

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 29th day of August, 1995, there was conducted a REGULAR PUBLIC Session 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
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

HECTOR PEÑA
COMMISSIONER, PRECINCT NO. 4

LUPITA RAMIREZ Deputy
COUNTY CLERK

ABSENT:

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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 to the Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on August 25, 1995, at 11:28 A. M.:

**NOT ON
AGENDA**

**THE OATH OF OFFICE AND
CEREMONIAL SWEARING-IN
OF MR. ROBERT B. DUNKIN TO
THE COASTAL COORDINATION
COUNCIL**

At this time, Judge Hinojosa administered the Oath of Office to Mr. Robert Dunkin, Harlingen resident, concerning the appointment by the Governor to the Coastal Coordination Council of the State of Texas.



(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, explained that an "Affidavit Regarding Conflict of Interest", concerning Warrant No. 123693, was inadvertently not presented at the previous Meeting and presented the following late Claims for approval:

- C Warrant No. 124127 - Local Solid Waste Enforcement - \$33,355.00;
- C Warrant No. 124496 - Municipal Leasing Services, Inc. - \$7,675.25;
- C Warrant No. 124495 - Ford Motor Credit Company - \$5,709.63; and
- C Warrant No. 124497 - Southwind - \$1,628.80.

Commissioner Matz moved that the County Claims be approved as presented by the County Auditor, inclusive of the late claims as to Warrant No. 124127, in the amount of \$33,355.00; Warrant No. 124496, in the amount of \$7,675.25; Warrant No. 124495, in the amount of \$5,709.63; and Warrant No. 124497, in the amount of \$1,628.80.

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

AYE: Commissioners Rosenbaum, Cascos, and Matz

NAY: None

ABSTAIN: Commissioner Peña as to the claim of:

HECTOR PEÑA:
Warrant No. 124143 - \$17.72

The Affidavit 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) APPROVAL OF MINUTES OF AUGUST 8, 1995

Commissioner Matz moved that the Minutes for the Regular Meeting held on August 8, 1995, at 1:30 P. M. be approved, subject to a correction noted on the Consent Agenda.

The motion was seconded by Commissioner Peña and carried unanimously.



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

Mr. Mark Yates, County Auditor, stated that the Resolution concerned funds that the County paid to the State to allow reimbursement for the County Court At Law Judges' salaries.

Mr. Doug Wright, Cameron County Counsel, explained that recent Legislation changed the approval of the Resolution from an annual basis to only once, until rescinded.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Resolution "To Collect Costs and Fees for County Courts At Law," was adopted.

The Resolution is as follows:

**(5) ADOPTION OF A RESOLUTION FOR SETTING
THE TAX RATE FOR THE PORT OF
HARLINGEN NAVIGATION DISTRICT**

Mr. Alan Johnson, Chairman of the Port of Harlingen Authority, stated that the proposed Tax Rate was being decreased from four cents (\$.04) to three and a half cents (\$.035), and highlighted the Budget for the Port Authority.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Resolution "For Setting the Tax Rate for the Port of Harlingen Navigation District," was adopted.

The Resolution and the Budget are as follow:

**(7) AUTHORIZATION TO APPOINT
COMMISSIONER HECTOR PEÑA TO THE
AMIGOS DEL VALLE BOARD AND
COMMISSIONER LUCINO ROSENBAUM, AS
ALTERNATE**

Commissioner Matz moved that Commissioner Hector Peña be appointed to serve on the Amigos Del Valle Board and Commissioner Lucino Rosenbaum to serve as Alternate to the Board.

The motion was seconded by Commissioner Cascos and carried unanimously.

**(6) PROPOSAL TO ADOPT TAX RATE FOR FISCAL
YEAR 1996 THAT EXCEED THE NOTICE AND
HEARING LIMIT**

Mr. Mark Yates, County Auditor, reported that as a result of the Budget Workshop held in the morning, the Courts preferred to maintain the Tax Rate at three percent (3%) over the Effective Tax Rate, and added that the Public Hearing would not be required.

Commissioner Rosenbaum moved that the Tax Rate not be greater than a three percent (3%) increase over the Effective Tax Rate and not to exceed the Notice and Hearing Limit.

The motion was seconded by Commissioner Cascos and carried unanimously.

At this time, the County Auditor stated that the Public Hearing was not required because the Tax Rate was not greater than three percent (3%) over the Effective Tax Rate and added that the voter approved Project Road Map Tax Rate was inclusive.

**(8) AUTHORIZATION TO HIRE TWO (2)
TEMPORARY FULL-TIME EMPLOYEES FOR
PRECINCT NO. 3**

Commissioner Matz explained the need for two (2) temporary employees until a Workers' Compensation issue was resolved.

Commissioner Cascos moved that two (2) Temporary Full-time Employees for Precinct No. 3 be hired.

The motion was seconded by Commissioner Rosenbaum.

At this time, the County Auditor stated that the Temporary Full-Time Employees would be paid out of the "Extra-Help" Fund and that they would not have the benefits of Health Insurance.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, two (2) Temporary Full-time Employees for Precinct No. 3 were retained.



(9) **AUTHORIZATION TO EXECUTE AN
INTERLOCAL AGREEMENT BETWEEN
CAMERON COUNTY AND THE TOWN OF PALM
VALLEY**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the execution of the Interlocal Agreement between Cameron County and the Town of Palm Valley, was approved.

The Agreement is as follows:

**(10) AUTHORIZATION TO HIRE EXTRA PART-TIME
HELP FOR PRECINCT NO 4**

Commissioner Rosenbaum moved that extra "Part-Time" help for Precinct No. 4 be retained.

The motion was seconded by Commissioner Peña and carried unanimously.

**(11) AUTHORIZATION TO ACCEPT COUNTRY
LANE AS A COUNTY DEDICATED ROAD
LOCATED WITHIN COUNTY ESTATES
SUBDIVISION IN PRECINCT NO. 4**

Mr. Michael Martin, County Engineer, stated that Country Lane had been inspected and recommended that it be accepted as a County Dedicated Road.

Commissioner Peña moved that Country Lane, located within the County Estates Subdivision, in Precinct No. 4, be accepted as a County Dedicated Road.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**(12) AUTHORIZATION TO EXECUTE AN
INTERLOCAL AGREEMENT BETWEEN
CAMERON COUNTY PARKS SYSTEM AND THE
CITY OF PORT ISABEL**

Mr. Kenneth Conway, Parks System Director, stated that the City of Port Isabel requested the assistance of the Parks System's front-end loader, in order to demolish the "Lady Bea" Shrimp Boat, and that in exchange the City of Port Isabel would allow the use of the jail facilities for two (2) month, free of charge for the Parks System. He stated that depending on the time of the year, the Jail expenses averaged between \$250.00 to \$3,000.00, said months to be designated by the Chief Parks Ranger and the Port Isabel Police Chief.

Commissioner Matz moved that the Interlocal Agreement between Cameron County Parks System and the City of Port Isabel be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Agreement is as follows:

(13) **APPROVAL OF A CONTRACT BETWEEN CAMERON COUNTY AND THE HARLINGEN INDEPENDENT SCHOOL DISTRICT, TO JOIN TOGETHER AND PROVIDE A JUVENILE PROBATION OFFICER TO WORK WITH STUDENTS ATTENDING THE HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT (HCISD) ALTERNATIVE SCHOOLS**

Mr. Amador Rodriguez, Chief Juvenile Probation Officer, explained that the Harlingen Consolidated Independent School District (CISD) Secondary Alternative Center had requested a Probation Officer for their facility. He stated that because of the County's Budget constraints, Harlingen CISD proposed to provide the amount of \$15,000.00, for the Officer's salary payable in two (2) equal installments on January 1, 1996, and June 1, 1996, and that the Juvenile Department would provide the balance of the Salary from the Texas Juvenile Probation Commission State Funds .

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Contract between Cameron County and the Harlingen Independent School District, to join together and provide a Juvenile Probation Officer to work with the students attending the Harlingen Consolidated Independent School District's (HCISD) Alternative Schools, was approved.

The Agreement is as follows:

(15) APPROVAL OF THE TEXAS DEPARTMENT OF HEALTH DOCUMENT NO. C6000166, CHANGE NO. THREE (03), AMENDMENT TO ADD THE 1996 GENERAL PROVISIONS; AND ATTACHMENT NO. FIVE (5), OFFICE OF REGIONAL PROGRAMMING, ATTACHMENT NO. SIX (6); TUBERCULOSIS ELIMINATION DIVISION AND ATTACHMENT NO. SEVEN (7) IMMUNIZATION DIVISION

Commissioner Matz moved that the Texas Department of Health Document No. C6000166, Change No. Three (3), Amendment to add the 1996 General Provisions; and Attachment No. Five (5), Office of Regional Programming, Attachment No. Six (6), Tuberculosis Elimination Division; and Attachment No. Seven (7), Immunization Division , be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Document is as follows:

"CONSENT" AGENDA ITEMS

**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 Matz and carried unanimously, the "Consent" Agenda Items were approved as follow:

(16) PRELIMINARY AND FINAL APPROVAL:

- a) **Precinct No. 4** - Rancho Rico Subdivision - being a subdivision of 5.00 acres out of Share No. 151, of the Judicial Partition of Ojo De Agua Tract.

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

- a) The County Auditor to attend the "Managed Care Healthcare Delivery System Under the State Medicaid Program Workshop" in Galveston, Texas, on August 24, 1995;
- b) Sheriff's Training Officer to attend the "IPTM Radar Training Course" in Jacksonville, Florida, on August 19-27, 1995;
- c) Elections Administrator to attend the "Secretary of State Chapter 19 Hearing" in Austin, Texas, on August 22, 1995;
- d) Engineering Right-Of-Way Clerk to attend the "Computer Training Course" in Harlingen, Texas, on October 11, 1995; and
- e) Women Infant and Children (WIC) Director to attend the "Session on the Implementation of Electronic Benefit Transfer System" in McAllen, Texas, on August 31, 1995.

NOT ON AGENDA STATUS REPORT BY THE HEALTH DEPARTMENT

At this time, Commissioner Matz stated that there was some concerns regarding the Dengue fever and the procedures for controlling the mosquito problem and called on the Health Department for a Status Report

Mr. Ray Rodriguez, Chief Sanitarian, stated the Health Department had been spraying daily in order to control the mosquito problem, and were attempting to educate the public. He added that the State had allocated the amount of \$250,000.00, to be used in the Valley to purchase chemicals and equipment for the control of the Dengue fever, and requested the support of the Court, in order to pursue the application process for said funds.

It appeared to be the consensus of the Court to extend their support for the Health Department to pursue the funding for the mosquito control.

At this time, Commissioner Matz announced that a Press Conference was being scheduled to announce the Anti-illegal Dumping Program, in conjunction with the Law Enforcement Community and all the Agencies that contributed financially to the Program.



(18) EXECUTIVE SESSION:

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 2:00 P. M. to discuss the following matters:

- a) To confer with Legal Counsel regarding the Quiet Title Action involving the Pasol Building, located on Elizabeth Street; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1) (a) and (2);
- b) To confer with Legal Counsel concerning Real Estate Title Claims on the following properties: 1) 580 North Sam Houston, San Benito, Texas, and 2) Stuart Place Resort, Section No. 1 PT. reserve; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1) and (2);
- c) To confer with Legal Counsel regarding the Settlement Offer on the case styled Cameron County Vs. Ruben Martinez for Liability; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(b);
- d) To discuss case and authority to represent Individual Defendants on the case styled Richard Marroquin vs. Cameron County Et Al, Cause No. 95-08-3829, in the 197th Judicial District; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1) (A);
- e) To discuss litigation or settlement in regards to Over Charges for Water and Sewer for Cameron County Parks System; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071;
- f) To discuss Right-Of-Way Acquisitions on FM/1419 for Parcel No. 010; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 511.071; and
- g) To confer with Legal Counsel regarding possible litigation involving Claim by City of Port Isabel for Jail Services provided to Constable Precinct No. 1, in the amount of \$11,670.00, through July 1995, and designate funding source; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071.

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

NOTE: COMMISSIONER ROSENBAUM DID NOT RETURN TO THE COURT ROOM.

(19) ACTION RELATIVE TO EXECUTIVE SESSION:

- a) To confer with Legal Counsel regarding Quite Title Action involving the Pasol Building, located on Elizabeth Street.

Commissioner Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that Mr. Mark Twenhafel, Attorney At Law, be instructed to outline a time frame as to the cost and schedule regarding said matter.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, Mr. Mark Twenhafel, Attorney At Law, was directed to outline a time frame concerning the disposal of the Pasol Building, located on Elizabeth Street.

- b) To confer with Legal Counsel concerning Real Estate Title Claims on the following properties: 1) 580 North Sam Houston, San Benito, Texas 2) Stuart Place Resort Section 1 PT. reserve;
- c) To confer with Legal Counsel regarding settlement offer on the case styled Cameron County Vs. Ruben Martinez for Liability; and
- d) To discuss case and authority to Represent Individual Defendants on the case styled Richard Marroquin vs. Cameron County Et Al, Cause No. 95-08-3829, In the 197th Judicial District.

Mr. Doug Wright, Cameron County Counsel, reported that after some discussion, it was the consensus of the Court as determined by polling, to acknowledge the consultation with Legal Counsel regarding said matters.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, County Counsel's Reports were acknowledged regarding b) the Real Estate Title Claims on the following properties: 1) 580 North Sam Houston, San Benito, Texas, and 2) Stuart Place Resort, Section 1 PT. reserve; c) the settlement offer on the case styled Cameron County Vs. Ruben Martinez for Liability; and d) Representation of Individual Defendants on the case styled Richard Marroquin vs. Cameron County Et Al, Cause No. 95-08-3829, in the 197th Judicial District.

- e) To discuss Litigation or Settlement in regards to Over Charges for Water and Sewer for Cameron County Parks System.

Commissioner Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel's report be acknowledged concerning said matters and noted that Judge Hinojosa was not present during the discussions

Commissioner Cascos moved that County Counsel's report be acknowledged regarding the litigation or settlement on the Over Charges for the Water and Sewer for Cameron County Parks System.

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

AYE: Commissioners Rosenbaum, Cascos, Matz and Peña

NAY: None

ABSTAIN: Judge Hinojosa.

- g) To confer with Legal Counsel regarding possible Litigation involving the claim by the City of Port Isabel for Jail services provided to Constable Precinct No. 1, in the amount of \$11,670.00, through July 1995, and designate funding source.

Commissioner Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should be directed to contact the City of Port Isabel and negotiate said matter and noted that Judge Hinojosa was not present during the discussions.

Commissioner Cascos moved that County Counsel be directed to contact the City of Port Isabel and negotiate the Claim by the City of Port Isabel for Jail Services provided to Constable Precinct No. 1, in the amount of \$11,670.00, through July, 1995.

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

AYE: Commissioners Rosenbaum, Cascos, Matz and Peña

NAY: None

ABSTAIN: Judge Hinojosa.

- f) To discuss Right-Of-Way Acquisitions on FM/1419 for Parcel No. 010.

Mr. Doug Wright, Cameron County Counsel, reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Engineer's recommendations be accepted regarding said matter.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the County Engineer's recommendations were accepted regarding the Right-Of-Way Acquisitions on FM/1419 for Parcel No. 010.



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**.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 3:15 P.M.

**(14) AUTHORIZATION OF EXTENSION OF RENT
REDUCTION FOR EL PASOL BUILDING**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the recommendation to extend the current Rent Reduction Agreement with the Tenants of the El Pasol Building, ninety (90) additional days, was accepted.

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 12th day of **September**, 1995.

**GILBERTO HINOJOSA
COUNTY JUDGE**

ATTEST:

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