

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 26th 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 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 November 22, 1996, at 3:40 P.M.:

(1) APPROVAL OF COUNTY CLAIMS

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the County Claims were approved as presented by the County Auditor.

The Budget Officer's Comments Report is as follows:

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

At this time, the County Auditor reported that there were no Budget Amendments and/or Salary Schedules for approval.

(3) APPROVAL OF THE MINUTES OF OCTOBER 29, 1996, AND NOVEMBER 12, 1996

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Minutes of the Regular Meeting held October 29, 1996, at 1:30 P.M., and the Regular Meeting held November 12, 1996, at 1:30 P.M., were approved.

(26) EXECUTIVE SESSION

Upon motion by Commissioner Peña, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 1:55 P.M. to discuss the following matters:

- a) In the matter of conferring with County Counsel concerning the negotiations involving the Lease Agreement with Schlitterbahn Development; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1&2); **(TABLED)**
- b) Confer with County Counsel concerning the Right-of-Way acquisition for Bauer Road; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) Confer with County Counsel to acquire the outfall drainage easement for FM/509, Section III; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- d) Confer with County Counsel to acquire an additional parcel for the Levee Relocation of the Los Tomates Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- e) Confer with County Counsel concerning the acquisition of a fifteen foot (15') wide utility easement along East Lot Line of a certain 3.0 acre tract, as recorded in Volume 1867, Page 164; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- f) Confer with County Counsel concerning the Right-of-Way acquisition of parcels along Maverick Road; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- g) Confer with County Counsel on the possible litigation concerning the effluent from Laguna Madre Water District; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 51.072 (1)(A);

- h) Confer with County Counsel on the Bank Depository Agreement with the International Bank of Commerce Bank; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2); and
- I) Confer with County Counsel on the appraisal of Enrique Flores' Property, Account No. 88-0010-0030-0010-00, Abstract 16 - Landrum Point, Lot No. 1, Block No. 3; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

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

(27) ACTION RELATIVE TO EXECUTIVE SESSION

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

Commissioner Cascos moved that this Item be **TABLED** for two (2) weeks.

The motion was seconded by Judge Hinojosa and carried as follows:

AYE: Commissioner Cascos, Peña and Judge Hinojosa

NAY: Commissioner Rosenbaum

- b) Confer with County Counsel concerning the Right-of-Way acquisition for Bauer Road.

Judge Hinojosa recommended that the Engineering Department should be authorized to begin the acquisition of the Right-of-Way for Bauer Road.

Commissioner Peña moved that the Engineering Department be authorized to begin the acquisition of the Right-of-Way for Bauer Road.

The motion was seconded by Commissioner Cascos and carried unanimously.

- c) Confer with County Counsel to acquire the outfall drainage easement for FM/509, Section III.

Judge Hinojosa recommended that the Engineering Department should negotiate with the Drainage District, regarding the acquisition of the easement.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Engineering Department was authorized to negotiate with the Drainage District, regarding the acquisition of the outfall drainage easement for FM/509, Section III.

- d) Confer with County Counsel to acquire an additional parcel for the Levee Relocation of the Los Tomates Project.

Commissioner Cascos moved that the acquisition of an additional parcel for the Levee Relocation of the Los Tomates Project be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

- e) Confer with County Counsel concerning the acquisition of a fifteen foot (15') wide utility easement along East Lot Line of a certain 3.0 acre tract, as recorded in Volume 1867, Page 164.

Mr. Carlos Castillo, Engineering Department, recommended that the easement should be acquired regarding said matter.

Commissioner Rosenbaum moved that the fifteen foot (15') wide utility easement along East Lot Line of a certain 3.0 acre tract, as recorded in Volume 1867, Page 164, be acquired.

The motion was seconded by Commissioner Peña and carried unanimously.

- f) Confer with County Counsel concerning the Right-of-Way acquisition of parcels along Maverick Road.

Mr. Carlos Castillo, Engineering Department, recommended that the Right-of-Way of parcels should be acquired along Maverick Road.

Commissioner Rosenbaum moved that the Right-of-Way of parcels along Maverick Road be acquired.

The motion was seconded by Commissioner Peña and carried unanimously.

- g) Confer with County Counsel on the possible litigation concerning the effluent from the Laguna Madre Water District.

Mr. Doug Wright, Cameron County Counsel, recommended that County Counsel should be authorized to enter into an Interlocal Agreement between the Laguna Madre Water District, authorizing the County to provide representation under circumstances where the use of the effluent is negligently used by the County, which would cause the need to represent the Water District, specifically excluding any situation where the negligence and damage related to the effluent and not the negligent use by the County.

Commissioner Peña moved that County Counsel be authorized to enter into an Interlocal Agreement between the Laguna Madre Water District, authorizing the County to provide representation under circumstances where the use of the effluent is negligently used by the County, which would cause the need to represent the Water District, specifically excluding any situation where the negligence and damage related to the effluent and not the negligent use by the County.

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

AYE: Commissioners Rosenbaum, Cascos, and Peña

NAY: None

ABSTAINED: Judge Hinojosa.

- h) Confer with County Counsel on the Bank Depository Agreement with the International Bank of Commerce.

Mr. Doug Wright, Cameron County Counsel, stated that the last Contract was entered into immediately before a law changed, and added that the new law allowed the execution of the Contract for a four (4) year contractual term.

Mr. Wright noted that the County did not exercise the right at the time of the Contract; therefore, the County would not be able to extend the provision of the two (2) year term and would have to readvertise for Request for Proposals.

Commissioner Peña moved to acknowledge that the County could not extend the two (2) year contractual term and would need to readvertise a Request for Proposal for the Bank Depository Agreement with the International Bank of Commerce, noting that Judge Hinojosa was not present for the discussion of this Item.

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

AYE: Commissioners Rosenbaum, Cascos and Peña

NAY: None

ABSTAINED: Judge Hinojosa.

- i) Confer with County Counsel on the appraisal of the Enrique Flores' Property, Account No. 88-0010-0030-0010-00, Abstract No. 16 - Landrum Point, Lot No. 1, Block No. 3.

Commissioner Cascos recommended that Mr. Flores be allowed to file a motion with the Cameron County Appraisal Review Board to correct an error that resulted in an incorrect appraisal value on said property.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, Mr. Enrique Flores was authorized to file a motion with the Cameron County Appraisal Review Board to correct an error that resulted in an incorrect appraisal value of his Property, Account No. 88-0010-0030-0010-00, Abstract NO. 16 - Landrum Point, Lot No. 1, Block No. 3.

(6) AUTHORIZATION TO OPEN A ROAD ON A 50' RIGHT-OF-WAY, WEST OF LOS CUATES SUBDIVISION AND A 50' RIGHT-OF-WAY, SOUTH OF VILLA PANCHO SUBDIVISION

Commissioner Rosenbaum moved that a road be opened on a fifty foot (50') Right-of-Way, West of Los Cuates Subdivision and a fifty foot (50') Right-of-Way, South of Villa Pancho Subdivision, subject to Legal review.

The motion was seconded by Commissioner Peña and carried unanimously.

At this time, Mr. Carlos Castillo, Engineering Department, stated that Subdivision Plat Map of said Subdivision did not exhibit the Right-of-Way that ran through Villa Pancho Subdivision. He suggested that the issue be reviewed by County Counsel, in order to determine if the Right-of-Ways needed to be acquired from the property owners.

[REDACTED]

(7) **IN THE MATTER OF THE INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE TOWN OF LAGUNA VISTA (TABLED)**

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

[REDACTED]

(8) **APPROVAL TO HIRE TWO (2) COOPERATIVE EDUCATION STUDENTS FROM TEXAS STATE TECHNICAL COLLEGE-HARLINGEN**

Upon motion by Commissioner Peña, seconded by Commissioner Cascos and carried unanimously, two (2) Cooperative Education Students from the Texas State Technical College-Harlingen, were hired for Precinct No. 4.

[REDACTED]

(9) **IN THE MATTER OF TRANSFERRING 2.4 PERIODS OF SLOT NO. 05, IN THE AMOUNT OF \$3,863.00, FOR BUILDING ADDITIONS IN THE COUNTY CLERK'S OFFICE (TABLED)**

At this time, Mr. Mark Yates, County Auditor, stated that the Lapsed Salaries were normally allocated to the Fund Balance or reimbursed to the Toll Bridge Fund and added that at the Court's discretion during Budget process the Lapsed Salary positions were filled or eliminated.

There was some discussion concerning the lapsed salaries being allocated into the General Fund, in order to replenish the amount of money taken from the Bridge System and the suggestion was made to Table the matter and to explore alternate funding resources.

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

[REDACTED]

(10) AUTHORIZATION TO LOAN OUT ONE (1) VOTING MACHINE TO SOUTHMOST ELEMENTARY SCHOOL, FOR A STUDENT COUNCIL ELECTION TO BE HELD ON DECEMBER 6, 1996

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, one (1) voting machine was loaned out to Southmost Elementary School, for a Student Council Election to be held on December 6, 1996.

(11) AUTHORIZATION TO HOLD A LABOR AND EMPLOYMENT LAW SEMINAR FOR THE ELECTED OFFICIALS, DEPARTMENT HEADS AND SUPERVISORS, TO BE HELD IN THE CENTRAL JURY ROOM, CAMERON COUNTY COURTHOUSE

Commissioner Rosenbaum moved that the Labor and Employment Law Seminar for the Elected Officials, Department Heads and Supervisors, be held in the Central Jury Room, Cameron County Courthouse.

The motion was seconded by Commissioner Cascos and carried unanimously.

At this time, Mr. Doug Wright, Cameron County Counsel, suggested that the Court should express their support and emphasize the importance of the attendance by the Supervisors, Department Heads and the current and newly Elected Officials.

Judge Hinojosa stated that lawsuits involving employees was a big issue for the County and recommended that all the Department Heads and Elected Officials should attend the Labor and Employment Seminar.

(12) APPROVAL OF THE SETTING OF BONDS FOR THE FOLLOWING ELECTED AND APPOINTED POSITIONS: COUNTY ATTORNEY, COUNTY TAX ASSESSOR-COLLECTOR, JUSTICE OF THE PEACE, COUNTY SHERIFF, CONSTABLE, COUNTY COMMISSIONER, EX-OFFICIO ROAD COMMISSIONER AND COUNTY ENGINEER (COURT/ENGINEER SYSTEM)

At this time, Mr. Doug Wright, Cameron County Counsel, stated that the Bonds for the County Attorney was set at \$2,000.00, and the County Sheriff was set at \$30,000.00. He recommended that the Ex-Officio Road Commissioner and the County Road Engineer should have a provision to execute the Bonds under the Unified Road System, noting that the Bond amount should be established at the Court's discretion. He suggested that the Bond amount should be set at \$30,000.00, which could be adjusted once the Unified Road System was established.

(15) APPROVAL OF AN ARCHITECTURAL SERVICES CONTRACT WITH GOMEZ-GARZA DESIGN, INCORPORATED, FOR THE DESIGN AND DEVELOPMENT OF THE ADULT PROBATION OFFICE PROJECT AND AUTHORIZATION FOR THE COUNTY JUDGE TO EXECUTE SAID AGREEMENT

Commissioner Peña moved that the Architectural Services Contract with Gomes-Garza Design, Incorporated, be approved for the design and development of the Adult Probation Office Project and that the County Judge be authorized to execute said Agreement.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Contract is as follows:

(16) ACTION RELATIVE TO A PILOT SECURITY PROGRAM FOR E. K. ATWOOD COUNTY PARK

At this time, Mr. Kenneth Conway, Parks System Director, reported several incidents of vandalism at the County Park, and added that there were no funds available for staff to reside on the sites, in order to patrol the park. He suggested that the number of recreational vehicles be limited to no more than five (5) to camp during a six (6) month period, on a month to month basis, in order to establish night time presence in the park, and to notify Park Rangers of any problems.

Commissioner Cascos questioned whether there were liability issues involved and the County Attorney responded that there were liabilities involved but noted that the system had succeeded in the other Parks, which was similar to a Crime Watch system.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Pilot Security Program for E. K. Atwood County Park, was approved.

(17) APPROVAL OF THE ENGINEERING/ARCHITECT AGREEMENT BETWEEN CAMERON COUNTY AND MEJIA AND ROSE, INCORPORATED, FOR ENGINEERING AND ARCHITECTURAL SERVICES FOR THE CAMERON PARK RECREATION PROJECT

At this time, Mr. Kenneth Conway, Parks System Director, stated that said issue was a grant project in association with Community Development Funds and noted that the County Attorney's Office had prepared a standard Agreement.

Judge Hinojosa questioned the status of the land acquisition regarding the Park and the Program Development and Management Director responded that the Item should be scheduled as an Executive Session Item and noted that two (2) appraisals were pending for review.

Commissioner Cascos moved that the Engineering/Architect Agreement between Cameron County and Mejia and Rose, Incorporated, be approved for the Engineering and Architectural Services for the Cameron Park Recreation Project, subject to Legal review.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Agreement is as follows:

(18) APPROVAL TO APPLY FOR A \$60,600.00 GRANT, THROUGH THE LEVI STRAUSS FOUNDATION, FOR THE PERIOD OF JANUARY 1, 1997, THROUGH DECEMBER 31, 1997

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the application for a \$60,000.00 Grant, through the Levi Strauss Foundation, for the period of January 1, 1997, through December 31, 1997, was approved.

The Application is as follows:

**(19) AUTHORIZATION TO PURCHASE THREE (3)
FLASH LIGHTS FOR CONSTABLE PRECINCT
NO. 7**

Commissioner Rosenbaum moved that three (3) flash lights be purchase for Constable Precinct No. 7, said funding to be allocated from the General Fund.

The motion was seconded by Commissioner Peña and carried unanimously.

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:

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

- a) Parks Manager and two (2) Assistants to attend a "Seminar with Career Track on How to be a Better Communicator" in McAllen, Texas, on December 5, 1996;
- b) Commissioner Precinct No. 3 to attend and participate in a "Meeting of the Texas Natural Resource Conservation Commission (TNRCC) Solid Waste Management and Recovery Council and to participate in a panel during the Texas Natural Resource Conservation Commission, sponsored by the Solid Waste Management Options Conference" in Austin, Texas, on December 11-13, 1996;
- c) Two (2) District Clerk Deputies to attend the "Vital Statistic Conference" in Austin, Texas, on December 1-3, 1996;
- d) District Clerk and two (2) Deputies to attend the "County and District Clerks' Legal Education Conference" in Austin, Texas, on January 8-10, 1996;
- e) County Auditor to attend a "Child Support Privatization Council Meeting" in Austin, Texas, on November 21-22, 1996;
- f) Assistant Auditor/Indigent Health Care Program to attend a "Regional Director's Meeting" in McAllen, Texas, on December 6, 1996;
- g) Two (2) Jail Nurses to attend the "Emerging Infection Control Issues in Health Care" in South Padre Island, Texas, on November 22, 1996;
- h) Health Department employee to attend the "National Association of Women's, Infants, and Children (WIC) Directors (NAWD) Nutrition Education and Breast-feeding Conference" in Houston, Texas, on December 8-11, 1996;

- I) Parks System Director to meet with "T.R.A.P.S. Members on Legislative Matters" in Houston, Texas, for one day, possible overnight, date to be determined;
- j) County Clerk and Deputy to attend the "County and District Clerks Legal Education Conference" in Austin, Texas, on January 8-10, 1996;
- k) County Clerk and two (2) Deputies to attend the "Vital Statistics Conference" in Austin, Texas, on December 1-3, 1996; and
- l) Secretary to the County Judge to attend the "Vital Statistics Conference" in Austin, Texas, on December 1-3, 1996.



(21) PRELIMINARY AND FINAL APPROVAL

a) Precinct No. 1

Oklahoma Acres Subdivision - being a 6.444 acre tract of land consisting of 5.249 acres, out of Lot No. 3, and 1.150 acres, out of Lot No. 4, of Wentz Subdivision, out of Partition Share 32, Asperity Santo Grant; and

b) Precinct No. 1

Reyes Martinez Subdivision - being 4.455 acres, comprised of part of Block No. 119, El Jardin Subdivision.



(22) AUTHORIZATION TO AWARD ANNUAL REQUEST FOR PROPOSAL NO. 96-08-01-0240, FOR PERSONAL COMPUTERS

GOVERNMENT ACQUISITIONS - Cincinnati, Ohio
Gateway - \$7,610.00

(23) AUTHORIZATION TO OPEN BIDS/REQUEST FOR PROPOSALS

- a) **ANNUAL REQUEST FOR PROPOSAL NO. 96-10-11-1225, FOR BEACH CLEANING OF COUNTY BEACHES**
- b) **ANNUAL REQUEST FOR PROPOSAL NO. 96-10-12-1228, FOR MOBILE VENDING CONCESSIONS AT E. K. ATWOOD PARK AND POCKET PARKING AREA**

The Request for Proposals follow:

(24) AUTHORIZATION TO AWARD ANNUAL BIDS NO. 2630, FOR SIGNS, POSTS AND MISCELLANEOUS FOR ROADS

CUSTOM PRODUCTS CORPORATION - Jackson, Mississippi
\$12,120.64

- (25) **AUTHORIZATION TO AWARD REQUEST FOR PROPOSAL NO. 96-10-02, FOR DISPATCH RADIO CONSOLES - SHERIFF'S DEPARTMENT**

RIO RADIO SUPPLY - Brownsville, Texas
\$21,586.00



(23) AUTHORIZATION TO OPEN BIDS/REQUEST FOR PROPOSALS

- a) ANNUAL REQUEST FOR PROPOSAL
NO. 96-10-11-1225, FOR BEACH
CLEANING OF COUNTY BEACHES**

The Request for Proposal is as follows:

**(4) ADOPTION OF A RESOLUTION HONORING MS.
FRANCES ANN DOMINISKI**

At this time, Judge Hinojosa expressed the Court's gratitude to Ms. Frances Ann Dominiski, El Ranchito resident, Mr. Horacio Garcia and Mrs. Nora Garcia, Las Rusias, Texas, and highlighted their contributions to the respective communities.

Commissioner Cascos moved that the Resolution honoring Ms. Frances Ann Dominiski, El Ranchito, be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Resolution is as follows:

**(5) ADOPTION OF A RESOLUTION HONORING
MR. HORACIO GARCIA AND MRS. NORA
GARCIA**

Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously, the Resolution honoring Mr. Horacio Garcia and Mrs. Nora Garcia, Las Rusias, Texas, was adopted.

The Resolution is as follows:

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

APPROVED this **10th** day of **December, 1996**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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