

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 26th day of JANUARY, 1999, 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:

9:30 A.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A.
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD "TIVIE" VALENCIA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

The meeting was called to order by Judge Gilberto Hinojosa at 9:40 A.M. 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.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on January 22, 1999, at 11:02 A.M.;

(4) ADOPTION OF A RESOLUTION HONORING MRS. DORA ROMERO FROM THE CAMERON COUNTY TAX OFFICE, ON THE OCCASION OF HER RETIREMENT FROM SERVICE TO THE OFFICE OF THE TAX ASSESSOR-COLLECTOR AND PROCLAIMING JANUARY 26, 1999, AS ADORA ROMERO DAY® IN CAMERON COUNTY

At this time, Mr. Tony Yzaguirre, Jr., Tax Assessor-Collector, expressed his gratitude to Mrs. Dora Romero, Tax Office, on the occasion of her retirement from the Los Fresnos Tax Branch Office.

Mr. Joe G. Rivera, County Clerk, highlighted Mrs. Romero's duties and responsibilities and expressed his gratitude for her years of service and dedication to the County.

Judge Hinojosa highlighted Mrs. Romero's accomplishments and contributions to the County and presented the Resolution to Mrs. Romero on the occasion of her retirement from service to the County.

Commissioner Matz moved that the Resolution be adopted honoring Mrs. Dora Romero from the Cameron County Tax Office, on the occasion of her retirement from service to the Office of the Tax Assessor-Collector in Los Fresnos and that January 26, 1999, be proclaimed as Adora Romero Day® in Cameron County.

The motion was seconded by Commissioner Cascos and carried unanimously.

At this time, Mrs. Dora Romero, Tax Office, expressed her gratitude to the Court, the Tax Office and County Clerk's Staff and highlighted her accomplishments throughout her years of service to the County.



(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, highlighted Warrant No. 8370, as to the Texas Department of Transportation, in the amount of \$500,000.00, which was the County's five percent (5%) match for the International Boulevard Overpass Project and noted that the payment was the final funding for the completion of the Los Tomates International Bridge Project.

Commissioner Matz expressed concern as to the settlement payment to Ms. Natalia Flores and questioned whether the Tobacco Settlement money would be utilized to fund said payment.

Mr. Yates explained that there would be three (3) payments, in the total amount of \$260,000.00, to the Attorney and added that the settlement payment to Ms. Flores would be made in monthly payments, noting that the payments were budgeted.

Judge Hinojosa suggested that the Tobacco Settlement money should be utilized and limited for construction projects around the County.

At this time, Commissioner Cascos expressed concern as to Warrant No. 8383, payable to Valley Morning Star and questioned whether the description as to court costs and transcripts was a typographical error.

Mr. Yates responded that the fund number pertained to Child Welfare and added that he would review and correct the matter.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the County Claims were approved, as presented by the County Auditor, subject to the correction on Warrant No. 8383.

The Budget Officer's Comments Report is as follows:

(2) **APPROVAL OF THE BUDGET AMENDMENTS
AND/OR SALARY SCHEDULES**

At this time, Mr. Mark Yates, County Auditor, explained that the Justice of the Peace Precinct No. 2, Place No. 2, was replacing the Warrant Officer Position with an Office Assistant.

Judge Hinojosa expressed his support for the matter, but noted that it should be clarified that an additional position would not be granted to hire a Warrant Officer.

Commissioner Cascos expressed concern as to whether the job descriptions and slots corresponded to the duties performed by the employee.

Mr. Manuel Villarreal, Personnel/Safety Risk Director, stated that sixty percent (60%) of the requested job descriptions had been submitted by the Departments and added that a second notice would be sent to the Departments which had not responded to submit the job descriptions by mid February.

Commissioner Benavides moved that the 1999 Fiscal Year Budget Amendment No. 99-15, and the Salary Schedules be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Budget Amendments are as follow:

(3) APPROVAL OF MINUTES OF JANUARY 5, 1999

Commissioner Cascos moved that the Minutes of the Meeting held January 5, 1999, at 9:30 A.M., be approved.

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

AYE: Commissioners Benavides, Cascos and Valencia

NAY: None

ABSTAINED: Commissioner Matz.

**(5) PRESENTATION BY MR. BILL BASSETT,
RACOM INFORMATION TECHNOLOGIES, ON
PROPOSED IMAGING SOLUTION FOR THE
DISTRICT CLERK-S OFFICE**

At this time, Ms. Aurora De La Garza, District Clerk, explained that the Contract for Imaging Solution had expired and added that the Request for Qualifications process for a new Contract had been conducted by the Purchasing Department.

Mr. Mark Yates, County Auditor, noted that four hundred square feet of space would need to be located if the Imaging System was handled locally which could possibly be located at the County Annex site or suggested that the system could be accessed through the County-s network system from the company-s location in San Antonio, Texas. Mr. Yates stated that the amount of \$140,000.00, was available in the District Clerk-s Budget for Imaging Services.

Commissioner Cascos moved that the presentation of Racom Information Technologies, on the proposed imaging solution for the District Clerk-s Office be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

**(6) PRESENTATION AND DEMONSTRATION OF
THE TIME AND ATTENDANCE SOFTWARE
KIOSK PROJECT AND DISCUSSION OF THE
IMPLEMENTATION OF AUTOMATED TIME
CLOCK PROCEDURES**

At this time, Mr. Mark Yates, County Auditor, demonstrated the Time and Attendance Software Kiosk Project which would require County employees= individual badges for identification as they clocked in and out of the Departments and noted that the system featured a bar code scanner and a manual keypad register to clock in and out.

Commissioner Cascos expressed concern as to whether employees would be able to clock other employees in or out on the manual keypad register.

Mr. Yates stated that a fail safe system did not exist and suggested that camera or thumb print identification systems were available but would be costly to the County.

Judge Hinojosa recommended that in order to avoid the problem, the manual keypad register should not be allowed to be utilized unless authorized by the Department Heads.

Mr. Yates explained that the Personal Computers to be utilized for the system were out dated computers which were rebuilt and noted that the total amount for the card swipe system and the recycled computers would cost \$750.00, for each location.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the presentation and demonstration of the Time and Attendance Software Kiosk Project and discussion of the implementation of the automated time clock procedures were acknowledged.



(7) **ADOPTION OF A PROCLAMATION
DECLARING FEBRUARY 1999, AS EMERGENCY
PREPAREDNESS AND PLANNING ACTION
MONTH**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Proclamation declaring February 1999, as Emergency Preparedness and Planning Action Month was adopted.

The Proclamation is as follows:

(8) IN THE MATTER OF THE NEW COUNTY TRAVEL POLICIES AS PREPARED BY THE COUNTY AUDITOR (TABLED)

At this time, Mr. Mark Yates, County Auditor, highlighted the changes made to the County Travel Policies and added that the travel advance would be accepted with three signatures by the Commissioners, in lieu of the Court's approval. He stated that the Policy would allow the hotel block room rates above the per diem rate, but noted that if the block room rates were not available, the County would honor the regular per diem rate, unless it was justified and approved by the Court. Mr. Yates explained that the bills for the leasing of vehicles would be reviewed on a case by case basis.

Judge Hinojosa suggested that the matter be Tabled, in order to provide the Department Heads time to review and respond to the new Travel Policy.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, this Item was **TABLED** for one (1) week.



(9) ADOPTION OF A RESOLUTION ESTABLISHING WRITTEN CITIZEN COMPLAINT PROCEDURES AND DEALING WITH TECHNICAL ASSISTANCE, PURSUANT TO THE TEXAS COMMUNITY DEVELOPMENT PROGRAM

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Resolution was adopted establishing written citizen complaint procedures and dealing with technical assistance, pursuant to the Texas Community Development Program.

The Resolution is as follows:

**(10) ADOPTION OF A RESOLUTION PROHIBITING
THE USE OF EXCESSIVE FORCE DURING
NONVIOLENT CIVIL RIGHTS
DEMONSTRATIONS**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Resolution prohibiting the use of excessive force during Nonviolent Civil Rights Demonstrations was adopted.

The Resolution is as follows:

(11) **ADOPTION OF A RESOLUTION AUTHORIZING THE CAMERON COUNTY SHERIFF-S DEPARTMENT TO APPLY FOR A SAFE AND SOBER GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION AND DESIGNATION OF THE FUNDING SOURCE FOR THE REQUIRED MATCH**

At this time, Mr. Frank Bejarano, Program Development and Management Director, stated that the County match would decrease to the amount of \$7,224.00, for the next Fiscal Year and noted that the current match, in the amount of \$32,000.00, would roll back into the General Fund.

Commissioner Benavides moved that the Resolution be adopted authorizing the Cameron County Sheriff-s Department to apply for a Safe and Sober Grant from the Texas Department of Transportation.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Resolution is as follows:

**(20) ADOPTION OF A RESOLUTION AUTHORIZING
THE CAMERON COUNTY SHERIFF-S
DEPARTMENT TO APPLY FOR AN AEL
PROTECTOR® GRANT FROM THE TEXAS
DEPARTMENT OF TRANSPORTATION**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Resolution authorizing the Cameron County Sheriff-s Department to apply for an AEL Protector® Grant from the Texas Department of Transportation was adopted.

The Resolution is as follows:

(21) **APPROVAL OF A TEXAS COMMUNITY DEVELOPMENT CONTRACT BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (CONTRACT NO. 718118)**

Commissioner Matz moved that the Texas Community Development Contract between Cameron County and the Texas Department of Housing and Community Affairs, that being Contract No. 718118, be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

At this time, Judge Hinojosa reported that he had visited the new Laguna Vista Housing community, which was a part of the partnership between the Empowerment Zone and the Community Development Corporation of Brownsville, and added that the residents had expressed concerns as to the contractors not responding to their needs. He requested that the Program Development and Management Director discuss the matter with the appropriate entities to resolve the issues and noted that the County was committed to providing the accurate service to the residents, since the County had dedicated Bond Funds through the Cameron County Finance Corporation towards the project.

The Contract is as follows:

(24) **POSSIBLE APPROVAL OF THE INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY, TOWN OF LAGUNA VISTA AND THE TEXAS DEPARTMENT OF TRANSPORTATION REGARDING DRAINAGE IMPROVEMENTS**

At this time, Judge Hinojosa stated AI have prepared a new Interlocal Agreement that adds a broader commitment by the County, than what we approved about a month ago and essentially adds the commitment that I had recommended that we engage in some time ago. I went out there last week with Mayor Fairhart and he showed us the drainage ditch that is involved here and the flooding that is being caused as a result of the inadequate culverts that appear on the two roads that are part of Laguna Vista. It is a real problem and it is a huge ditch. I don't know if you have seen it? It is a very, very large drainage ditch. (Commissioner Matz hands pictures to Judge Hinojosa) I don't know what that is.®

Commissioner Matz stated AThat is the ditch. You to need to pass it on.®

Judge Hinojosa stated AWell, that is not the ditch that I have seen.®

Commissioner Matz AThat is the ditch and you have pictures down below there. The ditch is Laguna Vista.®

Judge Hinojosa stated AThe ditch that I saw is probably as wide as from here to where Mayor Fairhart is and probably in some portions wider than that. As it gets closer to the Bay, it becomes deeper and wider, but in the back end, towards, in the direction of Los Fresnos, it is all full of, I mean, as I recall, it has not rained in Cameron County for a couple of months. And the ditch passed those locations, passed some of those streets, is full of water and it is stagnant water. If you go all the way back to where the Laguna Water Supply Corporation is, the water is stagnant in that area. It stinks. It is a bad, bad situation. You know, Mayor Fairhart was telling me the extent of budget of Laguna Heights which is about \$150,000.00, a year. I just don't see where they have got the resources to deal with this problem that clearly was not created by them. It was created by someone prior to them. It is a ditch that exists out there that belongs to no one. We have already made a commitment as a Commissioners= Court to expend County resources to fix it. The only issue that remains is whether or not the rental of the equipment would be paid by Cameron County, as opposed to Laguna Vista. The Texas Department of Transportation has offered culverts that are worth somewhere between \$40,000.00 to \$50,000.00. And the only thing that is left is the rental of the equipment. You know, why don't we just do the Project and get it out of the way. It is a problem that exists out there. It is much more severe than I ever even understood it was, and it is affecting the residents of that community. And that it seems to me that we haven't even seen the side of it that occurs when you have the actual flooding into the houses that are adjacent to that area. And, so I would proposed that we adopt the Interlocal Agreement that is part of the draft that I have just handed to you and also move.®

Commissioner Cascos stated AJudge, before we do that, when the Mayor was here several months ago, what is it that we agreed to?@

Judge Hinojosa responded AWe agreed to 1) accept the culverts that were being offered by TxDOT. TxDOT says. TxDOT is going to do two things. If you look at this ditch, the ditch runs all the way from the Bay to the Laguna Madre Water Supply Corporation No. 1, way back over there. In between there, is the TxDOT, off a compound, that they house some of their equipment and materials and so forth. So what TxDOT is saying is Alook, we will go ahead and pay for the culverts.@ I think that they are forty-eight inch culverts?

Mayor Hap Fairhart, Town of Laguna Vista, replied ASixty.@

Judge Hinojosa stated ASixty inch culverts that would go in two roads that go into Laguna Vista. AAs long as you install them. And then, we will then install the culverts on the road that goes where our warehouse is there as well.@ They are going to pay for the culvert and the installation in their warehouse. And then they want us to install the culverts in those two roads that are located there where it is backing up. And then we had agreed to pay for that and then the only thing that was left is that we were going to have to rent equipment. What do they call that equipment?@

Mr. Juan Bernal, County Engineer replied AAn excavator.@

Judge Hinojosa stated AAn excavator that was going to cost about \$4,000.00 to dig the area out. The only other part of the Agreement was that Laguna Vista would repair the road once.@

At this time, Mayor Fairhart stated AThis is a total misrepresentation of the facts. The top picture is correct. These two pictures here have nothing to do with what is under discussion. The drainage in Laguna Vista all runs the other way. The only thing that this drain ditch affects is County property and four or five houses on the back side of Palm Boulevard which backs up into our houses. That is the only problem that we have, is those four houses. We also have a problem at the golf course which destroyed \$150,000.00 worth of pumps. But that was County property. All this out there that is a big drain problem is County property. It also affects El Norte, which is a subdivision that you all were talking about to the fellow that just left here about the housing problem. What we have agreed to, is there is not just the two in Laguna Vista, but the third one over in the County, which is the Highway Department's drain ditch. That one is as important as these two. Because without that, the water still backs up. All around and behind the water district plant and come back into El Norte, in on the golf course, and then in on these four houses that keep getting flooded in our town.@

Judge Hinojosa stated AAll that land by the way around the Water Supply Compound that is there, the Laguna Water, there is at least a foot or a foot and a half of water right now today sitting there. And the water does not go through. There are three streets that are from there all the way to, till you get to FM510 that intersects with Highway

100. Now FM510 has got some huge culverts under there. And there is no water backed up there at all. The water is backed up when you get to the two streets and the TxDOT Compound. And it needs to get done. It is a problem. Nobody knows who created it, but it needs to get fixed.®

Mayor Fairhart stated APardon me, Judge. But is the people important to you for liability purposes? Once this is done, TxDOT has agreed to take ownership of that ditch and they will clean it out and maintain it. And that is off your back forever. My God, what kind of a better deal can you make than that?®

Commissioner Cascos questioned AWhat has happened from the last time that we were here, aside from having a new member on the Court. But what has happened from the last time we were here, when we agreed to do something, till today?®

Judge Hinojosa replied ANothing.®

Commissioner Cascos questioned AThen why is it coming back?®

Judge Hinojosa responded ABecause now we have to approve the Interlocal Agreement. The Interlocal Agreement was prepared. It is coming. We never had an Interlocal Agreement that we approved.®

Commissioner Cascos questioned AIs this Interlocal in spirit, what we agreed?®

Mr. Doug Wright, Commissioners= Court Legal Counsel, responded AThe difference legally is that, apparently there was an Interlocal Agreement.®

Commissioner Cascos stated AA few months ago, we approved to do something. And I think it passed. I think there was several problems going back and forth and then finally we came to an agreement to do something. Then there was an Interlocal that was drafted at some point. Was it ever adopted by the Court? So that already is there. So now.®

Judge Hinojosa stated AIt got sent back to the City of Laguna Vista. They didn't accept it. It has come back to us again and that's why I am submitting a new one.®

Commissioner Cascos stated AThe new one that is coming back with different players...®

Judge Hinojosa stated AWith the proposal being re-offered by the City of Laguna Vista.®

Commissioner Cascos questioned ASo then, what is the difference between the original Interlocal Agreement that we voted on prior to January 1, 1999, to now? What is the difference to the Interlocal that we sent out and now that is coming back?®

Judge Hinojosa responded AThe only difference between the one that we had approved about six weeks ago and got rejected by Laguna Vista, is that in the one that we approved, the cost for the equipment rental was going to be paid by Laguna Vista. The proposal that I am asking the Commissioners= Court to adopt today, we pay for that as well.®

Commissioner Cascos stated AHow much is that? Is that the four thousand dollars?@

Mayor Fairhart replied AFour thousand dollars for equipment, as I understand it.@

Judge Hinojosa stated AThat is it. That is the only difference.@

Commissioner Cascos stated ABefore we go to the actual dollars. Why is it coming back? To me it looks like whether it is affordable or not, I mean four thousand dollars is a lot of money to us as well, but I guess what I am seeing today, and I don't mean this with any disrespect, six weeks ago the complexion was a little bit different. Today is a little bit different. The Interlocal that we voted on to approve, we sent over to you guys. You said no. Waited til after January 1st. Now we come back with another one to propose that we pay whatever the dollars are four, five or six thousand dollars. Now is that the only difference in this Interlocal? Is it the fact that six weeks ago we said Ayou know guys we will do everything except that you guys have to come up with the money.@ Now it is coming back and saying Ano, we reject it, we want you all to come up with the money.@ That is the only difference in this Interlocal, is who is going to pay this money. Is that correct? That is my understanding.@

Judge Hinojosa questioned AIs there any other differences?@

Mr. Wright responded AI just saw it. But the only thing I can see that was taken out is Paragraph No. 5. It says ALaguna Vista agrees to lease the necessary equipment to install the drainage pipes, resurface the portion of the road damaged by the installation of the drainage pipes.@ And on this one it simply says AAgrees to resurface that portion of the road damaged by the installation.@

Commissioner Cascos stated AIt appears that the only thing we are talking about is that the monkey is being placed back on our backs to pay for this installation. Is that it?@

Judge Hinojosa replied ARight.@

Mr. Mark Yates, County Auditor, stated APlus we don't have a crane. We have to rent a crane.@

Commissioner Cascos stated AWell, somebody has to rent a crane.@

Judge Hinojosa stated AWell, it is my motion to approve the draft Interlocal Agreement. Do I have a second?@

Mr. Wright noted AJudge, just housekeeping. The mayor pointed out, I think the diameter was changed back to sixty inches. And in your draft, it says forty-eight. So there is some housekeeping.@

Judge Hinojosa responded AOkay, let my Interlocal Agreement say sixty inches. But it is what it is, because they already bought the pipes.@

Mr. Wright stated AThe other thing that needs to be done as far as the Contract, and the Mayor pointed out, the only way you can justify this under the statutes is that we are no longer going to have the cloud of the issues of who owns that drainage line. That will be by TxDOT. And if we do that, we, as I pointed out before, we need to have the

title commitment that shows and all of the issues out there if there is any stagnant parcels, we are going to deed to TxDOT all of the issues that refer to drainage. Because that is the justification for us paying the additional monies.®

Commissioner Cascos questioned AWill that be done prior to?®

Mr. Wright responded AWell, that's what it says here. Is that they will accept, it says in Paragraph No. 3, AFurther State agrees to accept from the County any interest transferred between the as of the execution of this Interlocal Agreement.®

Mr. Fairhart stated AAs I recall, the deal was, TxDOT indicated that they would provide the sixty inch pipes, the County would install them, and after they were installed at that point, TxDOT would accept title to that property. I don't want to get into an argument or a big discussion about the title, but that title is in Cameron County at this time. And so, Commissioner Cascos, when you say. Our position is, it is a County property. And you're asking us to go in and work on County property. And it is just not fair. And I don't think that we would have the right to do it. We probably would break the law.®

Mr. Wright stated AWe have been in the Engineering Department I think three or four times. And the Engineering Department is still under the cloud with regard to title. There are some deeds that show ownership in the County. There are deeds that show TxDOT owns the property. And that is precisely the point. We need to go to a title company and we need to get it fixed. The arguments can be made that the County has some interest in the property. The problem is the County is not a Drainage District and we need to put that issue separate.®

Commissioner Matz stated AI suggest since we are talking about this point, here is a Memorandum from Richard Walker to Doug Wright, dated October , 1997. The subject parcel on Highway 100 located in the Town of Laguna Vista. AI have reviewed several Right-of-Way Deeds for lower areas and drainage ditches. It would appear that the area in question is part of an eighty foot drainage ditch out of a 9.1 acre tract in favor of the State Highway Commission.®

Judge Hinojosa stated ABut we have gone around and around on that issue. Maybe it is not appropriate to talk about that in open session, but that is not clear. And it has never been made clear to me on that issue. And once and for all, we need to get this thing resolved.®

Mayor Fairhart stated AJudge, it has been made clear to me. I have been to the Highway Department. They have taken out three incidences. One was through the land when Highway 100 was expanded. Another one to the drain ditch down to the western part and then this one to the eastern part. Obviously you can make the argument that it was the intent at the time, that was to go into the State of Texas. There is no doubt about it. As a matter of fact, it says in favor of. But it was not filled in and the State's position is, it belongs to the County. But it is to that specific piece

of property that we are talking about. And I have talked with the Judge that is an expert in land titles. And he tells me there is no question about it, it is the County-s.®

Commissioner Matz stated AWell, no one presumes that and we can spend a lot of time talking about that. That is a matter of contention. The other thing that I understand is one of the primary reasons that ditch was dug as it was, was to provide fill for Highway 100. And I don't know that anybody can show that the County had anything to do with those cross overs between Highway 100 down to Laguna Vista.®

Mr. Wright stated AI can suggest something else that may solve this ludicrous argument with regard to the State of Texas. And that is the State of Texas with regard to State highways or even property market for County roads. When they say they want the County road, it is part of the State System. And for them to come back at this point in time and claim that we have interest in that, is unbelievable. But they are. And if you want to settle this matter at this point, four thousand dollars of whatever it is, in order to eliminate the issue, is probably the cheapest way to get this thing settled.®

Commissioner Cascos questioned AAre we going to put a cap of four thousand dollars on this? We are going to spend up to four thousand and then after that who is going to pay for it? Let-s say it is ten thousand. Or is this going to be unlimited cap?®

Judge Hinojosa questioned AWell, you have checked it out already, right?®

Mr. Juan Bernal, County Engineer, responded AWe expect to work around five days. We are going to work on that drainage ditch and the excavator would be around four or five thousand dollars.®

Commissioner Cascos stated AWell, my question is, are we going to put a cap of four thousand dollars or is it going to be whatever comes in? That is my question.®

Mr. Yates stated AI don't see how you can set a cap.®

Judge Hinojosa stated AI don't think we need to set a cap. If it goes passed five thousand dollars and you think it is going to go passed, come see us and then we will talk about it again.®

Commissioner Valencia stated AI would like to make a comment even though I wasn't here at the time it was brought here to the Commissioners=Court. But after going out there and seeing what the problem is, I sincerely believe that we as a County should be able to work something out with Laguna Vista. Because of the situation out there, we know what part of this Contract is worth. I can see if there is some sort of a hill to prevent the people from being flooded. Again on that drainage ditch that is there on the north side, the water is pretty muddy. And I know there will probably be some kind of diseases showing up later on. I think it is one of our obligations here at the County to be able to held them out. I am going to second that.®

Commissioner Benavides stated AI am also going to support this, but I want to make sure that any other problems, similar problems with the drainage ditches and so forth be transferred to TxDOT, so that we won't have this problem.®

Judge Hinojosa stated AAnd that is in the Interlocal Agreement. It specifically does all of that.®

Mayor Fairhart stated AThey have agreed to it.®

Mr. Wright stated AMake this a part of this. Authorize the Engineering Department to request the title commitment with regards to the entire area. Make sure that all the properties are transferred to TxDOT, so that this issue doesn't come up before the Court again.®

Judge Hinojosa stated AThat is part of my motion. Is that part of your second?®

Commissioner Valencia responded AYes, I think this is a good thing.®

Commissioner Matz stated AI am going to take the same position that I have taken before on this, included at the last Meeting. I will be in favor of the Interlocal where we have the same arrangement with Laguna Vista as we have with the other communities where we provide labor and equipment up to a maximum of three thousand dollars. Under the superintendence of somebody else, that concerns me a great deal. I am concerned about the potential liability and we can talk about TxDOT, but if we build those cross overs and we replace those pipes and something happens, we are going to get sued. It doesn't make any difference whether the State holds us harmless or not or anybody else, because we are going to be the party with the deep pockets on that. I am concerned about the precedent that sets with other communities in this County. And we already have one other request on the Table right now. I am concerned about the impact that it has, Juan, on your operation and other County Road and Bridge priorities. I don't believe you are quite caught up yet from where you were before.®

Mr. Bernal stated ANo. And I will not be able to get to it, until probably March.®

Judge Hinojosa stated AAs long as we get started soon.®

Commissioner Cascos stated AI can't support it either, Judge. I think that the Agreement that we initially passed, I guess it was six or eight weeks ago, was something the Court, at that point in time, agreed to do. I guess we changed our minds.®

Judge Hinojosa stated AWell, you haven't changed your mind, because you voted against it then, too. So let's get that straight.®

Commissioner Cascos responded AWe all know where the change came about.®

Judge Hinojosa stated AYou knew where you were at six weeks ago. You never changed. The only ones that are the same are Pete and I on this. There is a motion and second. Any further discussion? All those in favor signify by stating aye.

Judge Hinojosa stated AAye.®

Commissioner Benavides stated AAye.®

Commissioner Valencia stated AAye.®

Commissioner Cascos stated ANay.®

Commissioner Matz stated ANay.®

Judge Hinojosa stated AMotion passes. It was a motion by me, seconded by Commissioner Valencia. Commissioner Benavides voted for it. Commissioner Matz and Commissioner Cascos voted against it.®

At this time, Mr. Yates requested that the County Engineer submit a report of the project cost in one week.

Commissioner Cascos stated AWell, let me ask you another thing, now that it has passed. If we do that next week and we come up with a fair estimate, Mayor, would you be willing to pay anything in excess of that. I mean this is going to be an open ended deal.®

Mayor Fairhart responded AI don't think it is an open ended deal at all, Commissioner.®

Commissioner Cascos stated AThen you shouldn't have a problem with it.®

Mayor Fairhart stated AIt is not our problem, it is your problem. When you get your title fixed, you are going to find what I found. This ditch was purchased by Cameron County. It is true that the culvert was intended, but you've got all kinds of problems. You can't get away from the fact that you own it.®

Judge Hinojosa stated AMy motion did not have a cap on it.®

Commissioner Cascos stated AIt is only money.®

Commissioner Matz stated AIt is only tax payer money.®

Judge Hinojosa stated ABut if it doesn't come from the Cameron County tax payers, it comes from Laguna Vista tax payers. It is the same thing. Motion passes on Item No. 24.®

The Photographs are as follow:

**(12) IN THE MATTER OF A RESOLUTION
REGARDING THE COUNTY'S PARTICIPATION
IN THE STORM WATER PHASE II COALITION
(TABLED)**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, this

Item was **TABLED**.

**(13) ACKNOWLEDGMENT OF THE ANNUAL
REVIEW OF THE INVESTMENT POLICY AND
INVESTMENT STRATEGIES**

**(14) AUTHORIZATION TO AMEND SECTION 1.01 OF
THE INVESTMENT POLICY AS
RECOMMENDED BY THE ADVISORY
INVESTMENT COMMITTEE**

Commissioner Cascos moved that the Annual Review of the Investment Policy and Investment Strategies be acknowledged and that Section 1.01 of the Investment Policy as recommended by the Advisory Investment Committee be amended.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Policy is as follows:

**(15) AUTHORIZATION TO ADVERTISE FOR BIDS
FOR A MINIVAN FOR THE DISTRICT CLERK-S
OFFICE**

Commissioner Benavides moved that the Bids for a minivan for the District Clerk-s Office be advertised.

The motion was seconded by Commissioner Valencia and carried unanimously.



**(16) ACKNOWLEDGMENT OF THE DISTRICT
CLERK-S OCTOBER, NOVEMBER AND
DECEMBER MONTHLY FEE AND FINES
REPORTS**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the District Clerk-s October, November and December Monthly Fee and Fines Reports were acknowledged.

The Reports are as follow:

(17) APPROVAL OF CHANGE ORDER NO. 5 FOR THE LOS TOMATES TOLL AND ADMINISTRATION BUILDING

Commissioner Matz moved that Change Order No. 5 for the Los Tomates Toll and Administration Building be approved.

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

AYE: Commissioners Benavides, Cascos, Matz and Valencia

NAY: None

ABSTAINED: Judge Hinojosa.

(18) APPROVAL TO ACCEPT THE GRANT AWARD FOR THE SOUTH TEXAS HIDTA DIRECTOR-S ADMINISTRATIVE SUPPORT ELEMENT

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Grant Award for the South Texas High Intensity Drug Trafficking Areas (HIDTA) Director-s Administrative Support Element was accepted.

(19) AUTHORIZATION TO PURCHASE EIGHTY (80) REFLECTION 1.1 DOS (ENGLISH) V.0050 FOR WIN 95/98 NT LICENSES

Commissioner Cascos moved that the eighty (80) Reflection 1.1 DOS (English) V.0050 be purchased for Win 95/98 NT Licenses.

The motion was seconded by Commissioner Matz and carried unanimously.

At this time, Mr. Mark Yates, County Auditor, reported that as the new Personal Computers and the Network were being implemented, a problem with the electrical wiring was detected in the Judicial Section of the Courthouse and the County Judge-s Office and added that the matter regarding the lack of power and electricity would be submitted to the Court as an additional Project.

Commissioner Cascos expressed concern as to the cause of action which would be taken by the County against the vendors that were not Year 2000 (Y2K) compliant.

Mr. Yates stated that the matters would be handled as all other Contracts with the County and would consider the Contracts breached if the vendors stated they were Year 2000 compatible, but could not comply.

(22) APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH DEER OAKS MENTAL HEALTH ASSOCIATES TO PROVIDE COUNSELING AND PSYCHOTHERAPY SERVICES TO JUVENILES

Commissioner Benavides moved that the Professional Services Agreement with Deer Oaks Mental Health Associates to provide Counseling and Psychotherapy Services to juveniles be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Agreement is as follows:

**(23) APPROVAL OF THE LEASE AGREEMENT
BETWEEN CAMERON COUNTY AND THE
CAMERON COUNTY TASK FORCE TO LEASE
SPACE AT CAMERON COUNTY VEHICLE
MAINTENANCE FOR STORAGE OF SEIZED
VEHICLES**

Upon motion by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, the Lease Agreement between Cameron County and the Cameron County Task Force to lease space at the Cameron County Vehicle Maintenance for storage of seized vehicles was approved.

The Agreement is as follows:

CONSENT AGENDA ITEM

THE FOLLOWING ITEMS WERE RECOMMENDED FOR ACONSENT® AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:

At this time, Mr. Juan Bernal, County Engineer, recommended that Item No. 26 Ab® be denied, due to flood zone and health issues, which was also confirmed by the County Chief Sanitarian.

Commissioner Cascos moved that the AConsent® Agenda Items be approved as follow, with the exception of Item 26 Ab®.

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

AYE: Commissioners Benavides, Cascos and Matz

NAY: None

ABSTAINED: Commissioner Valencia, as to Item 26 Aa.®

(25) TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET AND ALL APPLICABLE COUNTY POLICIES:

- a) Two (2) Child Welfare Homemakers to attend the AHST/CSA Conference® in Corpus Christi, Texas, on February 17-18, 1999;
- b) Health Department employee to attend the ADisease Reporting and Surveillance in Texas® in Austin, Texas, on February 2-3, 1999;
- c) Health Department employee to attend a AMicrosoft Office One-Day Workshop® in McAllen, Texas, on February 2, 1999;
- d) Commissioners= Court Legal Counsel to attend a litigation case styled Detrice Lezette Johnson vs. Cameron County, Case No. 98-13909 in the 157th District Court, Harris County, Texas, in Houston, Texas, on February 12, 1999;
- e) Drug Enforcement Task Force Agent to attend the >TNCP Basic Narcotics Investigation School at Camp Mabry® in Austin, Texas, on January 31, 1999, through February 5, 1999;
- f) Two (2) County Extension Agents to attend the ADiabetes Management Symposium® in South Padre Island, Texas, on February 8-9, 1999;
- g) Assistant County (Criminal District) Attorney to attend the A12th Annual Juvenile Law Conference® in Austin, Texas, on February 17-19, 1999;
- h) Two (2) Criminal Investigators to attend the A22nd Annual TDCAA Investigators School® in Odessa, Texas, on February 21-26, 1999;
- I) Four (4) County Extension Agents to attend an AAquatic Science Workshop Training® in McAllen, Texas, on February 22, 1999; and
- j) Drug Enforcement Task Force Director and Administrative Secretary to attend a ATwo Day Grant Review of the 1999-2000 Grant Application® in Austin, Texas, on January 27-29, 1999.

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(26) **PRELIMINARY AND FINAL APPROVAL**

a) **Precinct No. 4**

Reyes Place Subdivision - being the South 6.63 acres of the South 13.26 acres of Block No. 32, F.Z., Bishop Subdivision of the Concepcion De Carricitos Grant; and

(27) **FINAL APPROVAL**

a) **Precinct No. 4**

Hidden Lake Subdivision No. 2 - being a resubdivision of 10.56 acres of land out of the Southeast corner of Block No. 16, Stuart Place Subdivision, Survey 139.

(28) **PRELIMINARY APPROVAL**

a) **Precinct No. 4**

La Gloria Canal Subdivision - being a 37.434 acre more or less, tract of land, out of Block AG®, in the La Gloria Tract; and

b) **Precinct No. 1**

Paloma Escondida Subdivision - being 3.09 acres of land out of Lot No. 4, Block No. 102, El Jardin Resubdivision.

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(26) **IN THE MATTER OF PRELIMINARY AND FINAL APPROVAL (DENIED)**

b) **Precinct No. 3**

Dimas Subdivision - being a subdivision of 5.0 acres out of Block No. 128, Green Valley Farms Subdivision.

At this time, Commissioner Matz stated that there should be more communication between the County Engineers Office and the property owners as to the flood plain issues and suggested that written notices be given to the owners.

Mr. Montemayor explained that the owner of 5.0 acres of land in the Green Valley Farms Subdivision was intending to subdivide the lots upon approval by the Court and noted that the mobile home on the property had been elevated to the required height due to the area being in a flood zone.

Commissioner Cascos expressed concern as to whether the five lots were purchased for the purpose of one household.

Judge Hinojosa clarified that subdividing the land was not required by law if the area was a five acre tract of land, but noted that the property would need to be subdivided in order to place more than one household on the

property. He stated that in order to subdivide the property, the property owner would need to improve the area where the home would be placed to keep the property from flooding and noted that improving the area would improve the subdivision.

Mr. Ray Rodriguez, Chief Sanitarian, expressed his opposition to subdividing the property, in order to protect people from moving into the area, which was in a flood zone.

Commissioner Cascos expressed his opposition to subdividing the property based on the recommendations by the Chief Sanitarian and the County Engineer.

Commissioner Benavides expressed his support regarding said matter and added that subdividing the property would be an improvement to the subdivision.

Commissioner Matz stated that the main road in the Green Valley Farms Subdivision was being addressed, in order to improve the subdivision and added that improvements to said subdivisions attracted residents to move in.

Judge Hinojosa suggested that the subdivision be approved, subject to the necessary improvements being completed.

Commissioner Cascos moved that the preliminary and final approval for Precinct No. 3, Dimas Subdivision, being a subdivision of 5.0 acres out of Block No. 128, Green Valley Farms Subdivision, be denied, as recommended by the Chief Sanitarian and the County Engineer, due to health and flood issues.

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

AYE: Judge Hinojosa, Commissioners Cascos, Matz and Valencia

NAY: None

ABSTAINED: Commissioner Benavides.

(29) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 11:40 A.M. to discuss the following matters:

- a) Deliberation regarding the Real Property concerning 14.9 acres adjacent to Isla Blanca Park; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- b) Deliberation regarding the Real Property concerning negotiations of Cameron County owned land, known as 0.270 acre tract out of Lots Nos. 2-5 and 7-10, Brownsville Original Townsite recorded in Volume No. 5, Page No. 13, of the

Map Records of Cameron County, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;

- c) Deliberation with County Counsel regarding the possible litigation, pursuant to drainage issues in Laguna Vista; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A); and
- d) Deliberation regarding the Real Property concerning the proposed Concession Agreement of Sea Turtle, Incorporated Museum, to be located at Andy Bowie Park, adjacent to the South Padre Island Convention Center; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 12:04 P.M.



(30) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Deliberation regarding the Real Property concerning 14.9 acres adjacent to Isla Blanca Park.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Status Report by County Counsel was acknowledged regarding the Real Property concerning 14.9 acres adjacent to Isla Blanca Park.

- b) Deliberation regarding the Real Property concerning negotiations of Cameron County owned land, known as 0.270 acre tract out of Lots Nos. 2-5 and 7-10, Brownsville Original Townsite recorded in Volume No. 5, Page No. 13, of the Map Records of Cameron County, Texas.

Commissioner Benavides moved that the Property Management Coordinator continue to negotiate the Real Property concerning Cameron County owned land, known as 0.270 acre tract out of Lots Nos. 2-5 and 7-10, Brownsville Original Townsite, recorded in Volume No. 5, Page No. 13, of the Map Records of Cameron County, Texas.

The motion was seconded by Commissioner Cascos and carried unanimously.

- c) In the matter of the possible litigation, pursuant to drainage issues in Laguna Vista. **(TABLED)**

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

- d) Deliberation regarding the Real Property concerning the proposed Concession Agreement of Sea Turtle, Incorporated Museum, to be located at Andy Bowie Park, adjacent to the South Padre Island Convention Center.

Commissioner Cascos moved that the Status Report by County Counsel be acknowledged regarding the Real Property concerning the proposed Concession Agreement of Sea Turtle, Incorporated Museum, to be located at Andy Bowie Park, adjacent to the South Padre Island Convention Center.

The motion was seconded by Commissioner Matz and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 12:05 P.M.

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APPROVED this **16th** day of **March, 1999**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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