

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 2nd day of MARCH, 1992 there was conducted a REGULAR Session of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:  
1:30 P. M.

PRESENT:  
ANTONIO O. GARZA, JR.  
COUNTY JUDGE

LUCINO ROSENBAUM, JR.  
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS  
COMMISSIONER, PRECINCT NO. 2

COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA  
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA  
COUNTY CLERK

ABSENT:

ADOLPH THOMAE, JR.

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Mr. Jim Sojak, Constable Precinct No. 4, 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 County Clerk's Office on February 27, 1992, at 3:40 P. M.

**(1) APPROVAL OF COUNTY CLAIMS**

At this time, Mr. Rayburn MacNelly, County Auditor, presented a late claim as to J & B Contractors, Mercedes, Texas, Warrant No. 55636 in the amount of \$33,388.29, for approval at this time.

Commissioner Valencia moved to approve the County Claims as presented and on the recommendation of the County Auditor, inclusive of the late claim as to J & B Contractors, Mercedes, Texas, Warrant No. 55636 in the amount of \$33,388.29.

The motion was seconded by Commissioner Rosenbaum and carried the following vote:

AYE: Commissioners Rosenbaum, and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claim of Brownsville Community Health Clinic, Warrant No. 55262 in the amount of \$217.81; and Commissioner Cascos as to the claim of Tony Gonzales Pharmacy, Warrant No. 55394 in the amount of \$19.95.

**The Affidavits are as follows:**

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

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the 1991/1992 Budget Amendment No. 16 and the Salary Schedules for the District Attorney's Office, Department No. 90-475 and the Adult Probation Department, Department No. 92-576 were approved.

**The Budget Amendment and Salary Schedules are as follows:**

**(8) APPROVAL OF IMPACT DRUG COURT GRANT  
APPLICATION 1992-1993**

Mr. Luis V. Saenz, District Attorney, informed the Court that this is a renewal Grant Application for the period of June 1, 1992, through May 31, 1993, and added that the "matching" Funds are allocated from the "Drug Forfeiture Funds" and not the County's General Fund.

Commissioner Valencia moved that the Resolution attendant to the Grant Application for 1992 through 1993 for the Impact Drug Court be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**The Resolution is as follows:**

**(3) IN THE MATTER OF THE MINUTES OF FEBRUARY 24,  
1992 (TABLED)**

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

**(4) AUTHORIZATION TO OPEN PROPOSALS FOR  
SUPPLEMENTAL INSURANCE BENEFITS**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids as received for Proposals for Supplemental Insurance Benefits.

The Proposals received and opened are as follows:

Colonial Life Insurance - Tom Snyder, Agent

American Heritage - Carol Massey, Agent

New York Life - Bill Burns, Agent

Capitol American Insurance - Dalton Hobbs, Agent

Continental Life - Bruce Goulet, Broker/NTA

American Heritage - Gilbert Ortiz, Agent/CRS Marketing

American Public Life - Jerry Jacobs, Agent/Mass Group

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Proposals were referred to the Insurance Committee for tabulation and recommendation to the Court of the best bid in two (2) weeks.

**(5) AUTHORIZATION TO OPEN BIDS FOR PATROL RADARS  
FOR D.P.S.**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids as received for Patrol Radars for the Texas Department of Public Safety (D.P.S).

**The bid received and opened is as follows:**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the bids were referred to the County Auditor and the Texas Department of Public Safety for tabulation and recommendation to the Court of the best bid in one (1) week.

(6) **AUTHORIZATION TO APPROPRIATE FUNDS FOR ONE  
MOBILE PHONE UNIT FOR WARRANT SECTION OF  
D.P.S.**

Warrant Officer T. J. Cespedes, Texas Department of Public Safety, explained to the Court that he is responsible for issuing all the Traffic Warrants and the Suspension Orders regarding the Safety Responsibility Laws in Cameron County, and added that a mobile phone would enhance his communication because he works very closely with the Justices of the Peace throughout the County in serving the citations.

Commissioner Cascos moved to appropriate the sum of \$59.00 a month for about \$500.00 for the balance of the Fiscal Year, for one (1) mobile phone unit for the Warrant Section of the Texas Department of Public Safety (D.P.S.), said funds to be allocated from Lapsed Salaries.

The motion was seconded by Commissioner Valencia and carried unanimously.

(7) **AUTHORIZATION TO SUBMIT AMENDMENT NO. 2 TO  
COUNTY'S CONTRACT WITH THE TEXAS  
DEPARTMENT OF HOUSING AND COMMUNITY  
AFFAIRS FOR THE UNION UNDERWEAR FRUIT OF THE  
LOOM HARLINGEN PLANT AND FOR COUNTY JUDGE  
TO EXECUTE SAID AMENDMENT**

Mr. Frank Bejarano, Program Development and Management Director, stated that the Fruit of the Loom Plant, Harlingen, Texas, had requested a time extension in order to meet the 1500 jobs committed on the original three (3) year Contract which expires May 1992. He added that they currently have 1200 jobs and are seeking an extension until December 1993.

Commissioner Cascos moved that Amendment No. 2 to the County's Contract with the Texas Department of Housing and Community Affairs for the Union Underwear Fruit of the Loom Plant Harlingen, Texas, be resubmitted and that the County Judge be authorized to execute said Amendment.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**The Amendment No. 2 is as follows:**

(9) **AUTHORIZATION FOR THE CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE TO SUBMIT APPLICATION FOR A CONTINUING GRANT FROM TNCP EFFECTIVE JUNE 1, 1992 THROUGH MAY 31, 1993**

Commissioner Valencia moved that the Cameron County Drug Enforcement Task Force be authorized to submit an Application continuing the Grant from the Texas Narcotic Control Program (TNCP) effective June 1, 1992 through May 31, 1993.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**The Resolution is as follows:**

**(10) APPROVAL OF REQUEST BY SAN BENITO HIGH SCHOOL TO USE THREE (3) VOT-ING MACHINES FOR STUDENT COUNCIL CLASS OFFICERS ELECTION ON MARCH 24-25, 1992**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, San Benito High School was authorized to use three (3) voting machines for the Student Council Class Officers for Election on March 24-25, 1992, subject to the standard agreement.

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**(11) APPROVAL OF REQUEST BY PACE HIGH SCHOOL STUDENT COUNCIL FOR USE OF FOUR (4) VOTING MACHINES FOR THEIR ANNUAL SCHOOL ELECTIONS ON MAY 8, 1992**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, Pace High School Student Council was authorized to use four (4) voting machines for their Annual School Elections on May 8, 1992, subject to the standard agreement.

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**(12) AUTHORIZATION TO OPEN BIDS FOR ONE (1) SEDAN FOR PARKS DEPARTMENT**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids as received for one (1) sedan for the Parks Department.

**The bids received and opened are as follows:**



Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the bids were referred to the Purchasing Agent and the Parks Department for tabulation and recommendation to the Court of the best bid in one (1) week.

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(13) **DISCUSSION AND POSSIBLE ACTION TO RETAIN THE FIRM OF HAYNES AND BOONE TO ASSIST THE COUNTY WITH PROCESS OF COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT**

Mr. Frank Bejarano, Program Development and Management Director, explained the costs associated with the Services that would be provided by the Firm of Haynes and Boone, Labor Counsel for the County, and added that the cost for the Job Description revisions could vary depending on the input from the County.

Commissioner Valencia moved that the Firm of Haynes and Boone be retained to provide Training, revision of Job Descriptions and Technical Assistance to the County in the process of compliance with the Americans with Disabilities Act, said funds to be allocated from the Litigation Budget.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**The Summary of Proposed Services is as follows:**

**(14) CONSIDERATION AND ACTION RELATIVE TO CHANGE  
ORDER NO. 2 FOR WILLIAMS CONSTRUCTION  
COMPANY FOR PAVING COMPONENT OF ISLA  
BLANCA PARK PHASE IV**

Mr. Jim Rose, Project Engineer, stated that a change in the seawall alignment allowed the elimination of some linear footage to the seawall sidewalk thereby reducing the Contract total amount by \$5,316.25.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Change Order No. 2 for the Williams Construction Company for the Paving Component of Isla Blanca Park Phase IV was approved.

**The Change Order is as follows:**

**(15) CONSIDERATION AND ACTION RELATIVE TO CHANGE  
ORDER NO. 2 FOR MERCHANT BROTHERS INC., FOR  
ISLA BLANCA PARK PHASE IV**

Mr. Jim Rose, Project Engineer, stated that some changes were required on the Pavilion Project which resulted in an increase to the Contract in the amount of \$3,288.00.

Commissioner Cascos moved that the Change Order No. 2 for the Marchant Brothers Inc., for the Isla Blanca Park Phase IV be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

**The Change Order is as follows:**

(16) **IN THE MATTER OF CONSIDERATION AND  
ACCEPTANCE OR REJECTION OF FEMA-DSR FOR  
REPAIRS TO ROADWAY IN GREEN VALLEY FARMS  
SUBDIVISION (TABLED)**

Mr. Jack Brown, Project Manager, informed the Court that he had received a payment from the Federal Emergency Management Assistance (FEMA) for a Disaster Survey Report (DSR) in the amount of \$26,930.00 to provide repairs for the caliche road in Green Valley Farms Subdivision. He requested direction from the Court, whether to accept or reject the Disaster Survey Report (DSR), and added that if the Court does accept the money, then the County would be accepting the road for maintenance as a County Road.

Judge Garza stated that the required twenty-five percent (25%) matching funds would have to be allocated from the Commissioner's Precinct No. 3 Budget and that he would be reluctant to take action on a road matter unless he had some input from the Commissioner or his Road Foreman, and the suggestion was made to Table the matter until it was discussed with the Commissioner.

Commissioner Valencia asked what the cost would be to bring the road up to County Standards and Mr. Brown replied that the estimate had been \$353,000.00. He said that the amount of \$26,930.00 was just enough to provide two (2) inches of caliche, and that the Project would have to be completed by April 7, 1992.

Commissioner Cascos moved to accept the Federal Emergency Management Assistance-Disaster Survey Report (FEMA-DSR) for repairs to the Roadway in Green Valley Farms Subdivision, subject to the input by the Precinct No. 3 Commissioner as to whether or not he would accept it for future maintenance as a County Road, as well as to provide the twenty-five percent (25%) "match".

The motion died for lack of a second.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, this Item was TABLED for one (1) week until the Court had time to solicit input from the Commissioner from Precinct No. 3.

(17) **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF TOLL BUILDING AND FACILITIES, LOS INDIOS BRIDGE**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the advertisement for bids for the construction of the Toll Building and Facilities for the Los Indios International Bridge Project was authorized.

(18) **REQUEST FOR PRELIMINARY AND FINAL APPROVAL**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, preliminary and final approval was given to the following subdivision on the recommendation of the County Engineer:

- a) Antolin Gonzales, Jr. - Family partition - being 20.44 acres consisting of Blocks 154, 155, and the North 3.34 acres of Block 156, Espiritu Santo Irrigated Land Company Subdivision, Espiritu Santo Grant, Cameron County, Texas.

(19) **REQUEST FOR FINAL APPROVAL**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, final approval was given to the following subdivision, on the recommendation of the County Engineer:

- a) J.C. Ranch Subdivision - being 1.074 acres out of Block 29, N.T. Masterson Subdivision, Concepcion de Carricitos Grant, Cameron County, Texas, Volume 5, Page 14, Maps and Plat Records of Cameron County, Texas.

(20) **AUTHORIZATION TO RATIFY CHANGE ORDER NO. 1 PRECINCT NO. 2 OVERLAY PROJECT TO INCLUDE WEST LAKE DRIVE IN THE AMOUNT OF \$18,960.00**

At this time, Mr. Andy Cueto, County Engineer, stated that the Change Order No. 1 should read "Change Order No. 2".

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the approval given to Change Order No. 2 for the Precinct No. 2 Overlay Project to include West Lake Drive in the amount of \$18,960.00 was ratified.

**The Change Order No. 2 is as follows:**

(21) **APPROVAL OF TRAVEL EXPENSES**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the following travel expenses were approved subject to availability of funds in their budget:

- a) Mary Ann Flores, Juvenile Law Enforcement Officer, to attend Child Abuse Seminar on February 29, 1992, in San Antonio, Texas;
- b) Two (2) Deputies from the Tax Assessor-Collector Department to attend Seminar in Weslaco, Texas, on March 25, 1992;
- c) Judge Everardo Garcia to attend Probate Seminar in Corpus Christi, Texas, on March 3-4, 1992;
- d) Two (2) Health Department Employees to San Antonio, Texas, on March 3-4, 1992, to visit **W.I.C.** Project for observation;
- e) Health Administrator to attend meeting in Austin, Texas, on March 8-10, 1992; and
- f) Health Department Employee to attend meeting in Dallas, Texas, on April 6-11, 1992.

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**NOT ON DISCUSSION AND POSSIBLE ACTION  
AGENDA REGARDING CONSTABLE AND J.P.'S COMMUNICATION  
NEEDS AND RADIO REQUEST LIST**

Mr. Jim Sojak, Constable Precinct No. 4, asked for a status report of the Request for Radios for the Constables that was presented to the Court on December 16, 1991. He said that the position of a Deputy had been approved over two (2) months ago but that he is in desperate need of a radio.

After some discussion regarding the request of radios for all the Constables, the suggestion was made to hold a "Workshop" on Monday, March 9, 1992, at 11:00 A. M.

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At this time, Mr. Allen Essex, Reporter from the Valley Morning Star, Harlingen, Texas, objected to Item 22 "b" because it lacked specificity.

Judge Garza stated that it appeared to be the consensus of the Court as determined by polling, to defer any discussion on Item 22 "b", until Counsel had reviewed the Item for specificity.

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**(22) EXECUTIVE SESSION**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 2:30 P. M. to discuss the following matters:

- a) Discuss the acquisition of drainage and slope easements for Loop 590, Section IV, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Discuss Engineering Department Personnel matters, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); NO ACTION TAKEN.
- c) Confer with Counsel regarding lease between Cameron County and the Town of South Padre Island for the Convention Center Site, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes); NO ACTION TAKEN.
- d) Confer with Counsel regarding contemplated litigation by William Lee against Cameron County, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- e) Confer with Counsel regarding litigation styled Cameron County, Texas, Plaintiff vs. Alicia L. Pasol, Debtor, Defendant, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- f) Confer with Counsel regarding purchase offer on "Old County Jail" property, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- g) Discuss purchase offer on Old County Jail, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes). DUPLICATE - NO ACTION TAKEN.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Regular Session at 3:05 P. M.

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

- a) Discuss the acquisition of Drainage and Slope Easements for Loop 590, Section IV.

Judge Garza reported that after some discussion, it was the consensus of the Court as agreed to and determined by polling, to direct and authorize the County Engineer to purchase said parcels along the terms and conditions as outlined in Executive Session.

Commissioner Cascos moved that the County Engineer be directed to proceed with the acquisition of the Drainage and Slope Easements for Loop 590, Section IV, along the terms and conditions as outlined in Executive Session.

The motion was seconded by Commissioner Valencia and carried unanimously.

- b) Discuss Engineering Department Personnel matters. NO ACTION TAKEN.

Judge Garza reported that this Item was NOT DISCUSSED on the direction by County Counsel and the indication by Mr. Allen Essex, Reporter from the Valley Morning Star, Harlingen, Texas, that the Item was in violation of the Texas Open Meeting Act.

- c) Confer with Counsel regarding lease between Cameron County and the Town of South Padre Island for the Convention Center Site. NO ACTION TAKEN.

Judge Garza reported that this Item was NOT DISCUSSED.

- d) Confer with Counsel regarding contemplated litigation by William Lee against Cameron County.

Judge Garza reported that the Court received a status report from Counsel and after some discussion, it was the consensus of the Court as determined by polling, to direct Counsel to respond appropriately to the contemplated litigation along the terms and conditions as outlined in Executive Session.

Commissioner Rosenbaum moved that Counsel be directed to proceed along the terms and conditions as outlined in Executive Session regarding the contemplated litigation by Mr. William Lee against Cameron County.

The motion was seconded by Commissioner Cascos and carried unanimously.

- e) Confer with Counsel regarding litigation styled Cameron County, Texas, Plaintiff vs. Alicia L. Pasol, Debtor, Defendant.

Judge Garza reported that after some discussion regarding the status of current Counsel, Mr. Lee Wiley, it was the consensus of the Court as determined by polling, that the Court would retain Mr. Mark Twenhafel, Attorney-at-Law, McAllen, Texas, to proceed along the terms and conditions as outlined in Executive Session on the prosecution of this matter versus Ms. Alicia Pasol.

Commissioner Cascos moved that Mr. Mark Twenhafel, Attorney-at-Law, McAllen, Texas, be retained as Counsel regarding the litigation styled Cameron County, Texas, Plaintiff vs. Ms. Alicia L. Pasol, Debtor, Defendant, and that he be directed to proceed along the terms and conditions as outlined in Executive Session.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

- f) Confer with Counsel regarding purchase offer on "Old Jail" property.

Judge Garza reported that after some discussion in Executive Session and review of the Documents, it was the consensus of the Court as determined by polling, to take Counsel's directive and to approve the Documents, subject to the retention of Mr.

Edmundo Gonzales, Surveyor, for insertion of the Metes and Bounds Description on the subject Property, and the Search of Title Policy to be provided by Southern Texas Title Company, Brownsville, Texas.

Commissioner Rosenbaum moved that the County Judge be authorized to execute the Documents regarding the purchase offer of the "Old County Jail", subject to the provision of said Property Description, Search of Title Policy to be provided by Southern Texas Title Company, Brownsville, Texas, and final review of the Documents.

The motion was seconded by Commissioner Cascos and carried unanimously.

**The Warrant Deed is as follows:**

- g) Discuss purchase offer on Old County Jail.  
NO ACTION TAKEN.

Judge Garza reported that this was a Duplicate of Item No. 23 "f" and was NOT DISCUSSED.

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

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APPROVED this \_\_\_\_\_ day of March, 1992.

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**ANTONIO O. GARZA, JR.**  
**COUNTY JUDGE**

**ATTEST:**

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