

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 18th day of JANUARY, 1994, there was conducted a REGULAR PUBLIC 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

INELDA T. GARCIA, DEPUTY
COUNTY CLERK

ABSENT:

Judge Antonio O. Garza, Jr.

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The meeting was called to order by Judge Pro-tem Carlos H. Cascos. He then asked the Auditors of the Firm of Pattillo, Brown and Hill, Waco, Texas, to lead the Court and 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 January 14, 1994, at 9:03 A. M.:

(1) APPROVAL OF COUNTY CLAIMS

Commissioner Rosenbaum moved that the County Claims be approved as presented and as recommended by the County Auditor.

The motion was seconded by Commissioner Matz and carried unanimously.

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

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 94-10 and the Salary Schedules for the District Attorney's Office, Fund No. 10-475, and the Sheriff's Department, Fund No. 10-560 and Fund No. 10-562 were approved.

The Budget Amendment and Salary Schedules are as follows:

(3) **APPROVAL OF MINUTES' OF NOVEMBER 19, 1993,
DECEMBER 7, 15 AND 21, 1993, JANUARY 4 AND 11, 1994**

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the following

Minutes were approved:

November 19, 1993	Special Meeting	9:00 A.M.,
December 7, 1993	Regular Meeting	1:30 P.M.,
December 15, 1993	Special Meeting	10:00 A.M.,
December 21, 1993	Regular Meeting	1:30 P.M.,
January 4, 1994	Regular Meeting	1:30 P.M., and
January 11, 1994	Regular Meeting	1:30 P.M.

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(4) **PRESENTATION OF THE AUDITED INTERNATIONAL
TOLL BRIDGE SYSTEM FUND FINANCIAL
STATEMENTS AND THE PARK SYSTEM FUND
FINANCIAL STATEMENTS FOR THE FISCAL YEAR 1993,
BY THE CAMERON COUNTY AUDITOR, MARK YATES,
AND PATTILLO, BROWN AND HILL, CERTIFIED PUBLIC
ACCOUNTANTS, WACO, TEXAS**

At this time, Mr. Kevin Six, representative with the Auditing Firm of Pattillo, Brown and Hill, highlighted the financial statements for the Parks System and the International Toll Bridge System for Fiscal Year 1993.

He added that a Management Letter would be presented to the Court, upon completion of the Comprehensive Audit, on a later date.

Commissioner Rosenbaum moved that the audited International Toll Bridge System Fund Financial Statements and the Park System Fund Financial Statements for the Fiscal Year 1993, by the Cameron County Auditor and the Firm of Pattillo, Brown and Hill, Certified Public Accountants, Waco, Texas, were acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

The Audit Reports are as follows:

(5) **AUTHORIZATION TO EXECUTE "REIMBURSEMENT ORDER" IN THE AMOUNT OF \$300,000.00 FOR APPRAISAL FEES, SURVEY WORK...ETC. (PROFESSIONAL SERVICES IN CONNECTION WITH THE FIRST PHASE \$2,000,000.00) OF ROAD BONDS FOR PROJECT ROAD MAP**

Ms. Rosemary Martinez, Budget Officer, explained that Project Road Map was approved by the voters on August 14, 1993, and it authorized the Court to issue Bonds in the amount of \$9.4 million for Right-of-Way acquisitions. She requested Court authorization for the reimbursement of cost, in the amount of \$300,000.00, for expenses associated with the Survey and Appraisal work that the County Engineer will need to do prior to the negotiation of the actual acquisitions. She added that the estimate for Phase I of the Project was estimated at \$2,000,000.00 and that Court approval was expected on the Bond Issue on April 12, 1994.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the execution of the "Reimbursement Order" in the amount of \$300,000.00 for Appraisal Fees, Survey Work, and other Professional Services in connection with Phase I, that being \$2,000,000.00 of Road Bonds for Project Road Map, was approved.

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(6) AUTHORIZATION TO ALLOW THE COUNTY ENGINEER TO ADVERTISE "REQUEST FOR QUALIFICATIONS" FOR THE FOLLOWING "PROFESSIONAL SERVICES"

Commissioner Rosenbaum moved that the County Engineer advertise "Request for Qualifications" for the following

"Professional Services":

- 1) Engineering Services - Environmental Assessment and Alignment Studies;
- 2) Engineering/Surveying Services - Strip Map Preparation;
- 3) Real Estate Appraisal Services;
- 4) Real Estate Appraisal Review Services;
- 5) Abstract/Title Services; and
- 6) Engineering Design Services.

The motion was seconded by Commissioner Matz and carried unanimously.

At this time, Commissioner Valencia questioned whether some of the work could not be accomplished by the County Engineer's Office, and Ms. Martinez, Budget Officer, responded that Bond Counsel had recommended that the work be contracted, in order to have a "cleaner" Bond Issue.

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(7) APPROVAL OF PROPOSAL FOR A GEOTECHNICAL INVESTIGATION AND STUDY OF THE LEVEE RELOCATION IN CONJUNCTION WITH THE LOS TOMATES BRIDGE PROJECT

Mr. Andy Cueto, County Engineer, reviewed the outline of Services proposed by Robert Fechner and Associates, for the Levee Relocation Project, associated with the Los Tomates Bridge.

He added that it would be approximately four (4) miles of levee and two (2) miles of brand new levee that we would need to be investigated and analyzed.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Proposal for a GeoTechnical Investigation and Study of the Levee Relocation in conjunction with the Los Tomates Bridge Project was approved.

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**(8) AUTHORIZATION OF THE FOLLOWING PRICES FOR
COUNTY ROADS MAPS AND BLUEPRINTS**

Commissioner Valencia moved that the prices for County Road Maps and Blueprints be approved as outlined.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Price List is as follows:

(9) **AUTHORIZATION FOR ESTABLISHMENT OF BRANCH OFFICES FOR THE DEMOCRATIC AND REPUBLICAN PRIMARIES OF MARCH 8, 1994, AND EARLY VOTING FEBRUARY 16, THROUGH MARCH 4, 1994**

Ms. Tencha de la Peña, Elections Administrator, suggested that the Branch Offices for Early Voting be established as in the prior election, that the being, the Main Office, the Harlingen County Building, the San Benito County Building, the Port Isabel City Hall, the Los Fresnos County Building, Christ the King Church and St. Luke's Church in Brownsville. She added that the law required that Counties with a population of over 200,000 should establish Early Voting locations in each of the Commissioner's Precincts.

At this time, Mr. Noe Robles, Democratic Party Chairperson, reported that the Cameron County Elections Commission had met earlier in the day and approved a Resolution, by a vote of three (3) to one (1), to establish "mobile polling units" as used in the past election and requested that said Resolution be adopted by the Court.

At this time, Mr. Rusty Faulk, Republican Party Chairperson, explained his objection to the Resolution, noting that it was not an Agenda Item and that the Court needed to evaluate the issues of the cost of mobile voting versus the results obtained. He stated that the Republican Party was not opposed to Mobile Voting but were concerned with the cost per votes obtained by mobile voting and that mobile voting should not be a burden to the taxpayers.

Judge Pro-tem Cascos suggested that the Elections Administrator prepare a Budget regarding the additional expenses associated with mobile voting and to present to the Court at a later date.

Ms. De la Peña clarified that the expense for Early Voting was the responsibility of the Commissioners Court and not the Parties involved, and that she did not have the statistics of the mobile Voting for the past election or the cost associated with it.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Branch Offices for the Democratic and Republican Primaries of March 8, 1994, and Early Voting February 16, through March 4, 1994, were established as follows:

- Brownsville Main Office,
- Harlingen County Building,
- San Benito County Building,
- Port Isabel City Hall,
- Los Fresnos County Building,
- Christ the King Church, Brownsville, and

St. Luke's Church, Brownsville.

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(10) **IN THE MATTER OF PUBLIC HEARING ON PROPOSED ORDINANCE REGULATING TRAFFIC AND LITTER ON PUBLIC BEACHES IN THE UNINCORPORATED AREAS OF SOUTH PADRE ISLAND AND PROHIBITING SWIMMING IN THE BRAZOS-SANTIAGO PASS AND PROHIBITING GLASS BOTTLES ON PUBLIC BEACHES IN THE UNINCORPORATED AREAS OF SOUTH PADRE ISLAND (TABLED)**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, this Item was TABLED until February 15, 1994.

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At this time, Commissioner Valencia requested that a Workshop be scheduled to discuss Item No. 9 and the suggestion

was made to schedule the Workshop on January 25, 1994, at 11:00 A. M.

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- (11) **IN THE MATTER TO ADOPT AN ORDINANCE REGULATING TRAFFIC AND LITTER ON PUBLIC BEACHES IN THE UNINCORPORATED AREAS OF SOUTH PADRE ISLAND AND PROHIBITING SWIMMING IN THE BRAZOS-SANTIAGO PASS AND PROHIBITING GLASS BOTTLES ON PUBLIC BEACHES IN THE INCORPORATED AREAS OF SOUTH PADRE ISLAND (TABLED)**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, this Item was TABLED until February 15, 1994.

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(12) **APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN CAMERON COUNTY AND JOSEPHINE GARZA, IN THE AMOUNT OF \$5,200.00, FOR THE PROCESSING OF FARMERS' HOME SECTION 306C APPLICATIONS AND DESIGNATION OF A FUNDING SOURCE**

Mr. Frank Bejarano, Program Development and Management Director, explained that the 306C Program provided funds for water and sewage hook-ups and for residential plumbing improvements for residents of Colonias and added that Farmers' Home needed assistance to process about 300 Applications from Cameron Park. Mr. Bejarano stated that the Agreement would provide part-time employment, at a maximum of 1,040 hours at \$5.00 an hour for \$5,200.00 maximum, and would be at the Farmers' Home Office in San Benito.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the Professional Services Agreement between Cameron County and Josephine Garza, in the amount of \$5,200.00, for the processing of Farmers' Home Section 306C Applications was approved, said funds to be allocated from Lapsed Salaries in the Program Development and Management Budget.

The Agreement is as follows:

"CONSENT" AGENDA ITEMS

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

At this time, Judge Pro-tem Cascos stated that a request had been made to consider Item No. 14 separately and not as part of the "Consent" Agenda.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the "Consent" Agenda Items, excluding Item No. 14, were approved as follows:

- (13) AUTHORIZATION TO REAPPOINT MR. LOUIS DELELLIS TO THE CAMERON COUNTY EMERGENCY SERVICE DISTRICT
- (15) FINAL APPROVAL TO JDZ LA CARRETA SUBDIVISION UNIT NO. 2, PRECINCT NO. 4, BEING A SUBDIVISION OF A 17.041 ACRE TRACT OF LAND OUT OF TRACT "0" OUT OF THE LOWER THIRD (1/3) OF THE MIDDLE LEAGUE OF THE SAN PEDRO DE CARRICITOS GRANT
- (16) APPROVAL FOR THE HEALTH DEPARTMENT TO SERVE AS A TRAINING SITE FOR THE MASTERS PROGRAM IN NURSING OF THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER-HOUSTON SCHOOL OF NURSING
- (17) APPROVAL FOR THE COUNTY JUDGE'S AND COMMISSIONERS ASSOCIATION OF TEXAS ANNUAL DUES - 1994 IN THE AMOUNT OF \$250.00
- (18) AUTHORIZATION OF CHANGE ORDER NO. 4 BETWEEN CAMERON COUNTY AND PEACOCK CONSTRUCTION COMPANY (ANDY BOWIE PARK CONTRACT NO. 2)

The Change Order follows:

- (19) APPROVAL FOR CHANGE TO MOBILE VENDOR'S PERMIT NO. 2528, ISSUED TO JUAN TORRES, JR.

The Vendors's Permit follows:

- (20) AUTHORIZATION TO REJECT REQUEST FOR PROPOSAL (RFP) NO. 931101 FOR TELEPHONE SYSTEM FOR SHERIFF'S DEPARTMENT
- (21) APPROVAL TO AWARD REQUEST FOR PROPOSAL (RFP) NO. 931201 FOR SHERIFF'S ON-LINE INTERACTIVE COMPUTER SYSTEM FOR RECORDS MANAGEMENT SYSTEM
- (22) APPROVAL TO PLACE A PRIVATE INDUSTRY COUNCIL (PIC) FUNDED PART-TIME EMPLOYEE IN THE PERSONNEL OFFICE AND AUTHORIZATION FOR PROGRAM DEVELOPMENT AND MANAGEMENT (PD&M) DIRECTOR TO EXECUTE RELATED JOB PLACEMENT AGREEMENT
- (23) AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSE FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THE BUDGETS:
 - a) **County Engineer to attend a "Board Meeting with the Texas Water Development Board" on January 20, 1994, in Austin, Texas;**
 - b) **Computer Director and three (3) employees to attend an "IBM Demo on Court System by PCSS" on January 24, 1994, in Corpus Christi, Texas;**
 - c) **Two (2) Justice of the Peace Precinct No. 6-1 employees to attend "Court Clerk School" on February 1 - 4, 1994, in Corpus Christi, Texas;**
 - d) **Two (2) Officers with the Task Force to attend the "Financial Investigation Seminar" on February 15 - 18, 1994, in Austin, Texas;**

- e) **One (1) Officer with the Task Force to attend the "Grant Application Seminar" on January 25, 1994, in Austin, Texas;**
- f) **Program Development and Management Director to attend "HUD Empowerment Zone Forum" on January 24, 1994, in Dallas, Texas;**
- g) **Program Development and Management Administrative Assistant to attend a "Texas Narcotics Control Program Grant Program Seminar", on January 25, 1994, in Austin, Texas;**
- h) **County Clerk and three (3) Deputies to attend "Software Demo by PCSS" on January 24, 1994, in Corpus Christi, Texas;**
- i) **One (1) employee from Judge Torres' to attend "Court Personnel Seminar" on February 1 - 4, 1994, in Corpus Christi, Texas; and**
- j) **Constable Precinct No. 2 and Deputy to attend the "South Texas Justices of the Peace and Constables Association Quarterly Meeting" on January 21 - 22, 1994, in Alice, Texas.**

**(18) AUTHORIZATION OF CHANGE ORDER NO. 4 BETWEEN CAMERON
COUNTY AND PEACOCK CONSTRUCTION COMPANY (ANDY
BOWIE PARK CONTRACT NO. 2)**

The Change Order follows:

**(19)APPROVAL FOR CHANGE TO MOBILE VENDOR'S PERMIT NO. 2528,
ISSUED TO JUAN TORRES, JR.**

The Vendors's Permit follows:

(14) AUTHORIZATION TO CONTRACT WITH A CONSULTING FIRM TO EVALUATE, RECOMMEND AND DESIGN OFF-SYSTEM BRIDGE REHABILITATIONS, UNDER THE DIRECTION OF THE COUNTY ENGINEER

Mr. Andy Cueto, County Engineer, explained that "Off-system Bridges" were bridges that are not maintained by Texas Department of Transportation. He stated that the County had between eighty (80) or ninety (90) Off-System Bridges and added that about twenty (20) bridges were in need of replacement. He added that funds were available in the Budget, in the amount of \$120,000.00, as well as in the "Off-System Bridge Program and the "Timber Bridge Program" to address some bridge replacement.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the County Engineer was directed to Contract a Consulting Firm to evaluate, recommend and design Off-System Bridge Rehabilitations.

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(24) EXECUTIVE SESSION

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 2:10 P. M. to discuss the following matters:

- a) Discuss Status Report and advice from Attorney in Case No. B-93-260, Castillo vs. Cameron County, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- b) Discuss Status Report and advice from Attorney in Case No. 91-04-1814-C, Smith vs. Cameron County, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code Section 551.071(1)(A);
- c) Discuss Status Report and advice from Attorney in Case No. B-88-145, Flores vs. Cameron County, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Section 551.071(1)(A); and
- d) In the matter to evaluate Election Administrator, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074. (NOT DISCUSSED)

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Regular Session at 2:50 P.M.

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

a. Discuss Status Report and advice from Attorney in Case No. B-93-260, Castillo vs. Cameron County.

Judge Pro-tem Cascos reported that the Court received a Status Report from the Attorney and after some discussion, it was the consensus of the Court as determined by polling, to acknowledge said Status Report.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Status Report from Attorney, regarding Case No. B-93-260, Castillo vs. Cameron County was acknowledged.

b) Discuss Status Report and advice from Attorney in Case No. 91-04-1814-C, Smith vs. Cameron County.

Judge Pro-tem Cascos reported that the Court received a Status Report from the Attorney on said matter and after some discussion, it was the consensus of the Court as determined by polling, that said Report be acknowledged.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Status Report from Attorney regarding Case No. 91-04-1814-C, Smith vs. Cameron County was acknowledged.

c) Discuss Status Report and advice from Attorney in Case No. B-88-145, Flores vs. Cameron County.

Judge Pro-tem Cascos reported that the Court received a Status Report on said matter and after some discussion, it was the consensus of the Court as determined by polling, that said Report be acknowledged.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, the Status Report from the Attorney regarding Case No. B-88-145, Flores vs. Cameron County, was acknowledged.

d) In the matter to evaluate Election Administrator. (NOT DISCUSSED)

Judge Pro-tem Cascos reported that the matter of the evaluation of the Elections Administrator was not discussed.

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

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APPROVED this 2nd day of February, 1994.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

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