

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 18th day of **MAY, 1993** 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:

PRESENT:

1:30 P. M.

COUNTY JUDGE

LUCINO ROSENBAUM, JR.
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

ABSENT:

ANTONIO O. GARZA, JR.

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The meeting was called to order by Judge Pro-tem Carlos H. Cascos. He then asked Mr. Norio Nishiguchi, Computer Center Director, to lead the Court and the Audience in reciting the Pledge of Allegiance to the Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on May 14, 1993 at 10:26 A. M.

(1) APPROVAL OF COUNTY CLAIMS

Commissioner Rosenbaum moved that the County Claims be approved as presented on the recommendation of the County Auditor.

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

AYE: Commissioners Rosenbaum, Matz and Valencia

NAY: None

ABSTAIN: Judge Pro-tem Cascos as to the claims of Landair Travel, Inc., Warrant No. 78116 in the amount of \$237.00, Warrant No. 77865 in the amount of \$1,532.00, and Warrant No. 77866 in the amount of \$2,187.00; and Waters Implement Company, Inc., Warrant No. 78035 in the amount of \$256.84.

The Affidavit is as follows:

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

SALARY SCHEDULES

Ms. Rosemary Martinez, Budget Officer, noted that there were no Budget Amendments for approval; however, there was a Salary Schedule for the Tax Assessor-Collector.

Commissioner Rosenbaum moved that the Salary Schedule for the Tax Assessor-Collector, Department No. 10-499, be approved.

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

AYE: Commissioners Rosenbaum, Matz and Judge Pro-tem Cascos

NAY: Commissioner Valencia.

At this time, Commissioner Valencia expressed his reservations regarding the increase in pay, as outlined in the Salary Schedule, other than at Budget time.

Commissioner Matz stated that it was his understanding that the increase in pay was related to the "expanded responsibilities and duties of the Office and not just a pay increase" and added that the Court needed to establish policies concerning compensation.

Mr. Tony Yzaguirre, County Tax Assessor-Collector, explained that he had outlined the additional duties and responsibilities of the Chief Deputy in a letter to the Budget Officer.

Judge Pro-tem Cascos remarked that the County did not currently have a policy regarding compensations; although, the matter had been discussed and there was a need to establish such policies.

Ms. Martinez explained that the Compensation Policy was a Project that had been pending and would be incorporated with the remaining ADA Project. She stated that the Job Descriptions needed to be revised to comply with ADA standards, and once that was done, it would provide the basis for the compensation and pay scales.

The Salary Schedule is as follows:

(3) APPROVAL OF MINUTES OF MAY 4, 1993

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Minutes of the Regular Meeting held May 4, 1993 at 10:00 A. M. were approved.

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(4) AUTHORIZATION TO AWARD BIDS FOR CASH OR LEASE PURCHASE OF ONE (1) WATER TRUCK FOR PRECINCT NO. 3

Commissioner Valencia moved that the low bid of Boggus Ford, Harlingen, Texas, in the amount of \$40,254.94, be accepted for the Lease Purchase of one (1) water truck for Precinct No. 3.

The motion was seconded by Commissioner Matz and carried unanimously.

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(5) AUTHORIZATION TO AWARD BIDS FOR ONE PICK-UP TRUCK (IN STOCK) FOR SHERIFF'S DEPARTMENT

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the low bid of Tip-o-Tex Chevrolet, Brownsville, Texas, in the amount of \$8,908.31, was accepted for one (1) pick-up truck, in stock, for the Sheriff's Department.

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(6) AUTHORIZATION TO AWARD BIDS FOR REPLACING FLOOR TILE - JUDICIAL BUILDING

Commissioner Rosenbaum moved that the "sole" bid of Rivera Tile Inc., Brownsville, Texas, in the amount of \$13,560.00, be accepted for the replacement of the floor tile in the Judicial Building.

The motion was seconded by Commissioner Matz and carried unanimously.

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**(7) APPROVAL OF COUNTY TREASURER'S
QUARTERLY REPORT ENDING MARCH 31, 1993**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the County Treasurer's Quarterly Report for the period ending March 31, 1993 was acknowledged.

The Quarterly Report is as follows:

**(8) APPROVAL TO REFUND TAXES FOR
ERRONEOUS PAYMENT OF TAXES**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, approval was given to refund taxes, resulting from the erroneous over payments, to the following individuals, on the recommendation of the County Auditor:

- a) Terry Andres Canales, Trustee, in the amount of \$2,146.73,
- b) Felix Calderon, Jr., in the amount of \$629.85,
- c) Jacobs and Associates, in the amount of \$1,470.49 (RESCINDED), and
- d) La Hacienda Savings Association, in the amount of \$1,095.01.

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**(9) APPROVAL OF RESOLUTION REQUESTING THE
JOINT CONSTRUCTION OF WASTE WATER
TREATMENT PLANTS AT REYNOSA AND
MATAMOROS**

Commissioner Matz explained that the Environmental Resources Committee of the Lower Rio Grande Valley Development Council had approved a Resolution to be presented to the International Boundary and Water Commission "charging them as the responsible International body to undertake the development of the joint Waste Water Treatment Plants in Reynosa and Matamoros, Mexico." He stated that the two (2) Governments currently had Joint Projects being developed and added that the Resolution was an effort to obtain the same consideration given to the three (3) other locations along the Border by the IBWC.

Commissioner Matz moved that the Resolution requesting the joint construction of Waste Water Treatment Plants at Reynosa and Matamoros, Tamaulipas, Mexico, be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Resolution is as follows:

(10) IN THE MATTER TO INTRODUCE ROSEANNE GUTIERREZ FOR THE POSITION OF ASSISTANT COUNTY EXTENSION AGENT-HOME ECONOMICS (PASSED)

In the absence of the individuals involved, this Item was Passed for one (1) week.

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(11) IN THE MATTER OF SALARY ADJUSTMENTS FOR THE PROGRAM DEVELOPMENT AND MANAGEMENT STAFF (REJECTED)

Commissioner Rosenbaum moved that the Salary Adjustments for the Program Development and Management Staff be approved.

The motion was seconded by Judge Pro-tem Cascos and the vote was as follows:

AYE: Commissioner Rosenbaum and Judge Pro-tem Cascos

NAY: Commissioners Matz and Valencia.

At this time, Commissioner Valencia reiterated his reservations concerning the increase in pay other than at Budget time.

Commissioner Matz stated that he opposed the action because it would be a salary increase "across-the-board" within a Department, that it would set an "undesirable precedent" and that the Court should consider all the employees salaries if "across-the board" increases were discussed.

Judge Pro-tem Cascos clarified that the salary increases would not affect the Budget because the salaries would be allocated from the Lapsed Salaries within the Department.

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(12) APPROVAL OF REQUEST BY RIVERA HIGH SCHOOL PRINCIPAL FOR USE OF THREE (3) VOTING MACHINES FOR SCHOOL ELECTIONS ON MAY 18-19, 1993

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the request by Rivera High School for the use of three (3) voting machines for the School Elections on May 18-19, 1993 was approved, subject to the standard Agreement.

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(13) AUTHORIZATION TO PURCHASE NEW TRUCK AND TO TRADE IN 1985 TRUCK

Mr. Rolando Martinez, Health Administrator, explained that the Health Department had two (2) 1985 trucks that were not functioning and added that the Vehicle Maintenance Supervisor had recommended not to spend additional money for repairs. He stated that he had requested the vehicle during Budget time and it had been included in the Equipment List.

Ms. Rosemary Martinez, Budget Officer, clarified that the vehicle request was included in the Equipment List, but the Court had not approved it at that time, and added that the funding source for the equipment was from Surplus.

Commissioner Matz moved that the Health Department be authorized to advertise for bids for a new truck, with trade.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(14)

**AUTHORIZATION TO AWARD CONTRACT FOR
THE REMODELING OF THE NEW HEALTH
BUILDING**

Mr. Rolando Martinez, Health Administrator, explained that two (2) bids were received, and that the recommendation by the Project Architect was the low bid of Donald D. Ferguson, Inc.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the low bid of Donald D. Ferguson, Inc., Brownsville, Texas, in the amount of \$707,363.00, was accepted for the remodeling of the new Health Building Contract, subject to legal review.

The Contract is as follows:

(15) APPROVAL OF REQUEST FOR ADDITIONAL FUNDS FOR ATTORNEYS FEES FOR CAMERON COURT AT LAW NO. 1 (DEPARTMENT NO. 426, LINE ITEM NO. 044)

Ms. Rosemary Martinez, Budget Officer, explained that due to the increase in Court activity, Judge Garcia has exhausted the budgeted amount for the Attorneys Fees and she recommended that an additional \$20,000.00 be allocated from Lapsed Salaries.

Commissioner Valencia moved that the additional amount of up to \$20,000.00, be allocated for the Attorneys Fees for County Court at Law No. 1, Department No. 426, Line Item No. 044, said funds to be allocated from Lapsed Salaries.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(16) AUTHORIZATION TO PROCEED WITH THE SALE OF PROPERTY LOCATED AT THE CORNER OF FM800 AND 509

Mr. Andy Cueto, County Engineer, suggested that the property included in the Right-of-Way acquisitions be transferred to the Purchasing Department in order for them to seek proposals to demolish and evacuate all the structures.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the sale of property located at the corner of FM800 and FM509 was authorized.

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(17) IN THE MATTER TO HOLD A PUBLIC MEETING FOR THE CREATION OF DRAINAGE DISTRICT NO. 6 (TABLED)

(18) IN THE MATTER TO APPOINT AN ENGINEER TO PREPARE AN ENGINEER'S REPORT FOR THE CREATION OF DRAINAGE DISTRICT NO. 6 (TABLED)

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, these Items were TABLED.

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(19) IN THE MATTER OF PRELIMINARY AND FINAL APPROVAL(TABLED)

Commissioner Matz moved that preliminary and final approval be given to the following subdivision:

- a) **Precinct No. 3** - Gutierrez Family Partition - being North of the 5.0 acres out of the East 20.0 acres out of Block 454, San Benito Irrigation Company, Share 1, Espiritu Santo Grant.

At this time, Mr. Jaime Cantu, Engineer in Training, recommended that the item be "tabled" for one (1) week, because it was lacking a Certificate from the Drainage District.

Commissioner Matz stated that it was his understanding that everything was in order for approval and he withdrew his original motion.

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

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(20) AUTHORIZATION TO TRAVEL AND/OR APPROVAL TRAVEL EXPENSES

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

- a) Two (2) employees from Precinct No. 1 to attend Training Program at TSTI on May 12, 1993 in Harlingen;
- b) County Clerk to attend the Texas Association of Counties Post Legislative Conference in Austin on August 18-20, 1993;
- c) County Clerk and two (2) Deputies to attend the 98th County and District Clerks Annual Conference in Abilene on June 20-25, 1993;
- d) Dr. D. W. Flory, Medical Director of the County Health Department, to attend Meeting in Albuquerque, New Mexico, on June 6-9, 1993;
- e) Program Development and Management Director to attend Brownsville Economic Development Council's Business Financing Field Trip to Amarillo;
- f) Health Department employee, Ms. Maria Elena Guzman, R. N., to attend Tuberculosis Elimination Strategic Planning Retreat in Austin on June 1, 1993; and
- g) Assistant County Engineer to attend Surveying Products Seminar in Corpus Christi on June 19, 1993.

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(21) EXECUTIVE SESSION

- a) Discuss personnel matters related to International Toll Bridge System, pursuant to Section 2(g) of Article 6252-17 (of the Texas Revised Civil Statutes).

At this time, Judge Pro-tem Cascos stated that the Court elected not to go into Executive Session and instead would consider the Item in Regular Session in order to inform the public of the Court actions and he called on the Administrative Assistant to the County Judge for a Report.

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, stated that as per the Court's instructions, today was the deadline for Applications for all four (4) positions, that being the Bridge System Director, Bridge Manager, Head Cashier and Assistant Cashier.

She stated that the Court had instructed the staff to narrow the applicants for the Bridge System Director and Bridge Manager and reported that the staff was considering narrowing the applications to approximately ten (10), depending on the number of applicants. She added that staff was instructed to fill the positions of Head Cashier and Assistant Cashier.

Ms. Martinez reported that the Search Committee assigned by the Court included Mr. Frank Bejarano, Program Development and Management Director; Mr. Rolando Martinez, Health Administrator; Mr. Doug Wright, Cameron County Counsel; and the Budget Officer.

At this time, Judge Pro-tem Cascos suggested that Mr. Lee Thompson, Safety and Risk Coordinator, be included in the Search Committee.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Report presented by the Budget Officer was acknowledged.

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(22) IN THE MATTER OF ACTION RELATIVE TO EXECUTIVE SESSION (NO ACTION TAKEN)

Since the Court did not consider any Items in Executive Session, no action was taken.

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

At this time, Ms. Rosemary Martinez, Budget Officer, stated that a Salary Schedule for Precinct No. 4 was overlooked, and explained that the Commissioner was changing a part-time position into a full-time position and utilizing Lapsed Salaries.

Judge Pro-tem Cascos question what the difference was between this Item and the previous Items which had received a negative vote, and Commissioner Valencia responded that the Salary Schedule was not for a pay increase but for a new position within his Department.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Salary Schedule for Precinct No. 4, Department No. 15-620, was approved.

The Salary Schedule is as follows:

At this time, Judge Pro-tem Cascos presented a plaque honoring Ms. Minerva Perez, Executive Secretary to the County Judge, for her thirty-seven years of service to the County and announced her retirement effective June 30, 1993.

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

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APPROVED this **25th** day of **May**, 1993.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

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

