

THE STATE OF TEXAS           §

COUNTY OF CAMERON         §

**BE IT REMEMBERED** on the 22nd day of December, 1995, there was conducted a **SPECIAL 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:**

**9:00 A. 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**

**INELDA T. GARCIA**                     **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 December 19, 1995, at 8:38 A. M.:

**(4) ADOPTION OF A RESOLUTION HONORING  
PASTOR GAYLE GARDENER, CHURCH OF THE  
GOOD SHEPHERD**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Resolution honoring Pastor Gayle Gardener, Church of the Good Shepherd, was adopted in recognition of his many years as a spiritual leader in the Community.

At this time, Judge Hinojosa extended the Court's gratitude to Pastor Gardener for everything he had done for Cameron County.

**The Resolution is as follows:**

**(1) APPROVAL OF COUNTY CLAIMS**

At this time, Mr. Mark Yates, County Auditor, presented the following late claims for approval:

Warrant No. 4165 - International Bank of Commerce - \$244,925.00;

Warrant No. 4166 - Cameron County Jury Fund - \$4,966.50;

Warrant No. 4167 - Cameron County Jury Fund - \$7,848.00; and

Warrant No. 4168 - Criminal Justice Division - \$12,830.94.

Commissioner Cascos moved that the County Claims be approved as presented by the County Auditor, inclusive of the following late claims:

Warrant No. 4165 - International Bank of Commerce - \$244,925.00;

Warrant No. 4166 - Cameron County Jury Fund - \$4,966.50;

Warrant No. 4167 - Cameron County Jury Fund - \$7,848.00; and

Warrant No. 4168 - Criminal Justice Division - \$12,830.94.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.



**(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) APPROVAL OF MINUTES OF DECEMBER 5,  
1995**

Commissioner Matz moved that the Minutes for the Regular Meeting held on December 5, 1995, at 1:30 P.M. be approved, noting that a minor correction needed to be made on Item No. 22.

The motion was seconded by Commissioner Peña and carried unanimously.



**(6) ACTION ON ADOPTION OF A RESOLUTION  
GRANTING CERTAIN TAX EXEMPTIONS TO  
CERTAIN HISTORIC SITES UNDER THE 1996  
HERITAGE PLAN**

Mr. Michael Garza, Heritage Officer, stated that the Court had expressed some concerns regarding a Resolution that would provide certain Tax Exemptions to certain Historic Sites, and added that he discussed the matter with the County Auditor and resolved the issues of concern.

At this time, Mr. Garza briefly explained that the Heritage Plan was a Cooperative Plan with the City of Brownsville, in order to promote the preservation of Brownsville's irreplaceable Historic sites. He added that the impact on the revenues for the County had averaged an annual amount of \$8,400.00, in tax abatements since the County began to participate ten (10) years ago.

Commissioner Matz moved that the Resolution granting certain Tax Exemptions to certain Historic Sites under the 1996 Heritage Plan be adopted.

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

**AYE:** Commissioners Rosenbaum, Matz, and Peña

**NAY:** None

**ABSTAINED:** Commissioner Cascos as to the property located at 545 W. Levee and Judge Hinojosa as to the property located at 622 E. St. Charles

**The Resolution is as follows:**

**(5) ACTION ON A PLAN OF FINANCE FOR LOS TOMATES INTERNATIONAL BRIDGE PROJECT**

Mr. Noe Hinojosa, Financial Consultant, presented a Plan of Finance for the issuances of Bonds for the construction of the Los Tomates Bridge. He explained that the City of Brownsville was a partner in the Project and would be liable for fifty percent (50%) of the annual payments, should a deficiency be experienced in the operation of the Bridge System. He noted that the fifty percent (50%) was limited to the amount of \$400,000.00, as to the terms of the Contract signed with the City of Brownsville.

At this time, Judge Hinojosa noted that the City of Brownsville adopted a Resolution to relocate the Levee and questioned whether said Resolution acknowledged the City's Contractual obligations.

Mr. Hinojosa explained the terms of the Interlocal Agreement, noting that the construction of the Los Tomates Bridge consisted of three (3) phases, that being the Developmental Phase, the Levee Relocation and the actual Construction of the Bridge.

Mr. Hinojosa detailed the Re-financing Plan and highlighted the difference between insured and uninsured Revenue Bond Issues and the County's Bond rating, noting that there was a reluctance to insure Bond Issues that were dependant on revenues collected by the County.

Commissioner Cascos moved that the Plan of Finance for the Los Tomates International Bridge Project proceed, assuming that they issue the insured "Aaa/AAA" Bond Issue, subject to Bond Council's approval.

The motion was seconded by Commissioner Rosebaum and carried unanimously.

**The Plan is as follows:**

**(7) APPROVAL TO LEASE A COPIER AND TWO (2) COMPUTERS FOR THE JUVENILE PROBATION DEPARTMENT**

Commissioner Cascos moved that the Lease for the copier and the two (2) computers for the Juvenile Probation Department be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**(8) APPROVAL TO SET UP A REPETITIVE WIRE ACCOUNT, FOR DRAW DOWN REQUEST FROM ACORDIA BENEFITS OF TEXAS**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Repetitive Wire Account for the "Draw Down Requests" from Acordia Benefits of Texas was approved.

**(9) APPROVAL TO INCREASE THE PLEDGED SECURITIES HELD IN SAFEKEEPING BY THE FEDERAL RESERVE BANK, AGAINST THE INTERNATIONAL BANK OF COMMERCE (IBC) ACCOUNTS**

Commissioner Matz moved that the Pledged Securities held in safekeeping by the Federal Reserve Bank, against the International Bank of Commerce's (IBC) Accounts, be increased.

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

**AYE:** Commissioners Rosenbaum, Cascos, Matz, and Peña

**NAY:** None

**ABSTAINED:** Judge Hinojosa.

**(10) ACKNOWLEDGE RELEASE OF PLEDGED SECURITIES AGAINST TEXAS COMMERCE BANK (TCB) ACCOUNTS IN KEEPING WITH COMPLETION OF THE EXPIRED DEPOSITORY CONTRACT WITH TEXAS COMMERCE BANK (TCB)**

Commissioner Matz moved that the Pledged Securities against Texas Commerce Bank (TCB) Accounts, in keeping with completion of the expired Depository Contract with Texas Commerce Bank (TCB), be acknowledged.

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

**AYE:** Commissioners Rosenbaum, Cascos, Matz, and Peña

**NAY:** None

**ABSTAINED:** Judge Hinojosa.

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(11) **IN THE MATTER OF APPROVING CONTRACT FOR ARCHITECTURAL DESIGN SERVICES FOR THE LOS TOMATES BRIDGE TOLL FACILITIES AND OFFICE BUILDING (TABLED)**

**NOTE: COMMISSIONER ROSENBAUM LEFT THE COURTROOM:**

At this time, Commissioner Cascos stated that the "Standard" Contract favored the Architect and did not offer any protection to the County and suggested that the matter be tabled.

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

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(12) **IN THE MATTER OF THE STATUS REPORT ON THE DISABLED AMERICAN VETERANS/VETERANS ASSOCIATION TRANSPORTATION NETWORK FOR CAMERON/WILLACY COUNTIES (TABLED)**

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

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(13) **ADOPTION OF AN EQUAL EMPLOYMENT OPPORTUNITY (EEO) PLAN FOR FISCAL YEAR 1995-1996**

Commissioner Cascos moved that the Equal Employment Opportunity (EEO) Plan for Fiscal Year 1995-1996 be adopted.

The motion was seconded by Commissioner Peña and carried unanimously.

**The Plan is as follows:**

(14) **APPROVAL OF DEPUTY CONSTABLES AND RESERVE DEPUTY CONSTABLES FOR PRECINCTS NO. ONE (1) THROUGH EIGHT (8) FOR FISCAL YEAR 1995- 1996**

**NOTE: COMMISSIONER ROSENBAUM RETURNED TO THE COURTROOM:**

Commissioner Peña moved that the Court make the “finding” that the Deputy Constables and Reserve Deputy Constables were needed for Precinct No. 1 through No. 8 for Fiscal Year 1995-96 as presented, subject to compliance with all the requirements.

The motion was seconded by Commissioner Matz.

Mr. Mariano Ayala, Personnel Safety/Risk Director, explained that the Constables had submitted written requests with the exception of Constable Juan Sanchez, Precinct No. 3, and added that Constable Jose Alfredo Jimenez, Precinct No. 7, requested six (6) Reserve Deputies but only one (1) was Bonded.

At this time, Judge Hinojosa informed Constable Jimenez that the bonded Reserve Deputy Constable would be approved, and that he could request the additional Reserve Deputy Constables at a later date.

There was some discussion concerning the ratio between “paid” and “reserve” Deputies and the Personnel Director was directed to solve the “pending” issues concerning the Constables.

Upon motion duly made by Commissioner Peña, and seconded by Commissioner Matz and carried unanimously the Court made the “finding” that the Deputy Constables and Reserve Deputy Constables were needed for Precinct No. 1 through No. 8 for Fiscal Year 1995-96 as presented, subject to compliance with all the requirements.

**The List is as follows:**



**(15) ACCEPTANCE OF TENDER FROM AMERICANS NATIONAL PROPERTY AND CASUALTY COMPANY FOR LIABILITY SETTLEMENT**

Commissioner Rosenbaum moved that the "tender" from Americans National Property and Casualty Company for the liability settlement be accepted.

The motion was seconded by Commissioner Peña and carried unanimously.



**(16) IN THE MATTER TO RENEW LEASE AGREEMENT BETWEEN MR. DANIEL BRYANT, DOING BUSINESS AS (DBA), FUN-N-SHADE INC., AND CAMERON COUNTY, FOR BEACH RENTAL CONCESSION IN ISLA BLANCA PARK (TABLED)**

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



**(17) ACTION ON APPLICATION FOR BEACHFRONT CONSTRUCTION CERTIFICATE FOR EDWIN KING (E.K.) ATWOOD PARK, SOUTH PADRE ISLAND**

Commissioner Matz moved that the Application for the Beachfront Construction Certificate for the Edwin King (E.K.) Atwood Park, South Padre Island, be approved, as recommended by the Parks Systems Director.

The motion was seconded by Commissioner Peña and carried unanimously.

**The Certificate is as follows:**

**(18) IN THE MATTER OF THE BEACH VENDOR PERMIT NO. 5 TO MR. FRANCISCO TORRES, DOING BUSINESS AS (DBA), EL REY DEL ELOTE, FOR MOBILE VENDING ON PUBLIC VEHICULAR BEACHES OF SOUTH PADRE ISLAND AND BOCA CHICA (TABLED)**

Judge Hinojosa expressed some concerns regarding the liability to the County with said matter and requested Legal Review.

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



**(19) AUTHORIZATION TO ENTER INTO A FUNDS MATCHING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT OF BRIDGES ON BAUER ROAD IN PRECINCT NO. 4 AND LINE L ROAD IN PRECINCT NO. 3 AND DESIGNATE THE FUNDING SOURCE**

Mr. Michael Martin, County Engineer, explained that the Texas Department of Transportation was providing ninety percent (90%) of the Project and that the County would be responsible for the ten percent (10%) match.

Commissioner Matz moved that the Funds Matching Agreement with the Texas Department of Transportation for the replacement of Bridges on Bauer Road in Precinct No. 4 and Line L Road in Precinct No. 3 be approved, said funds to be allocated from the Road and Bridge Fund.

The motion was seconded by Commissioner Peña and carried unanimously.

**The Agreement is as follows:**

**(20) ADOPTION OF REVISED CAMERON COUNTY  
SUBDIVISION RULES AND REGULATIONS AND  
ESTABLISHMENT OF AN EFFECTIVE DATE  
FOR THEIR ENFORCEMENT**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Revised Cameron County Subdivision Rules and Regulations were approved, effective on December 22, 1995, stipulating that the Subdivisions currently under process would fall under the old Rules and "grandfathered".

**The Document is as follows:**

**(21) APPROVAL OF AN AGREEMENT WITH CAMERON COUNTY IRRIGATION DISTRICT NO. 6, FOR THE COUNTY TO MAINTAIN A BRIDGE ON STANFORD ROAD, IN PRECINCT NO. 3**

Commissioner Matz moved that the Agreement with Cameron County Irrigation District No. 6 be approved, in order for the County to provide maintenance of the Bridge on Stanford Road in Precinct No. 3.

The motion was seconded by Commissioner Peña and carried unanimously.

**The Agreement is as follows:**

**(22) APPROVAL TO REFUND TAXES TO: A) J. WAYLAND & BRENDA WATERS IN THE AMOUNT OF \$1,175.13 - CHANGE VALUE DUE TO AGRICULTURAL USE AND B) FOUNDERS TITLE COMPANY IN THE AMOUNT OF \$235.70 - ERRONEOUS PAYMENTS TO WRONG ACCOUNT**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the following taxes were refunded, as recommended by the County Auditor.

J. Wayland & Brenda Waters - \$1,175.13; and

Founders Title Company - \$235.70.



**(23) APPROVAL TO CHANGE APPROVED EQUIPMENT LIST FOR FISCAL YEAR 1996 FOR VETERANS' SERVICE OFFICE AND SHERIFF'S OFFICE**

Commissioner Cascos moved that the changes to the Approved Equipment List for Fiscal Year 1996 for Veterans' Service Office and the Sheriff's Office be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**The List is as follows:**

**(24) 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 Peña and carried unanimously, the following Travel and Travel Expenses were approved, subject to funds in their Budget:

- a) County Judge and Commissioners to attend the "38th Annual Educational Program for Texas County Judges and County Commissioners" in College Station, Texas, on January 16 - 18, 1996;
- b) Field Supervisor to attend the "Basic Supervisor Training Course I" at the University of Texas at Brownsville, in Harlingen, Texas, on December 11 - 15, 1995;
- c) County Extension employee to attend the "National Cotton Conference" in Nashville, Tennessee, on January 8 - 11, 1996;
- d) Elections Administrator and staff to attend the "Workshop on Handling Violence in the Workplace" in Brownsville, Texas, on January 5, 1996;
- e) District Clerk and two (2) Deputies to attend the "County and District Clerks' Education Conference" in San Antonio, Texas, on January 10 - 13, 1996; and
- f) County Clerk to attend the "County and District Clerks' Educational Conference" in Austin, Texas, on January 11 - 12, 1996.

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

- (25) AUTHORIZATION TO PURCHASE ONE (1) 1996 FORD, F-150, 4x4, ½ TON, SHORT BED, PICK-UP TRUCK WITH TRADE FROM HOUSTON-GALVESTON AREA COUNCIL INTERLOCAL AGREEMENT**

**(26) EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 10:33 A. M. to discuss the following matters:

- a) To confer with County Counsel concerning the Settlement Proposal from "Business Records Corporation" regarding the County Clerk's Judicial Imaging System; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1); and
- b) To confer with County Counsel on the easement for Southern Transmission Company to extend a gas line to Mexico, utilizing the Free Trade Bridge at Los Indios; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 11:05 P. M.



**(27) ACTION RELATIVE TO EXECUTIVE SESSION**

**NOTE: COMMISSIONER ROSENBAUM DID NOT RETURN TO THE COURTROOM:**

- a) To confer with County Counsel concerning the Settlement Proposal from "Business Records Corporation" regarding the County Clerk's Judicial Imaging System.

Commissioner Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel and the County Auditor should be directed to communicate the position of Cameron County regarding their Plan and to proceed along the terms and conditions as outlined in Executive Session regarding said matter. Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the County Counsel and the County Auditor were directed to communicate the position of Cameron County regarding the Settlement Proposal from "Business Records Corporation" regarding the County Clerk's Judicial Imaging System, along the terms and conditions as outlined in Executive Session.

- b) To confer with County Counsel an easement for Southern Transmission Company to extend a gas line to Mexico, utilizing the Free Trade Bridge at Los Indios.

Commissioner Matz reported that after some discussion, it was the consensus of the Court as determined by polling, that the "Concept" of allowing easement for Southern Transmission Company to extend a gas line to Mexico was accepted, utilizing the Free Trade Bridge at Los Indios, and that County Counsel be directed to negotiate, along the terms and conditions as outlined in Executive Session regarding said matter.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session regarding the "Concept" of the easement for Southern Transmission Company to extend a gas line to Mexico, utilizing the Free Trade Bridge at Los Indios.

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 **23rd** day of **JANUARY** 1996.

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**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**ATTEST:**

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