THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 6th day of DECEMBER, 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. ANTONIO O. GARZA, JR. **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** PRISCILLA J. KEE **Deputy COUNTY CLERK ABSENT:** 

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Mr. Luis Saenz, District Attorney, 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 December 2, 1994, at 2:57 P. M.:

- (4) IN THE MATTER OF THE HEARING ON THE APPLICATION TO RE-OPEN TANDY ROAD IN OLMITO, TEXAS [TABLED]
- (5) IN THE MATTER OF THE RE-OPENING OF TANDY ROAD IN OLMITO, TEXAS [TABLED]
- (10) IN THE MATTER TO ADVERTISE FOR BIDS FOR THE EXTERIOR RESTORATION OF THE OLD COUNTY COURTHOUSE (DANCY BUILDING) [TABLED]
- (11) IN THE MATTER OF A TAX ABATEMENT AGREEMENT IN THE BROWNSVILLE REINVESTMENT ZONE FOR AMFELS, INCORPORATED [TABLED]

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

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(6) ADOPTION OF A RESOLUTION HONORING HONORABLE A. G. BETANCOURT, JUDGE OF CAMERON COUNTY COURT AT LAW NO. 2, ON THE OCCASION OF HIS RETIREMENT, AND PROCLAIMING DECEMBER 14, 1994, AS "A. G. BETANCOURT DAY" IN CAMERON COUNTY

At this time, Judge Garza recognized Judge A.G. Betancourt, County Court at Law No. 2, for the many years of public service to Cameron County and proclaimed December 14, 1994, as "A. G. Betancourt Day" in Cameron County.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Resolution honoring the Honorable Judge A. G. Betancourt, Cameron County Court at Law No. 2, was adopted on the occasion of his retirement, and December 14, 1994, was proclaimed as "A. G. Betancourt Day" in Cameron County.

The Resolution is as follows:

### (30) EXECUTIVE SESSION

Upon motion by Commissioner Cascos seconded by Commissioner Rosenbaum and carried unanimously, the Court met in Executive Session at 1:50 P. M. to discuss the following matters:

- a) Discuss evaluation of the Reproduction Director, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code; Section 551.074 (A)(1);
- b) Discuss evaluation of the Parks Director, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code; Section 551.074 (A)(1);
- c) Discuss the financial matters pertaining to the concession Leases; Mary Jo Camp and James R. Camp, DBA Dolphin Cove Oyster Bar and Marcello and Lori Rodriguez, DBA Little Marcello's; pursuant to (V.T.C.A.), Government Code; Section 551.072
- d) Discuss the Right-of-Way acquisition for Dakota Road, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- e) Discuss the Right-of-Way acquisition for Parcel 19 on Old Alice Road, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- f) Confer with County Counsel on the Medical Professional Services, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071;
- g) Discuss the sale of Tax Foreclosed Property, Linda Vista Lot No. 3 and Lot No. 17 to the original owner, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- h) Confer with County Counsel the contractual negotiations involving the Cameron County Airport, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071;
- i) Confer with County Counsel on the possible litigation involving a tract of land in Block 112, San Benito Land and Water Company Subdivision, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071;
- j) Confer with County Counsel the Right-of-Way acquisition for FM/509, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071;
   and
- k) Confer with County Counsel the voting machines impoundment, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071.

NOTE: AT THIS TIME, MR. DOUG WRIGHT, COUNTY COUNSEL, ANNOUNCED THAT NO ACTION WOULD BE TAKEN ON THE ELECTIONS SYSTEM AND THAT THE COURT HAD TAKEN THE POSITION THAT ANY COMMENTS SHOULD BE DIRECTED TO THE DISTRICT ATTORNEY'S OFFICE.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 3:40 P. M.

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## (31) ACTION RELATIVE TO EXECUTIVE SESSION

a) In the matter of the evaluation of the Reproduction Director.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, this Item was **TABLED** for two (2) weeks in order to obtain background on the specific job functions and description of the Reproduction Department.

- c) Discuss the financial matters pertaining to the Concession Leases;
- d) Discuss the Right-of-Way acquisition for Dakota Road;
- e) Discuss the Right-of-Way acquisition for Parcel No. 19, on Old Alice Road;
- f) Discuss with Legal Counsel the Medical Professional services; and
- g) Discuss the sale of Tax Foreclosed Property, Linda Vista Lots No. 3 and No. 17, with the original owner

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should proceed along the terms and conditions as outlined in Executive Session, regarding Items No. 31 "b" through "g".

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session, regarding the following items:

- c) The financial matters pertaining to the Concession Leases;
- d) The Right-of-Way acquisition for Dakota Road;
- e) The Right-of-Way acquisition for Parcel No. 19, on Old Alice Road;
- f) The Medical Professional services; and
- g) The sale of Tax Foreclosed Property, Linda Vista Lots No. 3 and No. 17, with the original owner.

The Medical Service Contract for Item "f" follows:

h) In the matter concerning the Contractual negotiations involving the Cameron County Airport (NO ACTION TAKEN).

Judge Garza reported that after some discussion it was the consensus of the Court as determined by polling that "No Action" be taken on this Item.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, "No Action" was taken on this Item.

i) Discuss with County Counsel the possible litigation involving a tract of land in

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Block 112, San Benito Land and Water Company;

- j) Discuss with County Counsel the Right-of-Way acquisition for FM/509; and
- k) Discuss with County Counsel the voting machines impoundment.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should proceed with the settlement on said matters, along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, County Counsel was directed to proceed, along the terms and conditions as outlined in Executive Session, regarding the a) possible litigation involving a tract of land in Block 112, San Benito Land and Water Company, b) Right-of-Way acquisition for FM/509, and c) the voting machines impoundment.

#### b) Discuss evaluation of the Parks Director.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the evaluation of the Parks Director be noted as "favorable", adding that the Court was impressed by his past performances and in particular, the Five (5) Year Action Plan. Judge Garza highlighted the positive accomplishments by the Parks Director and added that the annual salary should be increased, in the amount of \$2,500.00, effective the following pay period, along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Parks System Director's evaluation was noted as "favorable" and the annual salary was increased, in the amount of \$2,500.00, effective the following pay period.

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# (14) IN THE MATTER TO AWARD THE REQUEST FOR PROPOSAL NO. 931102 FOR BALLOT COUNTING/ELECTION SYSTEM FOR THE ELECTION DEPARTMENT [NO ACTION]

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, NO ACTION was taken on this Item, until the pending investigation on the matter of the voting machines was complete.

At this time, Commissioner Cascos requested a written estimate regarding the cost to renovate the existing machines.

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# (15) AUTHORIZATION OF A NEW SLOT FOR A TRAINING OFFICER FOR THE SHERIFF'S DEPARTMENT

Captain Ronald Saenz, Sheriff's Department, explained that the State had mandated that the Department provide training for Deputies and Jail Guards, and added that the Department had a full time investigator who handled his regular duties and those of a full time instructor.

Commissioner Cascos questioned who was responsible for making sure that all the law enforcement officials were trained and Captain Saenz responded that the Sheriff was responsible for the training of the Court Bailiffs and the Sheriff's Deputies, and added that a full time instructor could provide training to other entities.

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Judge Garza suggested that the Court be informed of the training provided in order to acknowledge those individuals that had received the proper and adequate training.

Mr. Doug Wright, County Counsel, expressed support for the training, and suggested that staff review the training being provided, in order to ensure the training compliance.

Commissioner Cascos moved that the new slot for a Training Officer for the Sheriff's Department be approved, said funds to be allocated from the Fund Balance and to be replaced with Lapsed Salaries.

The motion was seconded by Commissioner Matz and carried unanimously.

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# (16) AUTHORIZATION TO PURCHASE THREE (3) RADAR UNITS IN THE AMOUNT OF \$1,500.00 EACH, FOR THE SHERIFF'S DEPARTMENT

At this time, Captain Ronald Saenz, Sheriff's Department, stated that the Agenda Item should read "in the amount of \$2,500.00 each", instead of "\$1,500.00" each.

Captain Saenz explained that he had received approval for a Speed Ramp Grant and would need radar units in order to operate the Grant, and added that the Department of Public Safety was going to provide some used radar units, but that they could not seem to locate them.

Commissioner Cascos stated that the County had purchased radar units for the Department of Public Safety and that the units were County Property, but that apparently the units had been transferred, misplaced or lost. He added that he had requested the Purchasing Agent to attempt to locate the radar units.

At this time, Captain Saenz explained that the County had purchased an Intoxilizer Machine which was currently at the Port Isabel Police Department, and requested that the machine be moved back to the Jail, in order to process the Driving While Intoxicated cases (DWI's). He added that there would be a \$600.00 cost to move, reset and calibrate the machine.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the purchase of three (3) Radar Units, in the amount of \$2,500.00 each, for the Sheriff's Department was approved, said funds to be allocated from the Fund Balance and to be replaced by Lapsed Salaries.

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### "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:

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the "Consent" Agenda Items were approved as follow, excluding of Item No. 24.

(23) ACKNOWLEDGEMENT OF THE COUNTY TREASURER'S QUARTERLY REPORT ENDING NOVEMBER 30, 1994

The Report follows:

(25) AUTHORIZATION TO AWARD BID FOR TWO (2) PATROL VEHICLES AND REJECT BID FOR ONE (1) PICK-UP TRUCK - PARKS DEPARTMENT

ITEM A - REJECTED DUE TO INSUFFICIENT FUNDS AVAILABLE

ITEM B - TWO (2) PATROL VEHICLES KELLOGG CHEVROLET, SAN BENITO, TEXAS

- (26) AUTHORIZATION TO APPROVE TWO (2) VOTING MACHINES FOR VELA MIDDLE SCHOOL
- (27) PRELIMINARY APPROVAL:
  - a) Precinct No. 4:

Hidden Lake Subdivision - being a resubdivision of the West 17.68 acres out of a 40.586 acre tract out of Block 14 & 15, Stuart Place Subdivision, Survey 139; and

b) Precinct No. 4:

Altas Palmas Estates - being a resubdivision of the 19.75 acres of land out of Block 30 and 31, Stuart Place Subdivision.

- (28) PRELIMINARY AND FINAL APPROVAL
  - a) Precinct No. 3:

Monte Verde Subdivision - being a subdivision of a 6.0 acre tract of land out of Block 14, Harris-Gentry Subdivision, Section 2, Share 28, Espiritu Santo Grant; and

b) Precinct No. 3:

Ebony Tree No. 2 Subdivision - being a subdivision of 4.269 acres of land situated in and being 1.406 acres of Block 73 and 2.863 acres of Block 84, Fresnos Land and Irrigation Company.

- (29) AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGETS:
  - a) Parks Director to attend the Texas Parks and Wildlife Workshop to introduce new "Texas Recreation and Park Account Local Park Grant Program", in North Richland Hills, Texas, on November 29, 1994;
  - b) Two (2) Clerks from Justice of the Peace Precinct No. 1, Place No. 1, to attend the "Vital Statistic Seminar" in Austin, Texas, on December 4-6, 1994;
  - c) District Clerk and two (2) Deputies to attend the "Vital Statistic Seminar" in Austin, Texas, on December 4-6, 1994, and to attend meeting at the Attorney General's Office, in Austin, Texas, on December 7, 1994; and
  - d) County Task Force Commander and High Intensive Drug Trafficking

Area Coordinator to attend the Federal Grant Workshop in Houston, Texas, on December 5, 1994.

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ITEM NO. 23 ACKNOWLEDGEMENT OF THE COUNTY TREASURER'S QUARTERLY REPORT FOR THE PERIOD ENDING NOVEMBER 30, 1994

The Report follows:

(24) IN THE MATTER FOR THE PROGRAM MANAGEMENT AND DEVELOPMENT DEPARTMENT TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH A.C.E. CONSULTING FOR THE ENGINEERING AND DESIGN OF THE VILLA PANCHO SANITARY SEWER PROJECT [TABLED]

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

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### (1) APPROVAL OF COUNTY CLAIMS

Commissioner Matz moved that the County Claims be approved as recommended by the County Auditor's Office.

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

AYE: Commissioners Rosenbaum, Cascos, Valencia and Matz

NAY: None

**ABSTAIN:** Judge Garza as to the claim of:

E. DE LA GARZA

Warrant No. 109357 - \$57.36.

The Affidavit is as follow:

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

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 95-06 was approved as recommended by the County Auditor's Office.

Commissioner Valencia moved that the Salary Schedules for the Elections Administrator, Fund No. 10-491, Maintenance and Operations Brownsville Health Clinic, Fund No. 10-507, and Maintenance and Operation Courthouse, Fund No. 10-514, be approved as recommended by the County Auditor's Office.

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

AYE: Commissioners Rosenbaum, Valencia and Matz

**NAY:** Commissioner Cascos as to the Elections Administrator's Salary Schedule

ABSTAIN: None.

The Budget Amendment and Salary Schedules are as follow:

## (3) IN THE MATTER OF MINUTES OF NOVEMBER 14, 1994 [TABLED]

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

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(7) APPROVAL OF THE NEW STAFF POSITION IN THE COUNTY ATTORNEY'S OFFICE (CIVIL DIVISION) TO STAFF 1) PROPERTY MANAGEMENT, 2) DISPOSAL OF TAX FORECLOSED PROPERTY AND 3) ASSIST WITH CONDEMNATION CASES

Commissioner Rosenbaum moved that the new staff position designated for the Civil Division be approved, said funds to be allocated from the Fund Balance.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(8) AUTHORIZATION OF THE DUNE PROTECTION PERMIT FOR THE TEXAS DEPARTMENT OF TRANSPORTATION, TO ALLOW RIGHT-OF-WAY MAINTENANCE AND CLEARING ALONG STATE HIGHWAY 100 ON SOUTH PADRE ISLAND

Mr. Ken Conway, Parks System Director, explained that the Dune Protection Permit would provide for the removal of sand drifts that are encroaching on the Right-of-Way on Highway 100 in South Padre Island, and recommended that the Court award the Permit, with the condition that the sand removed from the sand drifts be placed at another location within the Right-of-Way in order to benefit the public.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Dune Protection Permit for the Texas Department of Transportation was approved, in order to allow the Right-of-Way maintenance and clearing along Highway 100 on South Padre Island.

(9) AUTHORIZATION TO APPROVE THE ANNUAL SERVICE AGREEMENT BETWEEN GERALD HURST AND CAMERON COUNTY FOR THE PROVISION OF RECREATION PROGRAMS FOR THE GUESTS OF ISLA BLANCA PARK FOR THE WINTER SEASON

Commissioner Matz moved that the annual Service Agreement between Gerald Hurst and Cameron County be approved, for the provision of Recreation Programs for the guests of Isla Blanca Park for the Winter Season, subject to a background check being conducted and filed.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Agreement is as follows:

(12) PRESENTATION BY MR. SALVADOR SALINAS, COUNTY VETERAN SERVICE OFFICER, ON THE DISABLED AMERICAN VETERANS VOLUNTEER TRANSPORTATION NETWORK FOR CAMERON AND WILLACY COUNTIES

Mr. Salvador Salinas, Veteran Service Officer, stated that in order to provide free transportation to the Veterans, to the nearest Veteran Administration Medical Facility in San Antonio, and to eliminate the liability exposure to the County, it was necessary to become a member of the Disabled American Veteran Volunteer Transportation Network.

At this time, Mr. Salinas reviewed the Policies and Procedures prepared for transporting the Veterans from Cameron and Willacy Counties, and added that the Veterans Affairs would provide a fifteen (15) passenger van, a Credit card for purchases of fuel, and would be responsible for the repairs to the van, and added that the only cost to the County would be to provide a cellular phone, to be used in case of an emergency.

There was some discussion concerning the need to keep the Veterans Transportation Program separate from the County and that it should be handled through volunteers.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the presentation by Mr. Salvador Salinas, County Veterans Service Officer, on the Disabled American Veterans Volunteer Transportation Network for Cameron and Willacy Counties was acknowledged, subject to receipt of a "Hold Harmless" Agreement to be attached to the final version of the Report.

The Report is as follows:

(13) IN THE MATTER OF THE ORDER GRANTING CERTAIN TAX EXEMPTIONS TO CERTAIN HISTORIC SITES UNDER THE 1995 HERITAGE PLAN [TABLED]

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

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(17) AUTHORIZATION TO ADVERTISE FOR PROPOSED SPEED LIMITS, WEIGHT AND TRAFFIC CONTROL SIGNS ON VARIOUS SEGMENTS OF COUNTY ROADS AND BRIDGES

Commissioner Rosenbaum moved that the advertising for the proposed Speed Limits, Weight and Traffic Control signs on various segments of the County Roads and Bridges be approved, said deadline being December 27, 1994.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(18) IN THE MATTER OF MCDUFF COURT AND HEATHER DRIVE, LOCATED ABOUT 3/4 MILE NORTH OF U.S. 83, AS COUNTY DEDICATED ROADS [TABLED]

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, this item was TABLED..

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(19) AUTHORIZATION TO CHANGE ORDER NO 9 AND NO. 10 ON THE CAMERON COUNTY JUVENILE DETENTION FACILITY, SAN BENITO, TEXAS, WITH SCOGGINS CONSTRUCTION COMPANY, INCORPORATED

Commissioner Cascos moved that Change Orders No. 9 and No. 10 be approved for Scoggins Construction Company, on the Cameron County Juvenile Detention Facility in San Benito, Texas.

The motion was seconded by Commissioner Matz and carried unanimously.

The Change Order is as follows:

# (20) APPOINTMENT OF A BOARD MEMBER TO THE LOWER RIO GRANDE DEVELOPMENT COUNCIL AND HARLINGEN EMERGENCY MEDICAL SERVICES EFFECTIVE JANUARY 1, 1995

Commissioner Valencia moved that Commissioner Matz be appointed to the Lower Rio Grande Valley Development Council and the Harlingen Emergency Medical Services, effective January 1, 1995.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(21) IN THE MATTER TO INCREASE THE MONTHLY BILL ALLOWANCE FOR THE JUSTICE OF THE PEACE PRECINCT 3-2, IN THE AMOUNT OF \$200.00 [DENIED]

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

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(22) AUTHORIZATION OF SETTING BONDS FOR THE FOLLOWING ELECTED POSITIONS: COUNTY JUDGE, COUNTY CLERK, JUSTICE OF THE PEACE, COUNTY TREASURER, AND COUNTY COURT AT LAW JUDGES

Mr. Doug Wright, County Counsel, recommended that the Bonds for the following Elected positions be set as follows:

County Judge \$ 10,000.00

County Clerk \$500,000.00

Justice of the Peace \$ 5,000.00 County Treasurer \$ 50,000.00 County Court at Law Judges \$ 10,000.00 County Commissioner \$ 3,000.00 Road and Bridge \$ 3,000.00 District Clerk \$ 100,000.00.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the amount of the Bonds for the following Elected positions were approved:

County Judge \$ 10,000.00

County Clerk \$500,000.00

Justice of the Peace \$ 5,000.00
County Treasurer \$ 50,000.00
County Court at Law Judges \$ 10,000.00
County Commissioner \$ 3,000.00
Road and Bridge \$ 3,000.00
District Clerk \$ 100,000.00.

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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**.

APPROVED this 20th day of DECEMBER, 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