

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 30th day of NOVEMBER, 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 10:00 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 November 24, 1999, at 1:15 P.M.:

(14) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 10:03 A.M. to discuss the following matters:

- a) Confer with County Counsel concerning the possible litigation involving Schlitterbahn Water Park at South Padre Island and on matters relating to the water park, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2);
- b) Confer with County Counsel concerning contemplated litigation and authorization to send letter terminating the Agreement with the Elections System and Software-s Election Reporting System; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
- c) Confer with County Counsel concerning compensation to Justice of the Peace for leases of office space; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2); and
- d) Deliberation regarding Economic Development negotiations regarding Magne Tek; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.086 (1)(2).

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 10:55 A.M.



(15) ACTION RELATIVE TO EXECUTIVE SESSION

- a) **Confer with County Counsel concerning the possible litigation involving Schlitterbahn Water Park at South Padre Island and on matters relating to the water park, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act.**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Status Report by County Counsel was acknowledged regarding the possible litigation involving Schlitterbahn Water Park at South Padre Island and on matters relating to the water park, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act.

- b) **Confer with County Counsel concerning contemplated litigation and authorization to send letter terminating the Agreement with the Elections System and Software-s Election Reporting System.**

Commissioner Benavides moved that the Status Report by County Counsel be acknowledged regarding the contemplated litigation and authorization to send letter terminating the Agreement with the Elections System and Software-s Election Reporting System.

The motion was seconded by Commissioner Cascos and carried unanimously.

At this time, Judge Hinojosa directed the Elections Administrator to submit a written report to Mr. Richard Burst, Commissioners= Court Legal Counsel, detailing the problems and concerns regarding the Elections System and Software=s Election Reporting System.

c) Confer with County Council concerning compensation to Justice of the Peace for leases of office space.

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Status Report by County Council was acknowledged concerning compensation to Justice of the Peace for leases of office space.

d) Deliberation regarding Economic Development negotiations regarding Magne Tek.

Commissioner Matz moved that the Status Report by County Council be acknowledged regarding the Economic Development negotiations regarding Magne Tek.

The motion was seconded by Commissioner Valencia and carried unanimously.

(4) AUTHORIZATION FOR COMMISSIONERS= COURT TO DESIGNATE SPACE FOR THE CHILD SUPPORT DEPARTMENT OF THE CAMERON COUNTY DISTRICT CLERK=S OFFICE

At this time, Judge Hinojosa explained that the Courthouse lounge would be converted into offices for the Child Support Division and that a hallway would remain in between the new offices spaces and the current office of the Masters Court Judge. He added that the hallway would continue around in front of the Building Maintenance Office and would lead into the Central Jury Room. Judge Hinojosa stated that half of the existing Child Support Division Office would be converted into the Jury Clerk=s Office. He stated that the Juvenile Probation office could not be utilized and explained that large office space was necessary to conduct family counseling by the Juvenile Probation Officers.

Mr. Roger Ortiz, Building Maintenance Director, noted that a design was being created to present to the Court and the District Clerk and added that the construction could begin immediately upon approval of the design.

Judge Hinojosa stated that a Resolution be adopted designating the Courthouse lounge for the Child Support Department of the Cameron County District Clerk=s Office.

Commissioner Cascos moved that the Commissioners= Court designate the Courthouse lounge area for the Child Support Department of the Cameron County District Clerk=s Office.

The motion was seconded by Commissioner Matz and carried unanimously.

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NOTE: JUDGE HINOJOSA LEFT THE COURT ROOM.

(1) APPROVAL OF COUNTY CLAIMS

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the County Claims were approved, as presented by the County Auditor.

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

Commissioner Benavides moved that the 1999 Fiscal Year Budget Amendment No. 99-53, the 2000 Fiscal Year Budget Amendment No. 2000-07, and the Salary Schedule for Brownsville Comprehensive Strategy, Fund No. 330-4950, be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Budget Amendments and/or Salary Schedules are as follow:

(3) APPROVAL OF MINUTES OF NOVEMBER 2, 1999, REGULAR, AND NOVEMBER 8, 1999, SPECIAL

Commissioner Valencia moved that the Minutes of the Regular Meeting held November 2, 1999, at 9:30 A.M., and the Special Meeting held November 8, 1999, at 9:20 A.M., be approved.

The motion was seconded by Commissioner Benavides and the vote is as follows:

AYE: Commissioners Benavides and Valencia

NAY: None

ABSTAINED: Commissioners Cascos and Matz.

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(5) APPROVAL OF THE CONTRACT AMENDMENT NO. 1 WITH TURNER-COLLIE AND BRADEN, INCORPORATED, FOR THE CAMERON COUNTY COMPREHENSIVE COLONIA STUDY AND PLAN (TCDP CONTRACT NO. 717175)

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the Contract Amendment No. 1 with Turner-Collie and Braden, Incorporated, was approved for the Cameron County Comprehensive Colonia Study and Plan, that being the Texas Community Development Program Contract No. 717175.

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(6) AUTHORIZATION TO PURCHASE SOFTWARE FOR PRE-APPROVED COMPUTER EQUIPMENT

Commissioner Benavides moved that the software be purchased for pre-approved computer equipment.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(7) APPROVAL OF RESERVE DEPUTY CONSTABLE RUBEN GARCIA, FOR CONSTABLE PRECINCT NO. 1

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, Reserve Deputy Constable Ruben Garcia was approved for Constable Precinct No. 1.

The Bond is as follows:

(8) ACCEPTANCE OF CJD GRANT NO. JA-97-J21-15010 UNIDOS PODEMOS - BROWNSVILLE COMPREHENSIVE STRATEGY FOR YOUTH AND FAMILIES

Commissioner Valencia moved that the CJD Grant No. JA-97-J21-15010 Unidos Podemos - Brownsville Comprehensive Strategy for Youth and Families be accepted.

The motion was seconded by Commissioner Benavides and carried unanimously.

NOTE: JUDGE HINOJOSA RETURNED TO THE COURTROOM.

(9) IN THE MATTER OF THE ADVERTISING SIGNS IN THE ISLA BLANCA PARK (TABLED)

At this time, Mr. Javier Mendez, Parks System Director, stated that the Concession Agreement contained a provision concerning the placement of signs without the Commissioners=Court approval and added that the signs placed by the concessionaires were not in compliance with the County Sign Policy. He stated that the concessionaire had proposed one large sign advertising the different concessionaires in the area.

Mr. Doug Wright, Commissioners=Court Legal Counsel, explained that the original concessionaire had placed a sign on the right-of-way and that the sub-lessee was leasing a wet slope area, noting that the signs were located on Tract No. 3 of Mr. Bryan Mantis=property.

Commissioner Cascos questioned whether the Concession Agreement would be amended to allow signage and added that the type of sign would need to be determined if the Agreement was amended.

Mr. Tim O=Leary, American Diving, briefly highlighted the background of the issue and expressed his concerns as to the obligations of the Agreement.

Judge Hinojosa stated that there were complex legal issues that needed to be discussed based upon the Concession Agreement and the obligations of the County and suggested that the matters be addressed in Executive Session.

Mr. Wright recommended that the changes in the County Sign Policy needed to be addressed and added that the concessionaires=concerns should be considered when implementing the changes in the policy. He noted that Mr. O=Leary had followed the proper procedures to place the sign through the concessionaire and the Parks Department.

Mr. Mendez stated that he had advised the concessionaire not to place the sign, but added that the sign had been placed without the Parks Department=s consent.

Judge Hinojosa recommended that the status quo remain as it was and that the issue be reviewed by the Parks Advisory Board, in order to obtain a recommendation. He suggested that a map be provided at the entrance of the Isla Blanca Park consisting of the County Parks System, the facilities in the area and a list of the concessionaires and their services.

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

(10) ACTION ON THE ENGINEERING SERVICES CONTRACT BETWEEN CAMERON COUNTY AND CEC CONSULTING ENGINEERS, INCORPORATED, FOR THE LAGUNA HEIGHTS DRAINAGE IMPROVEMENT PROJECT

Commissioner Matz moved that the Engineering Services Contract between Cameron County and CEC Consulting Engineers, Incorporated, for the Laguna Heights Drainage Improvement Project be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

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:

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the AConsent® Agenda Items were approved as follow:

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

- a) Three (3) Drug Enforcement Officers to attend a ACombined Agency Narcotics Interdiction Training® in McAllen, Texas, on October 20, 1999.

(12) OPEN PROPOSALS FOR TELEPHONE - INMATE AND COIN PAY PHONE - LONG DISTANCE COMMISSION - ANNUAL REQUEST FOR PROPOSAL NO. 1780-9910-01 AND APPROVAL OF THE FOLLOWING RECOMMENDED EVALUATION COMMITTEE:

SHERIFF OMAR LUCIO, COUNTY SHERIFF;
MR. JIM ROBERTS, I.S. DEPARTMENT;
MR. MARK YATES, COUNTY AUDITOR;
MR. MIKE FORBES, PURCHASING AGENT; AND
MR. DOUG WRIGHT, COMMISSIONERS= COURT LEGAL COUNSEL.

(13) AWARD BIDS AND/OR REQUEST FOR PROPOSALS

a) ANNUAL BID NO. 1998 - TIRES: OFF ROAD AND HEAVY MACHINERY

FIRESTONE - Brownsville, Texas

Total - \$13,890.05

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the meeting was **ADJOURNED** at **11:30** A.M.

APPROVED this **28th** day of **December, 1999**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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