

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 5th day of NOVEMBER, 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 Reverend Hector Muñoz, Templo Sholom, 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 November 1, 1996, at 12:04 P.M., and the Supplemental Agenda posted and filed on November 1, 1996, at 3:20 P.M.:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented the following additional late claims for approval:

Warrant No. 23552, as to Valley Morning Star, in the amount of \$516.24;

Warrant No. 23553, as to Valley Morning Star, in the amount of \$523.41;

Warrant No. 23554, as to Valley Morning Star, in the amount of \$294.24; and

Warrant No. 23555, as to Southwestern Bell Telephone, in the amount of \$10,222.45.

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 following late claims:

Warrant No. 23552, in the amount of \$516.24;

Warrant No. 23553, in the amount of \$523.41;

Warrant No. 23554, in the amount of \$294.24; and

Warrant No. 23555, in the amount of \$10,222.45.

The Budget Officer's Comments Report is as follows:

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

Commissioner Cascos moved that the Fiscal Year 1997 Budget Amendment No. 97-04 and the following Salary Schedules be approved:

County Sheriff - Fund No. 10-560;

Sheriff - Auto Theft Detail - Fund No. 10-562; and

Constable Precinct No. 4, Javier Loredó - Fund No. 10-555.

The motion was seconded by Commissioner Peña and carried unanimously.

The Budget Amendment and Salary Schedules are as follow:

(3) APPROVAL OF THE MINUTES OF OCTOBER 22, 1996

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Minutes of the Regular Meeting held October 22, 1996, at 1:30 P.M., were approved.

(4) ADOPTION OF A PROCLAMATION DECLARING NOVEMBER 10TH THROUGH NOVEMBER 16TH, AS "YOUTH APPRECIATION WEEK" IN CAMERON COUNTY

Commissioner Peña moved that the Proclamation declaring November 10, 1996, through November 16, 1996, as "Youth Appreciation Week" in Cameron County, be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Proclamation is as follows:

- (5) **ADOPTION OF THE ORDER AUTHORIZING THE ISSUANCE OF \$1,340,000.00 CAMERON COUNTY, TEXAS PARK SYSTEM COMBINATION TAX AND REVENUE REFUNDING BONDS, SERIES 1996C, AND MAKING PROVISIONS FOR THE SECURITY THEREOF; APPROVING THE PURCHASE CONTRACT, THE OFFICIAL STATEMENT, AND THE ESCROW AGREEMENT; AND APPROVING OTHER MATTERS RELATING THERETO**
- (6) **ADOPTION OF THE ORDER AUTHORIZING THE ISSUANCE OF \$2,385,000.00 CAMERON COUNTY, TEXAS PARK SYSTEM COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 1996D, AND MAKING PROVISIONS FOR THE SECURITY THEREOF; APPROVING THE PURCHASE CONTRACT AND THE OFFICIAL STATEMENT; AND APPROVING OTHER MATTERS RELATING THERETO**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Orders authorizing the Issuance of \$1,340,000.00 Cameron County, Texas Park System Combination Tax and Revenue Refunding Bonds, Series 1996C, and the Issuance of \$2,385,000.00 Cameron County, Texas Park System Combination Tax and Revenue Certificates of Obligation, Series 1996D, were adopted; and the provisions for the Security thereof; the Purchase Contract, the Official Statement, and the Escrow Agreement and other matters relating thereto, were approved.

The Orders are as follow:

(7) APPROVAL OF THE PURCHASE WITHOUT PURCHASE ORDERS FROM AIR PACIFIC AND EQUIPMENT COMPANY, IN THE AMOUNT OF \$1,090.00

Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously, the Purchase without the Purchase Order from Air Pacific and Equipment Company, in the amount of \$1,090.00, was approved.



(8) APPROVAL TO OPEN ACCOUNTS WITH THE INTERNATIONAL BANK OF COMMERCE

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

- a) Cameron County Treasurer; and
- b) Juvenile Justice Alternative Education Program Fund No. 43.

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

AYE: Commissioners Rosenbaum, Cascos and Peña

NAY: None

ABSTAINED: Judge Hinojosa.

The Resolution is as follows:

(9) IN THE MATTER OF A TEN YEAR PHASE-IN OF LAND, BUILDING AND EQUIPMENT FOR TITAN WHEEL INTERNATIONAL, INCORPORATED (TABLED)

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, this Item was **TABLED** for further review by the Program Development and Management Director, the County Auditor/Budget Officer, and County Counsel.



(10) AUTHORIZATION TO HOLD A PUBLIC HEARING TO AMEND THE PUBLIC BEACH ACCESS AND DUNE PROTECTION PLAN OF CAMERON COUNTY

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Public Hearing to amend the Public Beach Access and Dune Protection Plan of Cameron County, was open for public comments.

At this time, Mr. Javier Mendez, Acting County Engineer, stated that the Texas General Land Office recommended that the Plan be amended, noting that the issue had been reviewed by County Counsel.

Hearing and sensing no further comments, Commissioner Rosenbaum moved that the Public Hearing be closed.

The motion was seconded by Commissioner Peña and carried unanimously.



(11) AUTHORIZATION TO ADOPT THE ORDER AMENDING CAMERON COUNTY'S PUBLIC BEACH ACCESS AND DUNE PROTECTION PLAN TO INCLUDE THE PADRE SHORES, LIMITED, FINAL MASTER PLAN

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Order amending Cameron County's Public Beach Access and Dune Protection Plan to include the Padre Shores, Limited, Final Master Plan, was adopted.

The Order is as follows:

**(12) AUTHORIZATION FOR THE APPROVAL AND
THE ISSUANCE OF A DUNE PROTECTION
PERMIT FOR THE PADRE SHORES, LIMITED,
MASTER PLAN**

Commissioner Rosenbaum moved that the Issuance of a Dune Protection Permit for the Padre Shores, Limited, Master Plan, be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Permit is as follows:

(13) APPROVAL OF THE RENEWAL MOBILE BEACH VENDORS PERMIT FOR SYLENA GOLLER DOING BUSINESS AS PADRE WRECKER SERVICE

At this time, Mr. Kenneth Conway, Parks System Director, clarified that the Vendors Permit for Sylena Goller, doing business as, Padre Wrecker Service, had lapsed, and had requested a new Vendors Permit. He stated that the Permit would be the seventh (7th) Beach Towing Vendor Permit approved by the Court, and added that the County Policy allowed for five (5) permits to be issued, and noted that the Court had made an exception and issued a sixth (6th) permit.

Judge Hinojosa expressed concern regarding the amount that said Vendors were charging and suggested that a "market" situation should be implemented in order to control the beach towing fees.

Commissioner Cascos expressed concern regarding the exceptions being made against the County Policy regarding the Vendor Permits.

Mr. Conway suggested that limits be established for towing vendors, similar to the food vendors' limits.

Commissioner Cascos moved that the Mobile Beach Vendors Permit for Sylena Goller, doing business as Padre Wrecker Service, be renewed, subject to the Policy being changed and increased to ten (10) Towing Vendor Permits.

The motion was seconded by Commissioner Peña and carried unanimously.



(14) AUTHORIZATION TO ENTER INTO A SERVICE AGREEMENT WITH NEW AGE COMMUNICATION TECHNOLOGIES FOR THE DAISI VOICE RESPONSE SYSTEM FOR THE CHILD SUPPORT DIVISION OF THE DISTRICT CLERK'S OFFICE

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, authorization was given for the District Clerk's Office to enter into a Service Agreement with New Age Communication Technologies for the Daisy Voice Response System for the Child Support Division.

The Agreement is as follows:

(15) **APPROVAL OF THE RESOLUTION AUTHORIZING THE SUBMISSION OF A CONTINUATION APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE SHERIFF'S DEPARTMENT SPEED SELECTIVE TRAFFIC ENFORCEMENT PROJECT (STEP) GRANT AND DESIGNATION OF THE FUNDING SOURCE FOR THE REQUIRED MATCH**

(16) **AUTHORIZATION OF THE RESOLUTION AUTHORIZING THE SUBMISSION OF A CONTINUATION APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE SHERIFF'S DEPARTMENT DRIVING WHILE INTOXICATED (DWI) SELECTIVE TRAFFIC ENFORCEMENT PROJECT (STEP) GRANT AND DESIGNATION OF THE FUNDING SOURCE FOR THE REQUIRED MATCH**

At this time, Mr. Frank Bejarano, Program Development and Management Director, stated that said Project would cost the amount of \$25,000.00, noting that the County's local match would be twenty-five percent (25%) of the total cost.

Judge Hinojosa questioned whether the County's match was budgeted and the County Auditor stated that said amount was budgeted in Fund 90.

Captain Ronnie Saenz, Sheriff's Department, stated that the Sheriff's Department had plans to utilize funds from Fund 90, and requested that the Court should locate an alternative source of funds for the required match, and noted that the amount of \$318,000.00, was collected in revenues the previous year.

Mr. Mark Yates, County Auditor, suggested that the total estimated amount of \$13,000.00, would be allocated from Fund 90, for said Projects.

Judge Hinojosa stated that the funds should be allocated from Fund 90 for said Projects and added that the Sheriff's Department could come back to the Court to request additional funds.

Commissioner Rosenbaum moved that the Resolution be adopted authorizing the submission of the Continuation Application to the Texas Department of Transportation (TXDOT) for the Sheriff's Department Speed Selective Traffic Enforcement Project (STEP) Grant and the Driving While Intoxicated (DWI) Selective Traffic Enforcement Project (STEP) Grant and Fund 90 was designated as the funding source for the required match.

The motion was seconded by Commissioner Peña and carried unanimously.

The Resolutions are as follow:

(17) **APPROVAL OF AN AIRPORT PROJECT PARTICIPATION AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION INITIATING CERTAIN IMPROVEMENTS AS THE PORT ISABEL-CAMERON COUNTY AIRPORT AND CERTIFYING THE AVAILABILITY OF LOCAL SPONSOR FUNDS**

At this time, Mr. Frank Bejarano, Program Development and Management Director, stated that the Agreement awarded the County ninety percent (90%) funding from the Texas Department of Transportation for said Project, and added that the County's match would be the amount of \$60,000.00. He noted that the local match was expected to come from the Port Isabel Empowerment Zone, in the amount of \$50,000.00 and the Port Isabel Economic Development Corporation, in the amount of \$10,000.00, noting that the County would need to front the costs, which were refundable by said entities.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Airport Project Participation Agreement with the Texas Department of Transportation, was adopted to initiate certain improvements at the Port Isabel-Cameron County Airport and to certify the availability of local sponsor funds.

The Agreement is as follows:

(18) APPOINTMENT OF A CONSULTANT SELECTION COMMITTEE, PURSUANT TO THE COUNTY'S AIRPORT PARTICIPATION AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION

Commissioner Rosenbaum moved that the following individuals be appointed to the Consultant Selection Committee, pursuant to the County's Airport Participation Agreement with the Texas Department of Transportation, as recommended by the Program Development and Management Director:

Mr. Bob Steenbock, Southwind Aviation, Incorporated,

Mr. Sergio Loya, Port Isabel Assistant City Manager,

Mr. Frank Bejarano, County Program Director,

Mr. Juan Bernal, County Engineer, and

Mr. Mark Yates, County Auditor.

The motion was seconded by Commissioner Peña and carried unanimously.

(19) DESIGNATION OF MR. BOB STEENBOCK, SOUTHWIND AVIATION, INCORPORATED, AS THE COUNTY'S AUTHORIZED REPRESENTATIVE, PURSUANT TO THE COUNTY'S AIRPORT PROJECT PARTICIPATION AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, Mr. Bob Steenbock, Southwind Aviation, Incorporated, was designated as the County's authorized representative, pursuant to the County's Airport Project Participation Agreement with the Texas Department of Transportation.

(20) IN THE MATTER OF ACQUIRING ARCHITECTURAL SERVICES FOR THE ADULT PROBATION OFFICE PROJECT (TABLED)

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, this Item was **TABLED** until Thursday, November 7, 1996.

At this time, Judge Hinojosa explained that the issue needed to be further researched in order to determine the best solution due to time constraints of the Project.

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 Rosenbaum, seconded by Commissioner Peña and carried unanimously, the "Consent" Agenda Items were approved as follow, and Item 25 'a' was **TABLED**:

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

- a) Health Department employee to attend the "Texas Perinatal Association Meeting" in Weslaco, Texas, on November 12, 1996;
- b) Health Department employee to attend the "National Association of Women's, Infants, and Children (WIC) Directors Nutrition Education and Breastfeeding Conference" in Houston, Texas, on December 8-11, 1996;
- c) Health Department employee to attend the "Intensive Course in Breastfeeding" in Corpus Christi, Texas, on November 18-20, 1996;
- d) Two (2) County Extension Agents to attend the "State Facility Faculty Conference" in College Station, Texas, on October 30-31, 1996;
- e) County Extension Agent to attend the "Seagrass Symposium" in Corpus Christi, Texas, on November 3-5, 1996;
- f) Personnel/Safety Risk Director to view the "Procedures followed by the Personnel Department" in Travis County, Nueces County and Hidalgo County, Texas, on November 13-14, 1996;
- g) Two (2) Park Rangers to attend the "Intermediate Arrest Search and Seizure Course" in Raymondville, Texas, on November 12-13, 1996;
- h) Two (2) Park Rangers to attend the "Mandatory Intoxilizer Course" in McAllen, Texas, on October 31, 1996; and
- I) Parks System Director to attend the "TRAPS Legislative Platform Meeting and Texas Parks and Wildlife Meeting" in Austin, Texas, on November 7-8, 1996.

(22) AUTHORIZATION TO OPEN BIDS/REQUEST FOR PROPOSALS

- a) **REQUEST FOR PROPOSAL NO. 96-07-02, FOR PASSENGER FERRY DEVELOPMENT**

**b) REQUEST FOR PROPOSAL FOR ENGINEERING
DESIGN OF WATER DISTRIBUTION LINES FOR THE
OLMITO WATER SUPPLY CORPORATION SYSTEM**

The Bids/Request for Proposals follow:

(23) AUTHORIZATION TO AWARD BIDS FOR PATROL CARS

**PHILPOTT MOTORS - Port Neches, Texas
Total Price - \$154,236.00 - Unit Price - \$19,279.50**

(24) AUTHORIZATION TO REJECT AND READVERTISE FOR ANNUAL BIDS

- a) COMMISSARY - HEALTH AND HYGIENE NO. 2000-96**
- b) COMMISSARY - SNACKS NO. 2014**

(25) PRELIMINARY AND FINAL APPROVAL

a) Precinct No. 3

In the matter of the Olvera Subdivision -
being 8.391 acre of land out of Block No.
15, of San Benito Land and Water
Company Subdivision; **(TABLED)** and

b) Precinct No. 2

Ernestina Zamora Subdivision - being a
tract containing 9.23 acres of land and being
all of Lots No. 1 and No. 2, Block No. 1, of
the R. L. Zamora Subdivision.

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(22) AUTHORIZATION TO OPEN BIDS/REQUEST FOR PROPOSALS

- b) REQUEST FOR PROPOSAL FOR THE
ENGINEERING DESIGN OF WATER
DISTRIBUTION LINES FOR THE
OLMITO WATER SUPPLY
CORPORATION SYSTEM**

The Request for Proposal is as follows:

SUPPLEMENTAL NOTICE

(1) **APPOINTMENT OF AN EVALUATION COMMITTEE TO REVIEW THE PROPOSALS FOR THE ENGINEERING AND MANAGEMENT SERVICES OF THE PROPOSED ROAD CONSOLIDATION PROJECT**

Commissioner Peña moved that this Item be TABLED.

The motion died for lack of a second.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the following individuals were appointed to the Evaluation Committee to review the Proposals for the Engineering and Management Services of the Proposed Road Consolidation Project:

Mr. Juan Bernal, County Engineer,

Judge Hinojosa, County Judge,

Ms. Graciela Salinas, Director of Management,

Mr. Mark Yates, County Auditor, and

Commissioner Peña, Precinct No. 4.

(2) **AUTHORIZATION TO REQUEST A TIME EXTENSION (DECEMBER 31, 1996) OF THE GRANT CONTRACT AGREEMENT WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY ON THE PROJECT: COMPUTER EQUIPMENT FOR THE U.S. MEXICAN BORDER SISTER CITIES ASSISTANCE AGREEMENT NO. X-996533-01-2**

Commissioner Rosenbaum moved that the time extension of December 31, 1996, be approved for the Grant Contract Agreement with the U. S. Environmental Protection Agency on the Project: Computer Equipment for the U. S. Mexican Border Sister Cities Assistance Agreement No. X-996533-01-2.

The motion was seconded by Commissioner Peña and carried unanimously.

The Agreement is as follows:

NOT ON AGENDA

At this time, Judge Hinojosa expressed the Court's appreciation and presented a letter of gratitude to Mr. Javier Mendez, Acting County Engineer, for his services as the Acting Administrator for the Engineering Department, in the absence of a County Engineer.

The Letter is as follows:

(26) EXECUTIVE SESSION

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 2:10 P.M. to discuss the following matters:

- a) Confer with County Counsel to hire the Cameron County Engineer; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074(1);
- b) Confer with County Counsel on matters pertaining to the Lease Agreement between Cameron County and the Boy Scouts of America, Laguna Station Adventure Camp; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) Confer with County Counsel concerning the potential litigation involving the Adult Probation Office Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A&B);
- d) Confer with County Counsel concerning the potential litigation regarding the Dancy Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A&B);
- e) In the matter of conferring with County Counsel concerning negotiations involving the Lease Agreement with the Schlitterbahn Development; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1&2); **(TABLED)** and
- f) Confer with County Counsel concerning the potential litigation regarding the Detention Center II; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (A&B).

Upon motion by Commissioner Peña, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 3:10 P.M.



(27) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with County Counsel to hire the Cameron County Engineer.

Mr. Doug Wright, Cameron County Counsel, recommended that the position of County Engineer, should be offered to Mr. Juan Bernal, Laredo, Texas, with the annual salary in the amount of \$56,000.00, fringe benefits and a County vehicle, to be determined by the Auditor's Office and the Engineering Department.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the position of County Engineer was offered to Mr. Juan Bernal, Laredo, Texas, with the annual salary in the amount of \$56,000.00, fringe benefits and a County vehicle, to be determined by the Auditor's Office and the Engineering Department.

- b) Confer with County Counsel the matters pertaining to the Lease Agreement between Cameron County and the Boy Scouts of America, Laguna Station Adventure Camp.

Judge Hinojosa recommended that the Lease Agreement should be approved with the Boy Scouts of America, as submitted by the Parks System Director.

Commissioner Cascos moved that the Lease Agreement between Cameron County and the Boy Scouts of America, Laguna Station Adventure Camp, be approved, as submitted by the Parks System Director.

The motion was seconded by Commissioner Peña and carried unanimously.

The Agreement is as follows:

- c) Confer with County Counsel concerning the potential litigation involving the Adult Probation Office Project;
- d) Confer with County Counsel concerning the potential litigation regarding the Dancy Building; and
- f) Confer with County Counsel concerning the potential litigation regarding the Detention Center II.

Judge Hinojosa recommended that the litigation should be initiated against the relevant parties regarding said matters.

Commissioner Cascos moved the litigation be initiated against the relevant parties concerning the Adult Probation Office Project, the Dancy Building and the Detention Center II.

The motion was seconded by Commissioner Peña and carried unanimously.

- e) In the matter of conferring with County Counsel concerning the negotiations involving the Lease Agreement with Schlitterbahn Development. **(TABLED)**

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

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At this time, upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Court recessed until November 7, 1996, at 3:00 P.M.

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THE MINUTES FOR NOVEMBER 5TH 1996 WERE APPROVED TOGETHER WITH NOVEMBER 8TH AND NOVEMBER 9, 1996 ON THE 19TH OF NOVEMBER 1996.

