

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 3rd day of DECEMBER, 1996, there was conducted a **REGULAR 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:

1:00 P. M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

LUCINO ROSENBAUM, JR.
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:



The meeting was called to order by Judge Gilberto Hinojosa. He then asked Mr. Bill Kendrick, Brownsville resident, to give the invocation and Commissioner Cascos 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 November 27, 1996, at 1:51 P.M.:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented additional late claims as to the Texas Department of Criminal Justice, Warrant No. 25120, in the amount of \$55,338.00, and the International Bank of Commerce, Warrant No. 25121, in the amount of \$67,721.88, for approval.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the County Claims were approved as presented by the County Auditor, inclusive of the additional late claims as to Warrant No. 25120, in the amount of \$55,338.00, and Warrant No. 25121, in the amount of \$67,721.88.

NOTE: COMMISSIONER PEÑA JOINED THE MEETING.

The Budget Officer's Comments Report is as follows:

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

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

**(3) APPROVAL OF THE MINUTES OF NOVEMBER
19, 1996**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Minutes of the Regular Meeting held November 19, 1996, at 1:30 P.M., were approved.

**(5) ADOPTION OF A RESOLUTION HONORING
COMMISSIONER DAVID BERNSEN AND
PROCLAIMING DECEMBER 5, 1996, AS "DAVID
BERNSEN DAY"**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Resolution honoring Commissioner David Bernsen, Texas Department of Transportation, and proclaiming December 5, 1996, as "David Bernsen Day", was adopted.

**(6) ADOPTION OF A RESOLUTION IN SUPPORT OF
THE PASSAGE OF THE SCHOOL CALENDAR
LEGISLATION**

Mr. Kenneth Conway, Parks System Director, explained that the Laguna Madre government and Chamber of Commerce were attempting to begin the school year after Labor Day, in order to extend the summer vacation period.

Commissioner Rosenbaum moved that the Resolution in support of the passage of the School Calendar Legislation be adopted.

The motion was seconded by Commissioner Peña and carried unanimously.

The Resolution is as follows:

(7) **ADOPTION OF A RESOLUTION IN SUPPORT OF
THE CONSTRUCTION OF A SECONDARY
TRANSPORTATION LINK TO SOUTH PADRE
ISLAND**

At this time, Mr. Kenneth Conway, Parks System Director, explained that the Resolution was needed to begin a study and legislative action on a possible second causeway.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Resolution in support of the construction of a secondary transportation link to South Padre Island, was adopted.

The Resolution is as follows:

NOTE: COMMISSIONER MATZ JOINED THE MEETING.

(8) ACKNOWLEDGMENT OF THE REPORT BY THE ELECTIONS ADMINISTRATOR REGARDING THE NOVEMBER 5, 1996, GENERAL ELECTION

At this time, Ms. Amalia Cano, Elections Administrator, briefly explained the process in preparing the voting machines and added that the County Technician had reported that the layout sent by the printing company was accurate. She stated that the problem was in the "Straight Party Vote" and noted that the poll workers were notified to inform the voters of the problem. Ms. Cano added that there was a significant number of "yes" votes for the Consolidated Road Proposition.

Judge Hinojosa stated that the problem was a large mistake for the County and added that a thorough investigation was performed, in order to inform the citizens that problem was not intentional as to the Election process, noting that there had been problems with the ballot machines in the past two (2) General Elections. He stated that the Electoral methods needed to be changed to a modernized system to preserve the County Electoral integrity, and added that an investment should be made for a new system for the upcoming Elections.

At this time, Ms. JuaNita Brodecky, Rio Hondo Resident, and Mr. Manuel Hernandez, Brownsville resident, expressed their concerns regarding said issue.

Judge Hinojosa noted that the evaluation of the Elections Administrator was not related to said issue and added that the Commissioners' Court did not have any input on the decisions made by the Elections Administrator. He stated that the only invalidity of the Election results was the situation of the ballot regarding the Consolidated Road Proposition, noting that there would have been a significant difference in the results if the process was not flawed.

Commissioner Cascos stated that the County had recognized that the problem was due to human error and suggested that a "checks and balances" system should be implemented, in order to prevent similar incidents in the future.

Mr. Eliseo Muñoz, Brownsville resident, suggested that a meeting should be scheduled for the Elections Committee to analyze and to correct the situation.

Commissioner Cascos moved that the Report by the Elections Administrator regarding the November 5, 1996, General Election, be acknowledged.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Report is as follows:

(9) IN THE MATTER OF THE RECOMMENDATIONS BY THE ELECTIONS ADMINISTRATOR FOR THE PURCHASE OF NEW ELECTION EQUIPMENT (TABLED)

There was some discussion regarding the Request for Proposal for a Precinct County System or a Central County System and the suggestion was made for the Elections Committee to meet, in order to discuss the available options and prices, and to submit the recommendations to the Court.

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



(4) ADOPTION OF A RESOLUTION HONORING MS. HELEN FOEHNER AND PROCLAIMING DECEMBER 3, 1996, AS "HELEN FOEHNER DAY"

At this time, Judge Hinojosa presented that Resolution to Ms. Foehner on the occasion of her retirement and highlighted her fifty (50) years of service to the citizens of Cameron County.

Commissioner Matz moved that the Resolution honoring Ms. Helen Foehner, Harlingen, Texas, and proclaiming December 3, 1996, as "Helen Foehner Day", be adopted.

The motion was seconded by Commissioner Peña and carried unanimously.



(10) IN THE MATTER OF THE PURCHASE OF ONE (1) MOBILE PHONE AND SERVICES FOR CONSTABLE PRECINCT NO. 7 (TABLED)

At this time, Mr. Mark Yates, County Auditor, suggested that a \$50.00 monthly allowance be given to each Department for the mobile phone usage. He reported that in the Fiscal Year 1995-96, the amount of the \$32,274.11, was spent from the General Fund and the amount of \$9,751.63, was spent in the Road and Bridge Fund for mobile phone services, noting that the implementation of the suggested allowance would lower the yearly costs.

There was some discussion regarding the variable usage of the mobile phone services by the various Departments, and the suggestion was made to establish a "flat" rate, and to prepare a policy for Law Enforcement officers and general County employees.

Commissioner Matz moved that this Item be **TABLED**.

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

AYE: Commissioners Rosenbaum, Cascos and Matz

NAY: Commissioner Peña and Judge Hinojosa.



(11) AUTHORIZATION TO TRANSFER 2.4 PAY PERIODS OF SLOT NO. .06, IN THE AMOUNT OF \$3,863.00, FOR BUILDING ADDITIONS IN THE COUNTY CLERK'S OFFICE

At this time, Mr. Joe G. Rivera, Cameron County Clerk, explained that the vacant slot had not been filled, and recommended that the funds be utilized for the remodeling project to accommodate the new Court Clerk position.

Judge Hinojosa stated that the concept of utilizing said funds went against the Lapsed Salary Policy that was approved in the Budget cycle, in order to repay the employee salary increases. He noted that this Item had been previously Tabled until there was an alternative funding source available.

Commissioner Matz expressed his support for the remodeling Project, in order to improve the productivity and efficiency in the County Clerk's Office. He stated that the County Auditor had recommended an alternate funding source and suggested that the recommendation be addressed, in order to maintain the County Policy and to begin the remodeling Project.

The County Auditor stated that there was a savings in the Equipment List Fund and recommended that said funds be utilized as the funding source for the Project.

Commissioner Matz moved that the building additions in the County Clerk's Office be approved, said funding to be allocated from the Equipment List Fund No. 02.

The motion was seconded by Commissioner Rosenbaum.

Commissioner Cascos questioned when the position would be filled and Mr. Rivera responded that the Slot was in the process of being filled and added that the Collections Department Report would be submitted to the Court to illustrate the revenues collected.

Upon motion duly made by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the building additions in the County Clerk's Office were approved, said funding to be allocated from the Equipment List Fund No. 02.



(12) IN THE MATTER OF AMENDING THE RECORDS MANAGEMENT CONTRACT WITH GOVERNMENT RECORDS, INCORPORATED, TO INCLUDE PREPARATION OF COMPACT BOOKS AT A COST OF \$3,000.00, PER MONTH, AS WELL AS REQUEST FOR APPROVAL TO MAKE PAYMENTS FOR SAME BASED ON RETROACTIVE BILLING FROM JANUARY 1, 1996

At this time, Mr. Joe G. Rivera, Cameron County Clerk, explained that the intent at the time of the Contract was to make the records paperless, but stated that compact books were necessary for the people who were not computer literate. He stated that due to the high number of people researching records on a daily basis, additional staff and computers would be needed in the Department, if the Project remained paperless, which would be more costly.

Judge Hinojosa suggested that the payments should not be approved retroactive to January 1, 1996 and that competitive bids should be advertised as recommended by the County Auditor.

Mr. Rivera stated that said Contract was executed for the term of five (5) years and noted that if the Bids were advertised, the cost of the Contract could increase and the suggestion was made to Table the matter until the issue was further researched.

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



(13) AUTHORIZATION TO OPEN ACCOUNTS WITH THE INTERNATIONAL BANK OF COMMERCE

Commissioner Matz moved that the following accounts be opened with the International Bank of Commerce:

- a) Cameron County Treasurer; and
- b) Lower Rio Grande Valley Development Council Recycling Fund No. 56.

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

AYE: Commissioners Rosenbaum, Cascos, Matz, and Peña

NAY: None

ABSTAINED: Judge Hinojosa.

The Contract is as follows:

(14) AUTHORIZATION TO DEDICATE THIRTY (30) ACRES OF LAND AT THE FREE TRADE BRIDGE AT LOS INDIOS AS A WILDLIFE HABITAT AREA

At this time, Commissioner Matz questioned whether the land was to be granted protective status or conveyed and the County Attorney responded the land could not be legally conveyed and recommended that the land be granted a protective status.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, a Protective Status to the thirty (30) acres of land at the Free Trade Bridge at Los Indios was granted as a Wildlife Habitat Area.

(15) AUTHORIZATION TO APPROVE THE COUNTY'S 10% SHARE FOR THE ESTIMATED CONSTRUCTION COSTS OF TWO (2) OFF SYSTEM BRIDGES ON NELSON ROAD AND COUNTY ROAD, 385 STRUCTURE NO. AA0380-002 AND STRUCTURE NO. AA383-001

Commissioner Matz moved that the County's ten percent (10%) share for the estimated construction cost of two (2) Off System Bridges on Nelson Road and County Road 385, Structure No. AA0380-002 and Structure No. AA383-001, be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

CONSENT AGENDA ITEM

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 Cascos, seconded by Commissioner Matz and carried unanimously, the "Consent" Agenda Items were approved as follow:

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

- a) Community Development Project Coordinator to obtain a signature from Willacy County Judge, for the Self Help Center Contract, in Raymondville, Texas, on November 18, 1996;
- b) Juvenile Probation employee to attend an "Advisory Council Meeting of the Lower Rio Grande Valley Development Council" in Weslaco, Texas, on November 20, 1996;
- c) Sheriff's Department Sergeant and Clerk to update on delivering Paper-Ready Inmates to the Texas Department of Criminal Justice in Huntsville, Texas, on December 4-5, 1996;

- d) Commissioner Precinct No. 3 to attend the "Texas Energy Coordination Council Meetings" in Austin, Texas, on February 27, 1997, and April 24, 1997;
- e) Commissioners' Court to attend the "National Hurricane Conference" in Houston, Texas, on April 22-25, 1997; and
- f) Two (2) Park Rangers to attend the "Mandatory Course on Child Abuse" in Raymondville, Texas, on December 10-12, 1996.



(17) AUTHORIZATION TO AWARD ANNUAL BIDS NO. 1150, FOR NEWSPAPER ADVERTISING

PORT ISABEL PRESS - Port Isabel, Texas

Total - \$1,160.50

SAN BENITO PRESS - San Benito, Texas

Total - \$1,160.50

BROWNSVILLE HERALD - Brownsville, Texas

Total - \$1,699.91

VALLEY MORNING STAR - Harlingen, Texas

Total - \$2,514.84

(18) AUTHORIZATION TO AWARD ANNUAL BIDS NO. 1940, FOR UNIFORMS RENTAL CLEANING

UNI-FIRST - McAllen, Texas

Total weekly cost - \$758.33

Emblems: One time cost - \$4.90



At this time, Judge Hinojosa introduced and welcomed Ms. Tina Fields, Brownsville, Texas, as the new Cameron County Health Department Director.



(19) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 2:25 P.M. to discuss the following matters:

- a) Confer with County Counsel concerning the negotiations involving the Lease Agreement with Schlitterbahn Development; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1&2);
- b) Confer with County Counsel to discuss the acquisition of a certain tract of land in the Cameron Park Subdivision; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) Discuss the settlement and mediation on the case styled Natalia Flores vs. Cameron County, et. al., B-88-145, in the United States District Court for the

- Southern District of Texas, Brownsville Division; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)(B);
- d) Discuss the status of the case styled Isys Chamberlain vs. Cameron County, Cause No. 95-10-5582-C, in the 197th Judicial District Court; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
 - e) In the matter of the status and settlement of the case styled Maria Dolores Jerez vs. Jose Alfredo Jimenez, et. al., 96-06-3082-B, in the 138th District Court; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)(B); **(TABLED)**
 - f) Confer with County Counsel on matters pertaining to the renewal of the Lease Agreement between La Playa Beachwear, Incorporated, and Cameron County; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
 - g) Confer with County Counsel for additional expenses on Parcel No. 39, of the FM/1419 Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
 - h) Confer with County Counsel pertaining to the possible Agreement with Licensed Real Estate Brokers regarding the sale of County Properties; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Court reconvened in Regular Session at 3:30 P.M.

(20) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with County Counsel concerning the negotiations involving the Lease Agreement with Schlitterbahn Development.

Judge Hinojosa recommended that the Property Management Coordinator and the Parks System Director should be authorized to continue the negotiations with the Schlitterbahn Developers regarding said matters.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Property Management Coordinator and the Parks System Director were authorized to continue the negotiations regarding the Lease Agreement with Schlitterbahn Development.

- b) Confer with County Counsel to discuss the acquisition of a certain tract of land in the Cameron Park Subdivision.

Judge Hinojosa recommended that the Program Development and Management Director should be allowed to continue the process to acquire the property regarding said matter.

Commissioner Cascos moved that the Program Development and Management Director be authorized to continue the process regarding the acquisition of a certain tract of land in the Cameron Park Subdivision.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

- c) Discuss the settlement and mediation on the case styled Natalia Flores vs. Cameron County, et. al., B-88-145, in the United States District Court for the Southern District of Texas, Brownsville Division.

Judge Hinojosa recommended that the attorneys should be authorized to proceed with the negotiations towards settlement regarding said matter.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the attorneys were authorized to proceed with the negotiations towards settlement and to proceed along the terms and conditions as recommended in Executive Session regarding the case styled Natalia Flores vs. Cameron County, et. al., B-88-145, in the United States District Court for the Southern District of Texas, Brownsville Division.

- d) Discuss the status of the case styled Isys Chamberlain vs. Cameron County, Cause No. 95-10-5582-C, in the 197th Judicial District Court.

Judge Hinojosa recommended that the attorneys should proceed along the terms and conditions as recommended in Executive Session regarding said matter.

Commissioner Cascos moved that the attorneys should proceed along the terms and conditions as recommended in Executive Session regarding the case styled Isys Chamberlain vs. Cameron County, Cause No. 95-10-5582-C, in the 197th Judicial District Court.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

- e) In the matter of the status and settlement of the case styled Maria Dolores Jerez vs. Jose Alfredo Jimenez, et. al., 96-06-3082-B, in the 138th District Court.
(TABLED)

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

- f) Confer with County Counsel on matters pertaining to the renewal of the Lease Agreement between La Playa Beachwear, Incorporated, and Cameron County.

Judge Hinojosa recommended that the Lease Agreement should be entered into as discussed in Executive Session regarding said matter.

Commissioner Matz moved that the Lease Agreement be executed along the terms and conditions discussed in Executive Session regarding matters pertaining to the renewal of the Lease Agreement between La Playa Beachwear, Incorporated, and Cameron County.

The motion was seconded by Commissioner Peña and carried unanimously.

The Agreement is as follows:

- g) Confer with County Counsel for additional expenses on Parcel No. 39, of the FM/1419 Project.

Judge Hinojosa recommended that the Engineering Department should be authorized to expend the necessary funds to construct the fence on Parcel No. 39, of the FM/1419 Project.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Engineering Department was authorized to expend the necessary funds for the construction of a fence on Parcel No. 39, of the FM/1419 Project.

- h) Confer with County Counsel pertaining to the possible Agreement with Licensed Real Estate Brokers regarding the sale of County Properties.

Judge Hinojosa recommended that the Property Management Coordinator should be authorized to negotiate along the terms and conditions as recommended in Executive Session regarding said matter.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Property Management Coordinator was authorized to negotiate along the terms and conditions as recommended in Executive Session involving the Agreement with Licensed Real Estate Brokers regarding the sale of County Properties



(16) AUTHORIZATION FOR THE PURCHASE OF ONE (1) MOBILE PHONE AND SERVICES FOR CONSTABLE PRECINCT NO. 7

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the motion to TABLE this Item was reconsidered.

Commissioner Peña moved that the Purchase of one (1) mobile phone and services for Constable Precinct No. 7, be approved.

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

AYE: Commissioners Rosenbaum, Cascos, and Peña

NAY: Commissioner Matz.

Commissioner Cascos suggested that the County Auditor should develop a policy regarding the mobile phones involving the Law Enforcement and Non-Law Enforcement County employees.



At this time, Commissioner Matz stated that he was not present for Item No. 3 and noted a correction on Item No. 16, of the Minutes of November 19, 1996.

████████████████████

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

═══════════════════════

APPROVED this **17th** day of **December, 1996**.

──────────────────────────
GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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