

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 8th day of JULY, 1997, there was conducted a SPECIAL 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:

9:00 A. M.

PRESENT:

COUNTY JUDGE

PEDRO "PETE" BENAVIDES
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:

GILBERTO HINOJOSA

The meeting was called to order by Judge Pro-tem Carlos H. Cascos, C. P. A. He then asked Ms. Amalia Cano-Acevedo, Elections Administrator, 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 July 3, 1997, at 2:20 P.M.:

(5) **APPROVAL OF THE MINUTES OF JUNE 17, 1997**

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the Minutes of the Regular Meeting held June 17, 1997, at 4:00 P.M., were approved, subject to the corrections noted on Items No. 1 Ad@, No. 8, and No. 11.

(6) **IN THE MATTER OF THE PRESENTATION BY CARTER AND BURGESS IN REFERENCE TO THE ISLA BLANCA PARK PROJECT (TABLED)**

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

(7) **AUTHORIZATION FOR THE PARKS SYSTEM DIRECTOR TO PREPARE AND SUBMIT A GRANT APPLICATION PACKET TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR A MATCHING DEVELOPMENT GRANT IN TWO (2) PHASES OF \$500,000.00 (\$1,000,000.00 TOTAL REQUEST), FOR THE DEVELOPMENT OF THE AVETERANS MEMORIAL PARK@**

At this time, Judge Pro-tem Cascos stated that the Port of Brownsville was meeting on July 8, 1997, at 10:00 A.M., in order to discuss and take action on conveying approximately two hundred (200) acres to Cameron County to develop a recreational park. He added that the shrimping community had expressed concerns as to the Abuffer zone@, in which the park would be constructed adjacent to the Shrimp Basin. Judge Pro-tem Cascos explained that the Port of Brownsville requested that the buffer zone be created from five hundred feet to a mile and a half and noted that the County was opposed to moving the buffer zone any further than seven hundred and fifty feet to a thousand feet.

At this time, Mr. Kenneth Conway, Parks System Director, recommended that the area should not be moved any further than five hundred feet and added that the area surrounding the proposed land did not contain the heavy mesquites, which were critical for shading of the park. He explained that the proposed park would be constructed five hundred feet East of the existing fence line of the Shrimp Basin.

Commissioner Benavides expressed his support for the proposed park, which would be a large park close to the larger population, along with many family recreational activities, and added that many community leaders had expressed their support for the Project.

Judge Pro-tem Cascos affirmed that the Project would cease if the two (2) entities did not agree on the buffer zone and suggested that if the Project was to be constructed, the County should enter into a potential partnership with

the Port in sharing the revenues. He stated that the Port was in favor of the partnership, in which the costs and revenues associated with the park would be shared by both entities and noted that the park might not generate revenues in the first three (3) to five (5) years until the park was completely established.

Commissioner Matz expressed concern as to the control and the decisions to be made regarding the park and whether the County would be the owner and the Port would be the partner.

Judge Pro-tem Cascos suggested that the proposed Interlocal Agreement should include the understanding that the Parks System would manage the park and would be subject to audit, and added that if a shortfall should occur the Port would need to make up the difference, noting that payments associated with the park would be on a pay as we go basis.

Mr. Conway added that the County Parks System would own the land and improvements and stated that the profits would be distributed after the expenses were made. He emphasized the time constraints, in which two (2) applications requesting the Grants needed to be submitted by July 31, 1997, and stated that the primary pending issues needed to be resolved before the end of the day, in order for the Parks System Department to work on submitting the applications by the deadline. Mr. Conway stated that if the application was not approved, the County would have the opportunity to polish out the application and submit it a second time, noting that the second submission of the application would set the Project back six (6) months.

Commissioner Benavides expressed concern as to the Port agreeing to more than the five hundred feet, which would allow additional space for the proposed facilities and questioned whether the potential project would be given up for an additional five hundred feet, which was not such a large space.

Mr. Conway explained that the land in excess of the five hundred feet of land to the East was desolate and inhospitable for the activities the County intended to attract and added that moving out towards the East area would result in losing the opportunity to generate revenues from the facilities.

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the Parks System Director was authorized to prepare and submit a Grant Application Packet to the Texas Parks and Wildlife Department for a Matching Development Grant in two (2) phases of \$500,000.00 (\$1,000,000.00 total request), for the Development of the Veterans Memorial Park.



(3) APPROVAL OF COUNTY CLAIMS

Commissioner Benavides moved that the County Claims be approved as presented by the County Auditor.

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

AYE: Commissioners Matz, Peña and Judge Pro-tem Cascos

NAY: None

ABSTAINED: Commissioner Benavides as to Warrant No. 38496, Benavides
Driving School, in the amount of \$260.00.

The Affidavit is as follows:

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

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

**(8) APPROVAL OF THE PROFESSIONAL SERVICE
AGREEMENT WITH CASTILLO AND
ASSOCIATES TO PERFORM THE FOLLOWING
SERVICES: SURVEY AND CREATE METES AN
BOUNDS DESCRIPTION OF PARCEL NO. 39
AND MANAGEMENT OF PROJECT FOR A FEE
NOT TO EXCEED \$1,700.00**

Commissioner Peña moved that the Professional Service Agreement be approved with Castillo and Associates, Brownsville, Texas, to perform the following services: survey and create a metes and bounds description of Parcel No. 39 and Management of the Project for a fee not to exceed \$1,700.00, subject to Legal review.

The motion was seconded by Commissioner Benavides.

At this time, Judge Pro-tem Cascos expressed concern as to whether the County was required to pay should there be a Court Order and questioned why there was not an Errors and Omissions Policy included in the Contract.

Mr. Juan Bernal, County Engineer, stated that there were about seven (7) parcels involved, in which Condemnation Proceedings were anticipated on two (2) of the parcels and added that the fee was a reasonable amount for the work that was to be performed by Castillo and Associates.

Judge Pro-tem Cascos questioned whether the amount of \$1,700.00, included the cost of the Court Hearings and the County Attorney responded that Mr. Carlos Castillo, Castillo and Associates, had agreed that the total amount of the work to be performed would be \$1,700.00, inclusive of the Condemnation Proceedings.

Judge Pro-tem Cascos stated that the Contract should include the statement that the Court Hearings were included in the Contract amount of \$1,700.00, and that the Errors and Omissions Policy also be included, in order to avoid any litigation.

Mr. Doug Wright, Cameron County Counsel, stated that one (1) parcel of property possessed a Right-of-Entry and added that an Attorney had demanded action regarding the matter. He stated that a Right-of-Access had been obtained on the property, and the transaction had taken place one and a half (1 2) years ago and had not been closed out, noting that said Project was a Texas Department of Transportation (TXDOT) Project. Mr. Wright stated that he would notify Mr. Castillo that the Contract would not be executed unless and Errors and Omissions Policy was included.

Upon motion duly made by Commissioner Benavides, seconded by commissioner Peña and carried unanimously, the Professional Services Agreement with Castillo and Associates was approved to perform the following services: Survey and create a Metes and Bounds Description of Parcel No. 39 and Management of the Project for a fee not to exceed \$1,700.00, subject to the Errors and Omissions Policy included in the Contract and that the wording be added stating that the Court Hearings be included in the total amount of \$1,700.00.

The Agreement is as follows:

(9) APPROVAL TO TRANSFER A BAILIFF POSITION WITH A SALARY LINE ITEM TO THE SHERIFF'S DEPARTMENT

At this time, Mr. Mark Yates, County Auditor, explained that the County Court at Law No. 1 requested that the Bailiff position be transferred, in order for the Sheriff to assign the Bailiff to other duties in the Judge's absence.

Judge Pro-tem Cascos questioned whether the County Court at Law No. 2, Bailiff position should also be transferred to the Sheriff's Department, in order to maintain uniformity, and Mr. Yates stated that both positions should be transferred, noting that the transfer should be implemented in the Budget Process.

Commissioner Peña suggested that the matter be discussed with the County Court at Law No. 2 Judge for feedback and consent regarding said issue.

Commissioner Matz moved that the Bailiff position be transferred with a Salary Line Item to the Sheriff's Department.

The motion was seconded by Commissioner Benavides and carried unanimously.

(10) IN THE MATTER OF THE CONTRACT WITH AMERICAN INFORMATION SYSTEMS, INCORPORATED, FOR NEW VOTING EQUIPMENT (TABLED)

At this time, Judge Pro-tem Cascos expressed concern regarding the Contract, as to the language regarding the payment of the purchase price, which contradicted the additional terms and conditions of the Contract and as to venue being Nebraska as opposed to Cameron County.

Mr. Doug Wright, Cameron County Counsel, stated that said issues had been resolved and that the changes had been sent to American Information Systems, Incorporated, but noted that the corrected Contract had not been received yet.

Commissioner Matz moved that this Item be Tabled.

The motion was seconded by Commissioner Benavides.

At this time, Commissioner Matz confirmed that the County would possess a total of three (3) scanners and noted that the greater amount of the funds was to be spent on the six hundred and thirty voting booths. He expressed concern regarding the trade-in allowance on the lever machines, which would be left to the County to dispose. Commissioner Matz stated the Court would prefer to utilize the Precinct Count System, as opposed to the Central Count System, but noted that the issue was the costs. He suggested that the three (3) scanners should be spread

throughout the County which contained sixty-eight (68) Precincts, in order to decrease the traveling distance and time from the Northern part of the County to the County Courthouse located in the Southern part of the County.

Ms. Amalia Cano-Acevedo, Elections Administrator, stated that the County could begin to implement the Precinct Count System Plan by placing the scanners in the Harlingen area for the smaller voter turnout Elections.

Mr. Wright noted that the County would soon be confronted regarding the reorganization of Precincts which would be an issue related to said matter.

Ms. Acevedo stated that there were approximately ten (10) Precincts that were over the three thousand (3,000) limit and added that the County had the option to begin the reorganization of the Precincts or to defer the matter until the redistricting became mandatory in 2000. She stated if the County began the process, additional Precincts would need to be created, and added that the County would not be affected by the matter due to the Optical Scanners tabulating all the votes in the Central Count System, noting that the County would be affected if the new Precinct Counters were not available for the new Precincts.

Ms. Acevedo noted that the Court should appoint the Judges and alternates for the upcoming Election as soon as possible and added that if the Court did not wish to designate said individuals, the Elections Administration would replace the positions with experienced individuals.

Upon motion duly made by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, this Item was **(TABLED)**.



(11) APPROVAL TO PURCHASE THE PLEXAR PHONE SYSTEM THROUGH A STATE CONTRACT WITH SOUTHWESTERN BELL TELEPHONE COMPANY AS PER THE APPROVED EQUIPMENT LIST

At this time, Mr. Mark Yates, County Auditor, explained that the Phone System would allow the taxpayers= phone calls to be forwarded to the appropriate area in the Tax Assessor-Collector-s Department and added that the funding would be allocated from the Vehicle Inventory Tax (VIT) Account.

Commissioner Matz moved that the Plexar Phone System be purchased through a State Contract with Southwestern Bell Telephone Company as per the approved equipment list.

The motion was seconded by Commissioner Benavides and carried unanimously.



CONSENT AGENDA ITEM

THE FOLLOWING ITEMS WERE RECOMMENDED FOR ACONSENT® AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:

At this time, Commissioner Peña expressed concern as to Item No. 12 Af® regarding the Elections Administrator and four (4) employees traveling to Atlanta, Georgia.

Mr. Mark Yates, County Auditor, stated that the travel expenses would be allocated from Chapter 19 Funds, which were funds that were reallocated back to the Elections Administration by the Secretary of State.

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the AConsent® Agenda Items were approved as follow:

(12) 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 A13th Annual Advanced Personal Injury Law Course® in San Antonio, Texas, on July 15-18, 1997;
- b) Health Department employee to attend the AFirst Annual Nursing Summer Conference - Bedside Emergencies® in McAllen, Texas, on July 26, 1997;
- c) County Extension Agent to attend the A1997 TCAAA Planning Meeting® in Laredo, Texas, on June 26-27, 1997;
- d) Parks System Director to attend a ATexas Recreation and Parks Society Planning Conference® in Corpus Christi, Texas, on July 24-25, 1997;
- e) Engineering Department Building Official to attend a ANational Flood Insurance Program® in South Padre Island, Texas, on July 21-25, 1997;
- f) Elections Administrator and four (4) employees to attend the AElection Center Annual National Conference® in Atlanta, Georgia, on August 27-31, 1997;
- g) Elections Administrator, three (3) Staff members and Computer employee to attend the ASecretary of State Fifteenth Annual Election Law Seminar® in Austin, Texas, on July 30, 1997, through August 1, 1997;
- h) Interim Emergency Management Coordinator to attend the AEmergency Operating Center (EOC) Management and Operations Course® in Austin, Texas, on July 8-11, 1997, and the ABasic Emergency Management Workshop® in Austin, Texas, on July 22-24, 1997; and

- I) Justice of the Peace Precinct No. 6 to attend an AOn-site Training on the PCSS Judicial Computer® in Orange, Texas, on July 13-14, 1997.

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(13) APPROVAL OF THE FOLLOWING PURCHASES WITHOUT PURCHASE ORDERS

- a) ACE BOLT AND SCREW COMPANY - IN THE AMOUNT OF \$21.91 - COMMISSIONER PRECINCT NO. 1;
- b) BURTON AUTO COMPANY - IN THE AMOUNT OF \$134.94 - COMMISSIONER PRECINCT NO. 1; AND
- c) GCR TRUCK TIRE CENTER - IN THE AMOUNT OF \$1,920.00 - VEHICLE MAINTENANCE.

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(1) EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 9:30 A.M. to discuss the following matter:

- a) Confer with County Counsel to discuss the status of the case styled Fidel Barrera vs. Cameron County, et. al., 97-06-4774-C; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A).

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 9:35 A.M.

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(2) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with County Counsel to discuss the status of the case styled Fidel Barrera vs. Cameron County, et. al., 97-06-4774-C.

Judge Pro-tem Cascos reported that the Status Report by County Counsel should be acknowledged and that Commissioners= Court Civil Legal Counsel should be authorized to represent said case.

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Status Report by County Counsel was acknowledged regarding the case styled Fidel Barrera vs. Cameron County, et. al., 97-06-4774-C.

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



APPROVED this **22nd** day of **July, 1997**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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