

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 5th day of December, 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 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 December 1, 1995, at 8:25 A. M.:

At this time, Judge Hinojosa introduced Mr. Richard Durbin, Health Administrator and extended the Court's gratitude to Ms. Yvette Salinas, Women Infant and Children (WIC) Director, who served as "Interim Health Administrator."

(1) APPROVAL OF COUNTY CLAIMS

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

The motion was seconded by Commissioner Matz and carried unanimously.

At this time, Commissioner Cascos questioned whether Warrant No. 2726, payable to Business Records Corporation - Land Records, in the amount of \$131,219.00, was linked to the disputed Lease Purchase Contract for the County Clerk's Department.

Mr. Yates stated that the County had three (3) Contracts with Business Records Corporation and that Warrant No. 2726 was the payment for the District Clerk's Lease Purchase Contract and added that Mr. Cliff Abbott, Business Records Corporation, was in the process of a proposing a settlement concerning the disputed County Clerk's Contract and that after it was reviewed by County Counsel, the settlement offer would be presented to the Commissioners' Court for approval.



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

Mr. Mark Yates, County Auditor, stated that there were no Budget Amendments or Salary Schedules for approval at this time.



(3) APPROVAL OF MINUTES

Commissioner Matz moved that the following Minutes be approved:

Regular Meeting - October 17, 1995, at 1:30 P.M., subject to a correction noted on Item No. Nine (9); and

Regular Meeting - October 24, 1995, at 1:30 P.M.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.



(4) PRESENTATION OF A "NON-SALARY/NON-CAPITAL OUTLAY BUDGET COMPARED WITH EXPENDITURES AND ENCUMBRANCES AS OF OCTOBER 31, 1995" REPORT

At this time, Mr. Mark Yates, County Auditor, outlined the Report on "Non-Salary/Non-Capital Outlay Budget Compared with Expenditures and Encumbrances as of October 31, 1995."

At this time, Commissioner Cascos suggested that the County Auditor provide Monthly Expenditures and Encumbrances Reports to the Court.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the presentation of the Report on "Non-Salary/Non-Capital outlay Budget compared with Expenditures and Encumbrances as of October 31, 1995," was acknowledged.

The Report is as follows:

(5) APPROVAL TO REFUND TAXES TO: RYLAND MANAGEMENT, IN THE AMOUNT OF \$ 686.29; MR. MANUEL ZAPATA, IN THE AMOUNT OF \$1,042.37; AND WAYLAND & BRENDA WATERS, IN THE AMOUNT OF \$570.42

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously the following taxes were refunded:

Ryland Management - \$686.26;

Mr. Manuel Zapata - \$1,042.37; and

Wayland and Brenda Waters - \$570.42.



(6) APPROVAL FOR IMPLEMENTATION OF A COUNTY POLICY REGARDING THE DISTRIBUTION OF VENDOR WARRANTS AND EMPLOYEE CHECKS

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the implementation of a County Policy regarding the distribution of Vendor Warrants and Employee Checks was approved.

The Policy is as follows:

**(7) APPROVAL OF AN INTERNATIONAL BANK OF
COMMERCE BANKING RESOLUTION,
CONTROL NO. FIVE (5) WITH SIGNATURE
CARDS**

Mr. Eddie Gonzalez, County Treasurer, stated that the Resolution was to establish Money Market Accounts and explained that the County would be making more money with said investments.

Commissioner Cascos moved that the International Bank of Commerce Banking Resolution, Control No. Five (5) with signature cards be adopted.

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

AYE: Commissioners Rosenbaum, Cascos, Matz, and Peña

NAY: None

ABSTAIN: Judge Hinojosa.

The Resolution is as follows:

**(8) IN THE MATTER OF THE APPROVAL TO HIRE
A RESERVE DEPUTY FOR CONSTABLE
PRECINCT NO. 7 (TABLED)**

Judge Hinojosa stated that Constable Jose Jimenez, Precinct No. 7, requested that a Deputy be transferred from Precinct No. 1, in order to patrol the area in Precinct No. 5. He added that the Precinct was not being patrolled because it had eliminated during the Justice of the Peace/Constable Precinct Re-alignments.

Mr. Doug Wright, Cameron County Counsel, stated that the Statutes required that a Constable come before the Court and justify the need for a Deputy Constable and Reserve Deputy position. He noted that the Court had considered the matter in August and approval was given for Deputy Constables and Reserve Deputies through the end of the Fiscal Year. He added that none of the Constables had presented their Deputy Constables and Reserve Deputies for approval. He noted that the Deputy Constables and Reserve Deputies were not in compliance, and that it was the responsibility of the Constables to come before the Court and list their Deputy Constables and Reserve Deputies.

There was some discussion concerning the area the Reserved Deputy would be patrolling, that area being the existing Precinct No. 5 which was eliminated in the re-alignment of the Justice of the Peace/Constable Precinct. It was questioned whether Constable Jimenez had jurisdiction over the area, the lack of Law Enforcement in that area, and whether it was appropriate to transfer the current Deputy for Precinct No. 5 to a Precinct where he would be under supervision and the suggestion was made to table the matter.

At this time, Mr. Wright stated that the Court needed to control the appointment of Reserve Deputies and cited the issues of liability and insurance concerns.

At this time, Judge Hinojosa directed the Personnel Director handle the matter of compliance of the Deputies and Reserve Deputies.

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



**(9) RE-APPOINTMENT OF THE PERSONNEL
COMMITTEE, THE GRIEVANCE COMMITTEE,
AND THE AMERICANS WITH DISABILITIES
ACT (ADA) GRIEVANCE COMMITTEE
MEMBERS**

Mr. Mariano Ayala, Personnel Director, stated that the only Committee to be addressed was the Personnel Committee and that he was replacing his appointment with Mr. Ronald Saenz, Sheriff's Department.

At this time, Judge Hinojosa stated that the following individuals would serve as the Personnel Committee:

Mr. Mariano Ayala, Personnel Director;
Ms. Nellie Garcia, Chief Administrator, County Clerk's Office;
Ms. Amalia I. Cano, Elections Administrator;
Mr. Kenneth Conway, Parks System Director;
Mr. Frank Bejarano, Program Development and Management Director;
Captain Ronnie Saenz, Sheriff's Department;
Mr. Norio Nishiguchi, Computer Center Director;
Mr. Joe G. Rivera, County Clerk;
Mr. Antonio Yzaguirre, Tax Assessor-Collector; and
Ms. Aurora De La Garza, District Clerk

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Personnel Committee was appointed as follows:

Mr. Mariano Ayala, Personnel Director;
Ms. Nellie Garcia, Chief Administrator, County Clerk's Office;
Ms. Amalia I. Cano, Elections Administrator;
Mr. Kenneth Conway, Parks System Director;
Mr. Frank Bejarano, Program Development and Management Director;
Captain Ronnie Saenz, Sheriff's Department;
Mr. Norio Nishiguchi, Computer Center Director;
Mr. Joe G. Rivera, County Clerk;
Mr. Antonio Yzaguirre, Tax Assessor-Collector; and
Ms. Aurora De La Garza, District Clerk

**(10) AUTHORIZATION TO NEGOTIATE A
CONTRACT FOR ARCHITECTURAL DESIGN
SERVICES FOR LOS TOMATES
INTERNATIONAL BRIDGE TOLL FACILITIES
AND OFFICE BUILDING**

Mr. Joe Galvan, Bridge Systems Director, stated that it was the consensus of the Los Tomates Bridge Review Committee to award the Contract for Architectural Design Services for Los Tomates International Bridge Toll

Facilities and Office Building to Kell Muñoz Wigodsky, Inc. - San Antonio, Texas, and requested authorization to negotiate a Contract with said Company and to present the Contract for approval at a later date.

There was some discussion as to the cost differences of bids submitted, and Mr. Galvan stated that he would provide the information requested to the Court.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Bridge System Director was authorized to negotiate a Contract with Kell, Muñoz, and Wigodsky, San Antonio, Texas, for Architectural Design Services for Los Tomates International Bridge Toll Facilities and Office Building.



**(11) IN THE MATTER OF THE ACTION TO AWARD
A CONTRACT FOR ARCHITECTURAL DESIGN
SERVICES FOR LOS TOMATES/MATAMOROS
III INTERNATIONAL BRIDGE (TABLED)**

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



**(12) APPOINTMENT OF AN ADVISORY
COMMITTEE FOR PROMOTION OF THE FREE
TRADE BRIDGE AT LOS INDIOS
INTERNATIONAL FREE TRADE BRIDGE**

Mr. Joe Galvan, Bridge Systems Director, stated that after meeting with the representative of the Cities of Harlingen and San Benito it was proposed that the an Advisory Committee be appointed to coordinate the promotion of the Free Trade Bridge at Los Indios, said Committee to be composed of one (1) Elected Official and one (1) Appointed Official and the following Individuals were recommended:

Representatives from Cameron County:

Commissioner Hector Peña, Precinct No. 4, and

Mr. Joe Galvan, Cameron County International Bridge System Director,

Representatives from the City of Harlingen:

Mayor William Card, and

Mr. David Alex, President - Harlingen Chamber of Commerce.

The Representatives from the City of San Benito to be appointed at a later date.

Judge Hinojosa suggested that three (3) representative from the State of Tamaulipas, Mexico, be included in the Committee; those being a representative from the "Hejido Ramirez," from the City of Matamoros, and from the Governor's Office. He recommended that the Bridge System Director be appointed as the Chairperson for the Committee.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Advisory Committee for promotion of the Free Trade Bridge at Los Indios was appointed as follows:

Representatives from Cameron County:

Commissioner Hector Peña, Precinct No. 4, and

Mr. Joe Galvan, Cameron County International Bridge System Director,

Representatives from the City of Harlingen:

Mayor William Card, and

Mr. David Alex, President - Harlingen Chamber of Commerce.

(13) **APPROVAL OF A RESOLUTION
AUTHORIZING/DESIGNATING SIGNATORIES
ON TEXAS COMMUNITY DEVELOPMENT
PROGRAM GRANT DRAWDOWN REQUESTS**

Commissioner Matz moved that the Resolution Authorizing/Designating signatories on the Texas Community Development Program Grant Drawdown Requests be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Resolution is as follows:

- (14) **IN THE MATTER OF THE APPROVAL FOR A VOLUNTEER MEDICAL SERVICES AGREEMENT BETWEEN CAMERON COUNTY HEALTH DEPARTMENT AND VALLEY WOMEN'S CLINIC (TABLED)**
- (15) **IN THE MATTER OF THE APPROVAL OF THE TEXAS DEPARTMENT OF HEALTH DOCUMENT NO. C6000166, ATTACHMENT/AMENDMENT NO. TEN (10), CHANGE NO. SEVEN (7); ASSOCIATESHIP FOR DISEASE CONTROL AND PREVENTION TO FUND DENGUE FEVER CONTROL MEASURES AND TO COVER THE PERIOD OF OCTOBER 1, 1995, THROUGH DECEMBER 31, 1995, IN THE AMOUNT OF \$33,871.00 (TABLED)**

At this time, Ms. Yvette Salinas suggested that Item No. 14 be tabled and added that the Item No. 15 had already been considered at a previous Meeting and required no action.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, Items Nos. 14 and 15 were **TABLED**.

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- (16) **APPROVAL TO LEASE ON A MONTHLY BASIS AS NEEDED FOR STORAGE SPACE NO. 21 FROM REDELCO AT \$250.00 PER MONTH**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Lease, on a monthly basis, as needed, for storage space No. 21 from Redelco, in the amount of \$250.00 per month, was approved.

The Lease is as follows:

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

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the following Travel and Travel Expenses were approved, subject to funds in their Budget:

- a) Health Department employee to attend the "Work Session for Directors on Expansion Activities for Twelve (12) Growth Counties" in Austin, Texas, on November 29 - 30, 1995;
- b) Three (3) Task Force Officers to attend the "Counterdrug Investigations Course" in Harlingen, Texas, on December 4 - 8, 1995;
- c) Two (2) Clerks with Justice of the Peace Precinct No. 1 to attend the "Vital Statistic Conference" in Austin, Texas, on December 3 - 4, 1995;
- d) District Clerk and three (3) Deputies to attend the "Vital Statistic Conference" in Austin, Texas, on December 3 - 4, 1995;
- e) County Judge, Executive Assistant to County Judge, and Program Development and Management Director to attend the "Meeting on Proposed Changes to Grant Application by the Texas Department of Housing and Community Affairs" in Austin, Texas, on November 27, 1995;
- f) Sheriff to attend the "Texas Commission on Jail Standards Meeting" in Austin, Texas, on December 1, 1995;
- g) Deputy Sheriff to attend the "Texas Commission on Jail Standards" in Huntsville, Texas, on December 12 - 14, 1995;
- h) International Bridge Systems Director to attend the "White House Conference on Travel Tourism" in Ft. Worth, Texas, on December 12, 1995;
- i) Women Infant and Children (WIC) Nutritionist to attend the "Rio Grande Valley Five (5) Day Coalition Meeting" in Weslaco, Texas, on December 12, 1995; and
- j) Eighteen (18) Health Department employees to attend the "Sexually Transmitted Disease (STD) Workshop" in Weslaco, Texas, on December 14 - 15, 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 Peña, seconded by Commissioner Cascos and carried unanimously, the

"Consent" Agenda Items were approved as follow:

- (18) AUTHORIZATION TO BUY ONE (1) 1996 COMPACT PICK-UP TRUCK VIA HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENTS - INTERLOCAL AGREEMENT FOR COMMUNITY PARKS - PRECINCT NO. 4**
- (19) PRELIMINARY AND FINAL APPROVAL:**
 - a) Precinct No. 4 -** Wood Haven Estates Subdivision - being all of Lots Nos 1 and 2 (10.6 acres) Block "A," Coe Subdivision, and
 - b) Precinct No. 4 -** Amado Estates Subdivision - being 6.94 acres out of the North 10 acres of Block No. 68, Hooks and Hodges Subdivision.



(20) EXECUTIVE SESSION:

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 2:15 P. M. to discuss the following matters:

- a) To discuss the Right-Of-Way Acquisition on FM/1419 for Parcel No. 018; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) Confer with County Counsel concerning donation of the following Real Estate:
Abstract 2 Del Mar Heights:
Lots Nos. 2 and 3, Block No. 13;
Lots Nos. 6 through 15, Block No. 19; and
Lots Nos. 19 and 23, Block No. 27; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1) and (2); and
- c) Confer with County Counsel concerning the Lease Agreement between Cameron County and Sea Ranch Restaurant; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1) and (2).

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



(21) **ACTION RELATIVE TO EXECUTIVE SESSION:**

- a) To discuss the Right-Of-Way Acquisition on FM/1419 for Parcel No. 018.

Mr. Doug Wright, Cameron County Counsel, reported that after some discussion, it was the consensus of the Court as determined by polling, that the recommendation made by the County Auditor's Office be accepted concerning the settlement offer as presented in Executive Session regarding said matter.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the recommendation by the County Auditor was accepted concerning the Right-Of-Way Acquisition on FM/1419 for Parcel No. 018.

- b) Confer with County Counsel concerning donation of the following Real Estate:
Abstract 2 Del Mar Heights:
Lots Nos. 2 and 3, Block No. 13;
Lots Nos. 6 through 15, Block No. 19; and
Lots Nos. 19 and 23, Block No. 27.

Commissioner Matz reported that after some discussion, it was the consensus of the Court as determined by polling, that the donation of said Parcels be accepted, subject to all Taxes being paid.

At this time, Mr. Doug Wright, Cameron County Counsel, stated that a "Donation Deed" had been drafted and would be accepted upon payment of all Taxes to all Taxing entities that were affected by the Real Estate.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the donation of the following Real Estate was accepted, subject to the Taxes being paid to all the Taxing entities:

Abstract 2 Del Mar Heights:
Lots Nos. 2 and 3, Block No. 13;
Lots Nos. 6 through 15, Block No. 19; and
Lots Nos. 19 and 23, Block No. 27.

- c) Confer with County Counsel concerning the Lease Agreement between Cameron County and Sea Ranch Restaurant.

Mr. Doug Wright, Cameron County Counsel, reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should proceed with the negotiations as discussed in Executive Session regarding said matter.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, County Counsel was directed to proceed with the negotiations as discussed in Executive Session regarding the Lease Agreement between Cameron County and the Sea Ranch Restaurant.

The Lease Agreement is as follows:

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**.



APPROVED this **22nd** 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