

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 24th day of October, 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:



The meeting was called to order by Judge Pro-Tem Carlos H. Cascos. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and 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 October 20, 1995, at 1:34 P. M.:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, reported that in order to alleviate discrepancies to the Purchasing Policy the Purchasing Department would act as the central buyer for the "small commodities" and recommended that the Claims be approved.

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

The motion was seconded by Commissioner Peña and carried unanimously.

At this time, Judge Pro-tem Cascos noted the Court's concern regarding Purchases without Purchase Orders.



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

The County Auditor stated that there were no Budget Amendments or Salary Schedules for approval at this time.



**(3) IN THE MATTER OF MINUTES (NO ACTION
TAKEN)**

The Deputy County Clerk stated that there were no Minutes for approval at this time.



**(5) ADOPTION OF A RESOLUTION PROCLAIMING
NOVEMBER 15, 1995, AS "TEXAS RECYCLES
DAY"**

Commissioner Matz moved that the Resolution proclaiming November 15, 1995, as "Texas Recycles Day" be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Resolution is as follows:

**(6) APPROVAL TO HIRE A DEPUTY CONSTABLE
FOR PRECINCT NO. 7**

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, Mr. Clemente C. Cantu, La Feria, Texas, was hired as a Deputy Constable for Precinct No. 7.



**(7) APPROVAL OF AN INTERNATIONAL BANK OF
COMMERCE BANKING RESOLUTION
CONTROL NO. THREE (3) WITH SIGNATURE
CARDS**

Commissioner Matz moved that the International Bank of Commerce Banking Resolution Control No. Three (3) with Signature Cards be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Resolution is as follows:

(8) AUTHORIZATION FOR SOUTHMOST ELEMENTARY SCHOOL TO BORROW ONE (1) VOTING MACHINE TO CONDUCT THE STUDENT COUNCIL ELECTION ON OCTOBER 26, 1995

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, Southmost Elementary School was authorized the use of one (1) Voting Machine to conduct the Student Council Elections on October 26, 1995.



(9) ACTION WAIVING LIMIT ON DAILY HOTEL EXPENSE FOR THE BRIDGE SYSTEM DIRECTOR'S TRIP TO WASHINGTON, D. C. ON OCTOBER 28-31, 1995

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the limit on the Daily Hotel Expenses for the Bridge Systems Director's trip to Washington, D.C., on October 28-31, 1995, were waived.

At this time, Judge Pro-tem Cascos clarified that the waivers applied to the travel to Washington D. C. and Mexico City.



(10) IN THE MATTER OF THE STATUS OF A DEDICATED ROAD BETWEEN BLOCKS NO. 20 THROUGH NO. 24 AND BLOCKS NO. 12 THROUGH NO. 19, WAGGONER HIGHLANDS SUBDIVISION (NO ACTION TAKEN)

Mr. Michael Martin, County Engineer, stated that this Item was considered and action taken at the previous Meeting and did not require any additional Court action.



(11) AUTHORIZATION TO INCREASE THE COUNTY'S PORTION OF THE FUNDING MATCH WITH TEXAS DEPARTMENT OF TRANSPORTATION TO REPLACE TWO (2) BRIDGES

Mr. Michael Martin, County Engineer, stated that the County provided a twenty percent (20%) match on all System Bridges and that the bids received were higher than the amount estimated by the Texas Department of

Transportation, said increase in the amount of \$35,000.00. He noted that the cost for each Bridge would be in the amount of \$39,000.00.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the County's portion of the funding match with Texas Department of Transportation was increased to replace two (2) Bridges.



(12) **IN THE MATTER OF THE RE-APPOINTMENT OF THE PERSONNEL COMMITTEE, THE GRIEVANCE COMMITTEE AND THE ADA GRIEVANCE COMMITTEE MEMBERS (TABLED)**

Mr. Mariano Ayala, Personnel Director, stated that at a previous Meeting, temporary appointments were made to the Personnel Committee and that the Court had directed him to re-appoint the Committees. He stated that he was replacing his appointment with Mr. Ronald Saenz, Sheriff's Department. He noted that the Personnel Committee had two (2) persons from the same the Department and requested guidance from the Court as to that matter.

There was some discussion as to the addition of staff to handle matters of sexual harassment and the representation of Elected Officials and the suggestion was made to table the matter of appointments.

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



(13) **APPROVAL OF A FEDERAL WORK STUDY AGREEMENT BETWEEN CAMERON COUNTY AND SOUTH TEXAS VO-TECH AND TO DESIGNATE THE PERSONNEL/SAFETY RISK DIRECTOR AS THE CONTACT PERSON AND THE AUTHORIZED OFFICIAL FOR THIS AGREEMENT**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Agreement between Cameron County and South Texas Vo-Tech was approved and the Personnel/Safety Risk Director was designated as the contact person and the authorized Official for the Agreement.

The Agreement is as follows:

(14) **ACTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR THE IMPLEMENTATION OF AN ENVIRONMENTAL PROTECTION AGENCY (EPA) FUNDED RECYCLING PROJECT IN THE CAMERON PARK SUBDIVISION**

At this time, Ms. Hilda Lund, Planner/Administrative Assistant, stated that the Agreement with the Lower Rio Grande Valley Development Council provided \$40,000.00 for a Recycling Center in Cameron Park with the amount of \$15,000.00 for Personnel and \$25,000.00 for Equipment and Site Development, and recommended approval.

At this time, Judge Pro-tem Cascos extended congratulations to Commissioner Matz for initiating the Recycling Program.

Commissioner Matz moved that the Interlocal Agreement between Cameron County and the Lower Rio Grande Valley Development Council for the Implementation of an Environmental Protection Agency (EPA) Funded Recycling Project in the Cameron Park Subdivision be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Agreement is as follows:

**(15) AUTHORIZATION FOR THE COUNTY JUDGE
TO EXECUTE THE ENGINEERING SERVICES
CONTRACT WITH CRUZ-HOGAN
CONSULTANTS, INC. FOR THE OLMITO
WATER SUPPLY CORPORATION WATER
PROJECT**

Mr. Alfonso Garcia, Committee Development Coordinator, stated that the Court directed the Program Development and Management Department to negotiate with Cruz-Hogan Consultants, Inc., regarding the Olmito Water Supply Corporation Project and that the Agreement was reached to pay Cruz-Hogan Consultants the amount of \$35,000.00 to design the facility, that being within the Budget and recommend approval.

Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously, the Contract with Cruz-Hogan Consultants, Inc., for the Olimito Water Supply Corporation Water Project, was approved.

The Contract is as follows:

**(16) APPROVAL OF THE CONTRACT BETWEEN
THE CAMERON COUNTY HEALTH
DEPARTMENT AND ST. MARY'S CATHOLIC
CHURCH FOR THE RENTAL OF A BUILDING
TO HOUSE THE SATELLITE WOMEN INFANT
AND CHILDREN (WIC) CLINIC**

Commissioner Matz moved that the Contract between the Cameron County Health Department and St. Mary's Catholic Church for the rental of a building to house the Satellite Women Children and Infant (WIC) Clinic be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Contract is as follows:

(18) ACTION TO AMEND THE CAMERON COUNTY TRAVEL POLICY

At this time, Mr. Remi Garza, Executive Assistant to the County Judge, stated that the Amendment being recommended was to accommodate the situation for a person needing a Travel Advance when the Court was not meeting prior to the travel. He stated that it was his understanding that the previous Policy required three (3) signatures on the Agenda Item Request Form for the next Meeting in order to produce a Travel Advance Check and recommended to incorporate said change to the Policy.

Mr. Mark Yates, County Auditor, stated that there was no problem with producing an Advance Travel Check once the three (3) signature were obtained, and noted that in case of an emergency, a person would use a personal Credit Card, and the reimbursement would be made before the credit card bill was received.

There was some discussion concerning when the Amendment would be applicable and Judge Pro-Temp Cascos remarked that the amendment would be “the exception and not the rule.”

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Travel Policy was amended.

The Amendment is as follows:

(19) APPROVAL ON AN ENVIRONMENTAL PROTECTION AGENCY GRANT AWARD FOR COMPUTER EQUIPMENT FOR THE U.S.-MEXICO BORDER SISTER CITIES ASSISTANCE AGREEMENT NO. X-996533-01-0 WITH THE CAMERON COUNTY LOCAL EMERGENCY PLANNING COMMITTEE, IN THE AMOUNT OF \$48,000.00

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Environmental Protection Agency Grant Award for Computer Equipment for the U.S.-Mexico Border Sister Cities Assistance Agreement No. X-996533-01-0 with the Cameron County Local Emergency Planning Committee, in the amount of \$48,000.00, was approved.

The Application is as follows:

(21) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES

At this time, Judge Pro-Tem Cascos questioned why all the Justices of the Peace and their staff were attending the Seminars and whether their Offices would be closed, and Justice of the Peace, Arturo Salas, Precinct No. 7, explained that the Seminar format was in response to the Justice Division wanting all the personnel to comply with the training requirements at one time.

Judge Pro-Tem Cascos questioned whether the Offices would be closed and Judge Salas responded that he had made provisions to "man" his Office.

Mr. Doug Wright, County Attorney, questioned whether Judge Salas was appointing a "Pro-Tem" and Judge Salas indicated that arraignments and inquests would be handled by the Police Chief and the Municipal Judge and that he did not know of any conflicts with legal requirements.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Travel and/or Travel Expenses for the following were approved, subject to funds in their budget.

- a) County Auditor to attend the "Level II County Investment Officer Training" presented by Texas Association of Counties in Aransas, Texas, on November 1-3, 1995;
- b) County Treasurer to attend the "Level II County Investment Officer Training," presented by Texas Association of Counties in Aransas, Texas, on November 1-3, 1995;
- c) Justice of the Peace Precinct No. 4, to attend the "20 Hour Civil Process Mega School" in Corpus Christi, Texas, on October 29, 1995 - November 1, 1995;
- d) Justice of the Peace Precinct No. 8, to attend the "20 Hour Civil Process Mega School" in Corpus Christi Texas, on October 29, 1995 - November 1, 1995;
- e) Justice of the Peace Precinct No. 1-1, to attend the "20 Hour Civil Process Mega School" in Corpus Christi, Texas, on October 29, 1995 - November 1, 1995;
- f) Justice of the Peace Precinct No. 5, to attend the "20 Hour Civil Process Mega School" in Corpus Christi, Texas, on October 29, 1995 - November 1, 1995;
- g) Health Department Employee to attend the "Diabetes Conference" in South Padre Island Texas, on November 3-4, 1995;
- h) County Court at Law No. 1 to attend the "Texas College of Probate Judges Annual Meeting" in Fort Worth, Texas, on November 1-4, 1995;
- i) County Court at Law No. 2 to attend the "Texas College of Probate Judges Annual Meeting" in Fort Worth, Texas, on November 1-4, 1995; and

- j) County Attorney to attend the " Family Leave Act Seminar and Confer with General Counsel General Services Commission" in Austin/San Antonio, Texas, on October 29, 1995 - November 2, 1995.

"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 Matz, seconded by Commissioner Peña and carried unanimously, the "Consent"

Agenda Items were approved as follow:

(22) PRELIMINARY AND FINAL APPROVAL:

- a) **PRECINCT NO. 4 -** Tamm Lane II Subdivision - being 21.096 acres comprised of the East half of Block No. 70 and the East half of Block No. 71, Adams Garden Subdivision "B".

(23) AUTHORIZATION TO ADVERTISE FOR BIDS:

- a) **Demolition of Civic Center - Isla Blanca Park; and**
b) **Asbestos Removal - Civic Center - Isla Blanca Park.**

(24) AUTHORIZATION TO ADVERTISE FOR BIDS FOR:

- a) **Sedan - Mid Size one (1)- Parks Department,**
b) **Truck Flat Bed 3/4 Ton - Parks Department, and**
c) **Auto - Compact - Parks Department.**

(4) ADOPTION OF A RESOLUTION DECLARING THE INTENTION TO REIMBURSE CERTAIN EXPENDITURES WITH BORROWED PROCEEDS FOR THE LOS TOMATES INTERNATIONAL BRIDGE PROJECT

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Resolution declaring the intention to reimburse certain expenditures with borrowed proceeds for the Los Tomates International Bridge Project, was adopted.

The Resolution in as follows:

(25) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 2:05 P. M. to discuss the following matters:

- a) To confer with County Counsel on condemnation cases concerning FM/1419, for Parcel Nos. 002, 005, 042, 043, 044, and 059; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(a); and
- b) To discuss the status of case and settlement authority on the case styled Rolando Flores vs. Cameron County, Cause No. B-90-223, in the United States District Court for the Southern District of Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551-071(1)(a)

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Regular Session at 2:35 P. M.



(26) ACTION RELATIVE TO EXECUTIVE SESSION:

- a) To confer with County Counsel on condemnation cases concerning FM/1419, for Parcel Nos. 002, 005, 042, 043, 044, and 059.

Judge Pro-Tem Cascos explained that the Item should be corrected to read "Acquisition of Parcels and not Condemnation".

Judge Pro-Tem Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Engineer should proceed along the terms and conditions as outlined in Executive Session regarding said matters.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the County Engineer was directed to proceed along the terms and conditions as outlined in Executive Session, regarding the Acquisition concerning FM/1419, for Parcel Nos. 002, 005, 042, 043, 044, and 059.

- b) To discuss the status of case and settlement authority on the case styled Rolando Flores vs. Cameron County, Cause No. B-90-223, in the United States District Court for the Southern District of Texas

Judge Pro-Tem Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should proceed along the terms and conditions as outlined in Executive Session regarding said matter.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, County Counsel was directed, to proceed along the terms and conditions as outlined in Executive Session regarding the case

styled Rolando Flores vs. Cameron County, Cause No. B-90-223, in the United States District Court for the Southern District of Texas.

NOTE: AT THIS TIME JUDGE HINOJOSA JOINED THE MEETING.

**(17) ACTION ON MATCHING FUND AGREEMENT
WITH TEXAS HEALTH AND HUMAN SERVICE
(THSC) AND CAMERON COUNTY**

There was some discussion concerning the need to request a thirty (30) day extension in order to obtain the information regarding the Projected Costs and the Revenues for the Local Program as well as the Administration Costs as discussed during the Work Shop.

Commissioner Matz moved that a thirty (30) day extension request be submitted to the Texas Health and Human Services, in order to obtain the information regarding the Project cost and Revenues, State-wide, and the Administrative Cost.

The motion was seconded by Commissioner Cascos and carried unanimously.

**(20) RECONSIDERATION ON THE APPLICATION FOR
BEACHFRONT CONSTRUCTION CERTIFICATE
FOR PADRE SHORES, LTD, DEVELOPMENT ON
SOUTH PADRE ISLAND**

Judge Hinojosa explained that the Item regarding the Application for the Beachfront Construction was placed on the Agenda because he felt that it was not given the proper consideration at the previous meeting, and in order to determine what would actually take place and to address the Attorney General's Office concerns.

He questioned why the application was being presented by the Parks System Departments, and Mr. Kenneth Conway, Parks System Director, explained that the Coastal Management Plan defined the duties of the various Departments. He stated the Engineering Department was responsible for the "permits" for Dune Protection, and that the Parks System and Parks Board administered the Beachfront Construction Certificates. He stated that the Construction Certificates concerned the Beach-access issues, and not the Dune Protection, and added that both Committee processes were presented to the Court for final approval.

Mr. Doug Wright, County Attorney, explained that the Attorney General's Office indicated that they did not have sufficient information to make a determination, and that according to the County Engineering and Parks Systems Director, all the issues and concerns had been addressed and had recommended Court approval at the previous Meeting.

Judge Hinojosa stated that it was his understanding that the proposed Condominiums were going to be built in the Sand-Dunes in the Northern part of Andy Bowie Park and that there were concerns for the dune protection of the area.

He added that it was a "Major Development" in an undeveloped area (North of Andy Bowie), and suggested that before a final approval was given by the Court, that all the Agencies involved should have the opportunity to voice their concerns, and not just the County on the local level. He stated that he was uncomfortable not knowing the impact of the construction with respect to South Padre Island, as to environment, and as to the Dune Protection.

At this time, Mr. Michael Martin, County Engineer, stated that the proposed construction would create more dunes and offer more dune protection than currently available. He indicated that dunes were being created and would continue to be built for the next three (3) to five (5) years. He stated that the Condominiums would be built within the dunes, and would provide a wall of protection. He added that the Developers are meeting the requirements, and in some areas exceeding the requirements, as established by the General Land Office.

Mr. Martin noted that the specific issues addressed by the Attorney General's Office did not pertain to the Dune Protection, rather to the building Construction which was the County Engineering Department's responsibility. He stated that they would insure that the construction of the homes met the Building Code, especially for Windstorm damage.

Judge Hinojosa stated that this was a "major" development and that the County was being requested to approve the Proposal without understanding all ramifications of the Project. He added that he preferred to wait several weeks, in order to have the Agencies involved present their views and present the required information.

Commissioner Matz stated that both Committees had reviewed the Applications and noted that the Attorney General's letter and concerns were addressed at the previous Meeting, and that the Developers were specifically questioned regarding compliance, and their response was that they intended to meet, if not exceed, the requirements. Commissioner Matz noted that his motion for approval, was subject to compliance and added that he was comfortable with "what we did and where we are."

At this time, Mr. Richard Franke, Developer, stated that the Proposal was to build the condominiums 444' back from the Beach, creating more sand dunes, and "creating a subdivision, that is nestled in among the sand dunes." He said that it was a concept of no retaining walls, which was what the State was advocating, and added that it was a "first class Subdivision" that would meet all the State Criteria, and which would probably be used as a "Model Development."

He noted that a Consultant was retained to address the Attorney General's concerns and added that several documents had been prepared that would be submitted to the Attorney General's office and General Land Office. He noted that all the issues were addressed, and an additional \$10,000.00 had been spent to satisfy said requirements.

Judge Hinojosa requested to table the Item and to hold a Work Shop with the Attorney General's Office and the General Land Office and all the parties concerned, before final approval was given. He noted that he had no problem approving the matter once a Representative from the General Land Office approved the proposal.

Commissioner Cascos noted that the matter was approved at the previous Meeting, and questioned the legal aspect concerning the action to be rescinded.

At this time, Mr. Wright noted that he was not prepared to offer a Legal opinion in regard to the affect of rescinding, once approval had been given. He suggested that a "Gentlemen's Agreement" be reached and perhaps a time-frame developed to resolve the concerns.

Mr. Franke noted that they wanted the Court to be informed of their actions and to understand the development. He noted that they felt that the matter had been resolved with the numerous Committee Meetings, and that they would go along with the Court.

There was some discussion concerning the time-frames as noted on the Coastal Development Plan, and Mr. Wright stated that the Court had the ultimate discretion as to the final approval. He noted that the serious issue was that a decision was made, and he was not prepared to issue an opinion concerning rescinding the vote or the options available to the Court.

Commissioner Cascos stated that he did not favor rescinding the vote, unless County Counsel provided direction to the Court.

Commissioner Rosenbaum moved to rescind the previous action of the Court regarding the Application for the Beachfront Construction Certificate for Padre Shore, LTD, Development on South Padre Island.

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

AYE: Commissioners Rosenbaum and Peña and Judge Hinojosa

NAY: Commissioners Cascos and Matz.

Commissioner Cascos clarified that he was voting against rescinding because the Court did not have a legal opinion, and not that he disagreed with the County Judge.

Judge Hinojosa directed staff to coordinate the parties involved to meet as soon as possible.

NOTE: COMMISSIONER ROSENBAUM LEFT THE COURT ROOM

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

APPROVED this 5th day of **December**, 1995.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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