

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 10th day of JANUARY, 1995, 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:
1:30 P. M.

PRESENT:
GILBERTO HINOJOSA
COUNTY JUDGE

LUCINO ROSENBAUM, JR.
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

HECTOR PEÑA
COMMISSIONER, PRECINCT NO. 4

PRISCILLA J. KEE Deputy
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Gilberto Hinojosa. He then asked Mr. Bob Clark, Brownsville resident, for an invocation, and the entire Court to lead 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 January 6, 1995, at 4:14 P. M.:

(1) APPROVAL OF THE COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented the late claim as to Cox Croslin and Associates, Warrant No. 111423, in the amount of \$6,957.99, for approval.

At this time, Commissioner Cascos suggested that any Change Orders relating to the Juvenile Detention be copied and forwarded to the District Judges and Juvenile Director.

Commissioner Cascos moved that the County Claims be approved, inclusive of the late claim as to Warrant No. 111423 in the amount of \$6,957.99, as recommended by the County Auditor.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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**(8) APPROVAL OF THE COUNTY JUDGE'S
ADMINISTRATIVE DEPARTMENT STAFFING
PLAN**

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

At this time, Judge Hinojosa referred to the following memorandum dated January 5, 1995, concerning the need to reorganize his staff:

He stated that the position of the Budget Officer would not be filled, said duties to be transferred to the County Auditor's Office and the money budgeted for that position would be utilized to create the position of an Assistant Administrator and Executive Assistant. He stated that the position of the Insurance Clerk would be transferred to the Personnel Director, and added that there would be no increase in the Budget by the Staffing Plan outlined.

Commissioner Matz requested that the Assistant Administrator be available to coordinate certain matters with the Commissioners and Judge Hinojosa responded that the Administrator would handle County Business if he was not available.

Commissioner Peña questioned whether the Personnel Department would conduct staff training and Judge Hinojosa responded that the Personnel Director would be responsible to develop a uniform Personnel System for the County, and to assist with the analysis of individual Departments' personnel needs.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Fiscal Year 1995 Budget Amendment No. 95-09, the Salary Schedules, and the County Judge's Administrative Department Staffing Plan, as outlined, were approved as recommended:

County Judge, Fund No. 10-401;

Personnel/Safety Risk Department, Fund No. 10-402;

Program Development and Management Department, Fund No. 10-419;

County Court at Law No. 2, Fund No. 10-427;

County Extension Service Department, Fund No. 10-665; and

Maintenance and Operation for Precinct No. 4, Fund No. 15-620.

The Budget Amendment, Salary Schedules and the Plan are as follow:

**(3) APPROVAL OF MINUTES OF DECEMBER 20, 1994,
AND DECEMBER 30, 1994**

Commissioner Matz moved that the Minutes of the Regular Meeting held on December 20, 1994, at 1:30 P.M. and the Special Meeting held on December 30, 1994, at 10:30 A.M. be approved.

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

AYE: Commissioners Cascos, Matz and Rosenbaum

NAY: None

ABSTAIN: Judge Hinojosa and Commissioner Peña.

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**(4) ADOPTION OF THE POLICY SETTING FUND
BALANCE RESERVES FOR OPERATIONS**

Mr. Mark Yates, County Auditor, explained that the County maintain a two (2) month Operating Reserve Fund and recommended a Policy, which would include accounting statements to formalize the Fiscal Policies.

Commissioner Cascos questioned why the General Fund and Road and Bridge Fund were being addressed, as opposed to all the Funds and Mr. Yates responded that not all Funds had the same requirements and that the primary exposure was to the General Fund Balance.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Policy setting the Fund Balance Reserves for Operations was adopted as outlined.

At this time, Commissioner Cascos expressed his concerns regarding the Budget Amendments that were funded by the Surplus Fund, and whether the following year the Fund Balance would be replenished by the amount allocated to that particular Department, or whether it would be allocated from the Surplus Fund, and Mr. Yates responded that the Policy would not restrict the source of the money to replenish the Fund Balance.

(5) AUTHORIZATION TO APPOINT CAMERON COUNTY TREASURER, MR. EDUARDO A. GONZALEZ, AS THE COUNTY INVESTMENT OFFICER

Mr. Mark Yates, County Auditor, stated that according to State Statutes the County was required to appoint an Investment Officer, usually the County Treasurer, and recommended the County Treasurer be appointed as the County Investment Officer.

Commissioner Matz moved that Eduardo A. Gonzalez, Cameron County Treasurer, be appointed as the County Investment Officer.

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

AYE: Commissioners Rosenbaum, Matz and Peña

NAY: None

ABSTAIN: Commissioner Cascos.

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(10) ADOPTION OF THE CAMERON COUNTY INVESTMENT POLICY TO BE USED BY THE CAMERON COUNTY TREASURER

Mr. Eduardo A. Gonzalez, County Treasurer, reviewed the County Investment Policy and added that it would provide the County Treasurer the flexibility to negotiate and obtain "Treasury Bills" from other sources and requested that Item No. 5 on page 2 of the Investment Policy be tied down to ten percent (10%).

Mr. Gonzalez noted that he was on a manual system and added that he would have more flexibility to do Treasury Bills on a day to day basis if he obtained a computer that would be on line with the Bank.

Judge Hinojosa questioned whether the County Treasurer was the only Department with the flexibility to invest County monies, and suggested that the County Treasurer's Department assist other Departments in setting up an Investment Policy to maximize the use of the money. Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously, the Cameron County Investment Policy to be used by the Cameron County Treasurer, was adopted, and the County Auditor and County Treasurer were authorized to determine the percentage increase of Item No. 5 and present it to the Court, at a later date.

The Policy is as follows:

(6) IN THE MATTER TO ADOPT THE ADCR PLAN WITH THE TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM [TABLED]

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, this Item was Tabled.

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(7) APPROVAL OF THE HIRING OF MS. NELDA BARRERA AND MS. SANDRA GONZALEZ TO FILL THE ASSISTANT COUNTY EXTENSION AGENT POSITIONS CURRENTLY VACANT

Commissioner Rosenbaum moved that Ms. Nelda Barrera and Ms. Sandra Gonzalez be retained as Assistant County Extension Agents for the positions currently vacant.

The motion was seconded by Commissioner Matz and carried unanimously.

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(9) ACTION TO ALLOW THE CITY OF BROWNSVILLE BUS SYSTEM TO CONSTRUCT A COVERED SHELTER IN FRONT OF THE MARY LUCIO CLINIC

Mr. Rolando Martinez, Health Administrator, stated that the City of Brownsville would like to construct a covered shelter in front of the Clinic, at no cost to the County, but that it would intrude onto the County property line, and recommended approval, subject to final review by County Counsel.

At this time, Commissioner Cascos requested that the Health Administrator obtain the cost to build the covered shelters, and suggested that perhaps the School District would participate with Precincts No. 1 and No. 2, to build shelters at the School Bus Stops.

Commissioner Matz moved that the City of Brownsville Bus System be authorized to construct a covered shelter in front of the Mary Lucio Clinic, subject to final review by County Counsel.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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- (11) **APPROVAL OF THE ABANDONMENT OF A 10' FOOT UTILITY EASEMENT LOCATED ALONG THE WEST LINE OF LOT NO. 2, BLOCK NO. 2, HARLINGEN INDUSTRIAL PARK II, CABINET I, SLOT NO. 727-B, 782-A AND 728-B, CAMERON COUNTY MAP RECORDS**

- (12) **AUTHORIZATION FOR THE COUNTY JUDGE TO EXECUTE A "QUIT CLAIM DEED" TO THE ATLANTIC TOOL & DIE COMPANY FOR THE ABANDONMENT OF A UTILITY EASEMENT LOCATED IN LOT NO. 2, BLOCK NO. 2, HARLINGEN INDUSTRIAL PARK II**

Mr. Jack Brown, Martin Engineering, representing the City of Harlingen through the Harlingen Industrial Foundation, stated that Lots Nos. 2 and 3 of the Industrial Park were recently purchased without knowledge of an existing utility easement dedicated on the original Subdivision Plat between the two (2) lots. He stated that rather than resubdividing, they were requesting that the County abandon the utility easement, or that the County Judge execute and file a release of the easement or a "Quit Claim Deed" with the County Clerk Real Property Records.

At this time, Mr. Doug Wright, County Counsel, noted that there was no time period for making the improvements on the Deed and suggested that the Court consider the provision that if the improvements on the property were not made within a five (5) year period, that the Easement would revert to the County.

Commissioner Matz moved that the abandonment of a 10'(foot) utility easement located along the west line of Lot No. 2, Harlingen Industrial Park II, Cabinet I, Slot No. 727-B, 782-A and 728-B, Cameron County Maps Records be approved, and that the County Judge be authorized to execute a "Quit Claim Deed" to Atlantic Tool & Die Company for the abandonment of a utility easement, subject to a five (5) year reversion clause in the "Quit Claim Deed".

The motion was seconded by Commissioner Peña and carried unanimously.

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- (13) **AUTHORIZATION TO APPOINT MR. LUIS A. BODDEN TO THE CAMERON COUNTY CHILD WELFARE BOARD**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, Mr. Luis A. Bodden was appointed to the Cameron County Child Welfare Board.

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- (14) **AUTHORIZATION TO ADVERTISE AND HIRE FOR THE POSITION OF CAMERON COUNTY ENGINEER**

At this time, Judge Hinojosa presented the following Job Announcement for the position of Cameron County Engineer and suggested that the position be filled within a thirty (30) day period:

Commissioner Cascos moved that the advertisement and hire for the position of Cameron County Engineer be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

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"CONSENT" AGENDA ITEM

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 Matz and carried unanimously, the

"Consent" Agenda Items were approved as follow:

- (15) AUTHORIZATION TO AWARD BIDS FOR THE "INTERSECTION IMPROVEMENTS ON OLD PORT ISABEL ROAD AND RANCHO VIEJO BLVD" IN PRECINCT NO. 2 AND TO DESIGNATE THE FUNDING SOURCE

G & T Paving, Brownsville, Texas

\$42,353.50

- (16) AUTHORIZATION TO AWARD BID TO TEXAS KEY LA ESPERANZA HOME FOR BOYS AND TO EXECUTE A CONTRACT FOR THE RESIDENTIAL SERVICES ON THE CRIMINAL JUSTICE DEPARTMENT (CJD) PURCHASE OF THE JUVENILE SERVICE GRANT

The Contract follows:

- (17) PRELIMINARY AND FINAL APPROVAL:

- a. Precinct No. 4:**
Margarito Gonzalez Subdivision - being a subdivision of the south five (5) acres of the north ten (10) acres of the east (20) acres of Block No. 25 of Collins Subdivision;
- b. Precinct No. 1:**
Minni-Cal Subdivision - being 5.36 acres of land out of Lots No. 1 and No. 2, Block No. 105, El Jardin Resubdivision.

(18) AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGET:

- a) Women Infant and Children (W.I.C.) Director to attend the "Texas Association of Local Women Infant and Children Directors Meeting" in Dallas, Texas, on January 25-27, 1995;
- b) 138th District Judge Robert Garza to attend a course on "Law and the Social & Behavior Sciences" in Reno, Nevada, on January 8-20, 1995;
- c) County Judge and Commissioner Hector Peña, Precinct No. 4, to attend the "Newly Elected County Judges and County Commissioners Seminar" in Austin, Texas, on January 17-20, 1995;
- d) Mr. Rolando Martinez, Health Director, to attend the "C.O.P.C. Conference" in Austin, Texas, on January 30-31, 1995;
- e) Two (2) Cameron County Drug Enforcement Task Force Officers to attend an ongoing investigation in Tampa, Florida, on January 5-6, 1995;
- f) Assistant County Auditor to attend the training session for Medicaid reimbursement in Austin, Texas, on January 25-26, 1995; and
- g) Mr. Ken Conway, Parks Director, and one (1) representative of the Commissioners' Court to receive title/deed documents donated for the E.K. Atwood Park from H.P. Interest in Chicago, Illinois.

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ITEM NO. 16

AUTHORIZATION TO AWARD BID TO TEXAS KEY LA ESPERANZA HOME FOR BOYS AND EXECUTE CONTRACT FOR RESIDENTIAL SERVICES ON THE CRIMINAL JUSTICE DEPARTMENT (CJD) PURCHASE OF JUVENILE SERVICE GRANT

The Contract follows:

(19) EXECUTIVE SESSION

Upon motion by Commissioner Cascos seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 2:25 P. M. to discuss the following matters:

- a) Discussion with County Counsel concerning the voting machines investigation, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) Discussion with County Counsel concerning case with attorney and consideration of hiring outside Counsel for named individual defendant in the case styled Cortez, et. al., vs. Cameron County (5 cases with a total of 15 Plaintiffs) B-94-264, B-94-265, B-94-271, B-94-276, B-94-279, U. S. District Court, Southern District of Texas, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
- c) Discussion with County Counsel concerning the Right-of-Way (R-O-W) acquisition for Farm to Market (FM)/509 for Parcel No. 23, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- d) Discussion with County Counsel concerning possible authorization to proceed with condemnation on FM/509, from U.S. 77/83 to U.S. 281; that being Parcels Nos. 6-016, 6-025, 6-026, 6-027, 6-028, 6-029, 6-030, 6-031, 7-019, and 7-023; pursuant to Vernon Texas Code Annotated (V.T.C.A), Government Code, Section 551.072.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 3:30 P. M.

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(20) ACTION RELATIVE TO EXECUTIVE SESSION

- a) In the matter concerning the conference with County Counsel concerning the voting machines investigation. [NO ACTION TAKEN]

Judge Hinojosa reported that after some discussion, it was the consensus of the Court as determined by polling, that No Action would be taken regarding the matter of the voting machine investigation.

- b) Action regarding discussion with attorney and consideration of hiring outside counsel for named individual defendant on the case styled Cortez, et. al., vs. Cameron County (5 cases with a total of 15 Plaintiffs) B-94-264, B-94-265, B-94-271, B-94-276, B-94-279, U. S. District Court, Southern District of Texas.

Judge Hinojosa reported that after some discussion, it was the consensus of the Court as determined by polling, that outside Counsel should be retained for the named individual defendant on said matter.

Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously, outside Counsel was authorized for the named individual defendant on the case styled Cortez, et al, vs Cameron County.

- c) Action regarding discussion of the Right-of-Way (R-O-W) acquisition for FM/509 for Parcel No. 23.

Judge Hinojosa reported that after some discussion, it was the consensus of the Court as determined by polling, that the Right-of-Way (R-O-W) agent be authorized to make a counter offer along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Right-Of-Way (R-O-W) Agent was authorized to make a counter offer for the acquisition for FM/509 for Parcel No. 23, along the terms and conditions as outlined in Executive Session.

- d) Action regarding discussion concerning authorization to proceed with condemnation on FM/509: from U.S. 77/83 to U.S. 281. Parcels 6-016, 6-025, 6-026, 6-027, 6-028, 6-029, 6-030, 6-031, 7-019, and 7-023.

Judge Hinojosa reported that after some discussion, it was the consensus of the Court as determined by polling, to proceed with condemnation on said Parcels, including Parcel No. 6-016, if unable to negotiate a reasonable offer.

At this time, Commissioner Matz stated that the Court had negotiated in good faith and that they had been unable to agree on a price with the landowner and further that the condemnation was for highway purposes, to acquire the Right-of-Way (R-O-W) for the Texas Department of Transportation on the following the Parcels Nos. 7-023, 7-019, 6-025, 6-026, 6-027, 6-028, 6-029, 6-030, and 6-031.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Condemnation Order on Parcels Nos. 7-023, 7-019, 6-025, 6-026, 6-027, 6-028, 6-029, 6-030, and 6-031 was authorized, along the terms and conditions as outlined in Executive Session.

The Orders are as follow:

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

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APPROVED this 31st day of **JANUARY, 1995**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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