION TO TERMINATE THE CONTRACT FOR THE VICTIM'S ADVOCACY SERVICES BETWEEN THE COUNTY AND FRIENDSHIP OF WOMEN, INCORPORATED, BY MUTUAL AGREEMENT OF BOTH PARTIES

Commissioner Matz moved that the Contract for the Victim's Advocacy Services be terminated between the County and Friendship of Women, Incorporated, Brownsville, Texas, by mutual agreement.

The motion was seconded by Commissioner Peña and carried unanimously.

(13) APPROVAL OF FRONT-END COUNTY FINANCING FOR THE 1997 SOLID WASTE ENFORCEMENT PROGRAM ON A GRANT REIMBURSEMENT BASIS

At this time, Mr. Frank Bejarano, Program Development and Management Director, stated that funds were available through current and expected Grant Funds in order to operate the 1997 Solid Waste Enforcement Program without a County contribution, but requested front-end financing be provided by the County.

There was some discussion concerning whether or not the Grant Funds would be available the following Fiscal Years and the suggestion was made to budget an amount during the Fiscal Year, for the period of June, 1997, through June, 1998, in case the Grant Funds were not available.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Front-end County Financing was approved for the 1997 Solid Waste Enforcement Program on a grant reimbursement basis.

(14) AUTHORIZATION TO HOLD A PUBLIC HEARING ON THE PROPOSED TRUCK WEIGHT LIMITS, TRAFFIC CONTROL, AND ALTERNATIVE ROUTES FOR TRAFFIC, ON A SEGMENT OF FLOR DE MAYO ROAD, SOUTHWEST OF US 281

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Hearing on the proposed Truck Weight Limits, Traffic Control, and Alternative Routes for Traffic, on a segment of Flor De Mayo Road, Southwest of US 281, was opened for public comment.

At this time, Mr. Michael Martin, County Engineer, stated that said road was being utilized by agricultural trucks and eighteen (18) wheeler trucks to haul materials and noted that the road was constructed for light usage such as residential and occasional agricultural use. He added that the road had deteriorated due to the use by multiple large trucks and reported that agreements previously proposed to address the safety hazard issues had not been resolved. Mr. Martin recommended that the truck weight limits should be reduced to twelve thousands pounds to reduce the safety hazards.

Mr. William Faulk, Attorney at Law, stated that numerous County residents had requested that the weight limits should not be imposed until an alternate route for the trucks was designated by the County and the speed limits were enforced. He added that the issue could be resolved if the road was expanded, an alternate route was designated, and the speed limits were enforced.

Commissioner Cascos stated that the weight limits had to be imposed in order to consider re-constructing the road which would cost an estimated amount of \$45,000.00. He added that the property owners needed to agree on a proposed plan in order for action to be taken on resolving the matter.

Mr. William Pope, Flor de Mayo resident, stated that he had submitted a written proposal to Mr. Faulk offering an alternate route but noted that the Lease Agreement was renewable every six (6) months in order for the terms of the Agreement to be met.

After a lengthy discussion regarding the objections and concerns of the property owners, Judge Hinojosa suggested that the temporary Lease Agreement should be accepted and that in the interim, the Court would continue to negotiate proposals to accommodate the property owners.

Hearing and sensing no further comments, upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Public Hearing was closed.

Commissioner Cascos questioned whether the property owners would contribute ten (10) feet of right-of-way on each side of the road in order to rebuild the road, and Mr. Lloyd Horn, property owner, agreed to donate his portion of the land, but the comment was made that there would be a problem with the adjacent property owners contributing a portion of their land.



(15) IN THE MATTER OF SETTING THE TRUCK WEIGHT LIMITS, TRAFFIC CONTROL AND ALTERNATIVE ROUTES ON FLOR DE MAYO ROAD (TABLED)

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, this Item was **TABLED** for two (2) weeks.

(16) AUTHORIZATION TO ADVERTISE FOR REQUESTS FOR PROPOSALS (RFP) PROJECT NO. 960601, FOR ARCHITECTURAL SERVICES ON THE DESIGN OF THE PORT ISABEL HEALTH CLINIC AND DESIGNATE A DESIGN REVIEW COMMITTEE

Commissioner Peña moved that the Request for Proposals (RFP) Project No. 960601, be advertised for Architectural Services on the Design of the Port Isabel Health Clinic, and that the following Design Review Committee Members be appointed:

- Mr. Michael Martin, County Engineer,
- Ms. Graciela Salinas, Director of Management,
- Mr. Doug Wright, Cameron County Counsel,
- Ms. Yvette Salinas, Health Department,
- Mr. Frank Bejarano, Program Development and Management Director,
- Mr. Pete Blanco, Maintenance Superintendent,
- Mr. Fred Weber, Brownsville Community Health Center,
- Father Joe O'Brien, Empowerment Zone, and
- Mr. Bob Cornelison, Empowerment Zone.

The motion was seconded by Commissioner Matz and carried unanimously.

(17) APPROVAL OF THE ANNUAL APPLICATION SOFTWARE SUPPORT SERVICES AGREEMENT WITH HAMER ENTERPRISES, MCALLEN, TEXAS

Upon motion by Commissioner Peña, seconded by Commissioner Cascos and carried unanimously, the Annual Application Software Support Services Agreement with Hamer Enterprises, McAllen, Texas, was approved.

The 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 Peña and carried unanimously, the "Consent" Agenda Items were approved as follow, excluding Item No. 18 "a":

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

- a) In the matter of Commissioner Precinct No. 1 to attend the "National Association of Counties' (NACO's) 61st Conference" in Houston, Texas, on July 12-16, 1996; (Excluded)
- b) Commissioner Precinct No. 1 to attend the "South Texas County Judges' and Commissioners' Conference" in Kerrville, Texas, on June 24-27, 1996;
- c) Nine (9) Health Department employees to attend the "Intensive Course in Breast-feeding" in Harlingen, Texas, on July 31, 1996, through August 2, 1996;
- d) Marine Extension Agent to attend the "Hurricane and Disaster Training" in Corpus Christi, Texas, on June 4, 1996;
- e) Agriculture Agent to attend the "State 4-H Roundup" in College Station, Texas, on June 4-6, 1996; and
- f) Agriculture Agent Assistant to attend the "District 12 4-H Leadership Lab" in Brownwood, Texas, on June 12-15, 1996.

(19) AUTHORIZATION TO OPEN BIDS

- a) **ANNUAL BIDS - TYPEWRITERS**
- b) **OFFSET PRINT PRESS**
- c) **DEMOLITION OF MARCHAN PROPERTY - PORT ISABEL**
- d) **CONSTRUCTION OF ADULT PROBATION OFFICES**
- e) **CONSTRUCTION OF ISLA BLANCA PARK REGISTRATION OFFICE AND SEA RANCH**

The Bids received and opened follow:

(20) AUTHORIZATION TO ADVERTISE FOR REQUESTS FOR PROPOSALS (RFP) NO. 96-06-03, FOR A FINANCIAL AUTOMATION PACKAGE FOR THE AUDITOR'S DEPARTMENT

(20) AUTHORIZATION TO OPEN BIDS

a) ANNUAL BIDS - TYPEWRITERS

The Bids received and opened follow:

(20) AUTHORIZATION TO OPEN BIDS

b) OFFSET PRINT PRESS

The Bids received and opened follow:

(20) AUTHORIZATION TO OPEN BIDS

c) DEMOLITION OF MARCHAN PROPERTY - PORT ISABEL

The Bids received and opened follow:

(20) AUTHORIZATION TO OPEN BIDS

d) CONSTRUCTION OF ADULT PROBATION OFFICES

The Bids received and opened follow:

(21) EXECUTIVE SESSION

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 3:20 P.M. to discuss the following matters:

- a) Confer with County Counsel for authorization of expenses for Tandy Avenue on appraisal and acquisition costs; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) In the matter of conferring with County Counsel regarding the possible sale of: Harlingen Original Townsite, Lot No. 7, Block No. 33; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2); **(TABLED)**
- c) In the matter of conferring with County Counsel regarding the possible sale of: Harlingen Original Townsite, Block No. 4, West 35', Lot No. 9, and all of Lot No. 10; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2); **(TABLED)** and
- d) In the matter of conferring with County Counsel for possible action to terminate Lease Agreement between Helping Hands Laundry and Cameron County Parks System; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072. **(NO ACTION TAKEN)**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Court reconvened in Regular Session at 3:40 P.M.



(21) ACTION RELATIVE TO EXECUTIVE SESSION

- b) In the matter of conferring with County Counsel regarding the possible sale of: Harlingen Original Townsite, Lot No. 7, Block No. 33. **(TABLED)**
- c) In the matter of conferring with County Counsel regarding the possible sale of: Harlingen Original Townsite, Block No. 4, West 35', Lot No. 9, and all of Lot No. 10. **(TABLED)**

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, these Items were **TABLED**.

- a) Confer with County Counsel for authorization of expenses for Tandy Avenue on appraisal and acquisition costs.

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

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Status Report of County Counsel was acknowledged regarding the expenses for Tandy Avenue on appraisal and acquisition costs.

- d) In the matter of conferring with County Counsel for possible action to terminate Lease Agreement between Helping Hands Laundry and Cameron County Parks System. **(NO ACTION TAKEN)**

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

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APPROVED this **9th** day of **July**, **1996**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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