

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 8th day of FEBRUARY, 1995, there was conducted a SPECIAL 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:
1:30P.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 Pastor Gayle Gardner, Church of the Good Shepherd, 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 February 3, 1995, at 2:39 P. M.:

(15) POSSIBLE APPROVAL OF AN ORDER DECLARING THE RESULTS OF THE ELECTION OF THE CITY OF LOS INDIOS

At this time, Mr. Barry Jones, Attorney at Law, representing the Town of Los Indios, was directed by the Court to canvass the results of the Los Indios Election held on January 21, 1995, in conjunction with the County Clerk's Office, and that the results be presented prior to the end of the Meeting.

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(10) APPROVAL OF A RESOLUTION HONORING MR. DANIEL CHAPA ON THE OCCASION OF HIS RETIREMENT AFTER SEVENTEEN (17) YEARS OF SERVICE TO THE VETERAN COMMUNITY OF CAMERON COUNTY

Commissioner Matz recognized Mr. Daniel Chapa, Veterans Service Officer, for the valuable contributions on the occasion of his retirement after seventeen (17) years of service to the County, and for serving on numerous Organizations and Committees.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Resolution honoring Mr. Daniel Chapa, Veterans Service Officer, was adopted, on the occasion of his retirement.

The Resolution is as follows:

(1) APPROVAL OF THE COUNTY CLAIMS

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the County Claims were approved as recommended by the County Auditor.

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

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 94-38, the Fiscal Year 1995 Budget Amendment No. 95 -11 and the following Salary Schedules were approved as recommended:

Drug Forfeiture-County Attorney, Fund No. 90-475;

County Court at Law No. 1, Fund No. 10-426;

A. G. Child Support - Sheriff, Fund No. 58-560; and

County Clerk, Fund No. 10-403.

The Budget Amendments and Salary Schedules are as follow:

**(3) IN THE MATTER OF MINUTES OF JANUARY 31,
1995 [TABLED]**

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

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**(4) APPROVAL OF A RESOLUTION IN SUPPORT OF A
THIRD COUNTY COURT-AT-LAW IN CAMERON
COUNTY**

Judge Hinojosa noted that the "preference language" contained in the original Bill had been amended and that all three (3) Courts would now have equal jurisdiction and would allow the District Courts to transfer Juvenile, Family and Civil cases from the District Courts to the County Courts - at - Law.

Judge Hinojosa referred to a Program Summary and Fact Sheet of the County Courts and highlighted the revenues and costs of two the (2) County Courts - at - Law. He added that the fees collected in 1993 and 1994 would reflect what the Courts should be collecting and added that the backlog of cases was close to ten thousand (10,000).

Commissioner Cascos moved that the Resolution in support of a third County Court-at-Law in Cameron County be adopted.

The motion was seconded by Judge Hinojosa.

At this time, Mr. Joe G. Rivera, County Clerk, presented the following Court Activity Report for the year end which highlighted cases filed during the last five (5) years and added that there were over ten thousand (10,000) cases pending in both County Courts:

At this time, Commissioner Matz called on the County Auditor and asked "what is the need, what is the cost, and how are we going to pay for it?"

Mr. Mark Yates, County Auditor, responded that the costs would be approximately \$400,000.00 for the first year and \$325,000.00 for the second year, adding that additional Fees would be required from the District and County Clerks' Office to facilitate the additional Court.

Commissioner Matz expressed his concerns regarding the creation of another Court and added that it could cost the County more than it would generate.

Judge Hinojosa explained that the County Courts would support the District Courts and would allow the transfer of current Civil cases pending in the District Courts as well as the Family and Juvenile Cases in order for the District Courts to handle the felony dockets.

Commissioner Matz stated that "there was no argument between District Court versus County Court" and "that there is no argument that there is a need for swift and speedy justice for all", and added that what concerned him was that the decision to be made would have a significant impact on the Budget for next year. He added that he had heard nothing that would indicate that there would be significant revenue produced or the significant need to justify another County Court. He added that the information provided indicated that the cases being filed were on a downward trend, and that the backlog created had been increasing due to the fact that cases were not being processed as quickly as they should be.

At this time, the following individuals expressed their concerns regarding the creation of a County Court and recommended that a Criminal or Family District Court be created:

Mr. Rusty Faulk, Attorney at Law, and

Mr. A. G. Betancourt, former County Court at Law Judge.

There were some additional discussions concerning the revenues to be generated by a County Court and the cost associated by the creation of a County Court versus a District Court and the support provided by the State to the District Courts and Judge Hinojosa added that "I did not ask Senator Lucio to initiate this Legislation nor did I ask Representative Oliveira".

At this time, Pastor Gayle Gardner, Church of the Good Shepherd, expressed his support for a new County Court.

Upon motion duly made by Commissioner Cascos and seconded by Judge Hinojosa concerning the adoption of the Resolution supporting the creation of a third County Court - at - Law, the motion carried as follows:

AYE: Commissioners Cascos, Peña and Judge Hinojosa

NAY: Commissioners Rosenbaum and Matz

ABSTAIN: None.

The Resolution is as follows:

(5) AUTHORIZATION TO AMEND THE CURRENT SERVICE AGREEMENT BETWEEN ST. FRANCIS DISTRIBUTING COMPANY AND CAMERON COUNTY

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Service Agreement between St. Francis Distributing Company and Cameron County was approved.

At this time, Commissioner Cascos questioned the process to confirm the Commissions received from the vending machines, and suggested that a Report of Receipts be submitted by St. Francis Distributing Company, with the Commission Check.

The Contract is as follows:

(6) AUTHORIZATION TO APPOINT MR. JOHN WILLARS, BROWNSVILLE, TEXAS, TO THE TROPICAL TEXAS CENTER FOR MENTAL HEALTH AND MENTAL RETARDATION PUBLIC RESPONSIBILITY COMMITTEE

Commissioner Cascos moved that Mr. John Willars, Brownsville, Texas, be appointed to the Tropical Texas Center for Mental Health and Mental Retardation Public Responsibility Committee.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(7) AUTHORIZATION TO APPROVE A CONTRACT WITH THE UNIVERSITY OF TEXAS MEDICAL BRANCH

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Contract with the University of Texas Medical Branch was approved.

At this time, Mr. Mark Yates, County Auditor, stated that it was his understanding that the Original Contract stipulated that Valley Interfaith would provide the transportation for the patients, and added that the Contract did not obligate the County or the Hospital to cover the transportation costs.

The Contract is as follows:

(8) AUTHORIZATION TO HIRE AN ADMINISTRATIVE ASSISTANT, EXECUTIVE SECRETARY AND CLERK FOR PRECINCT NO. 4

Commissioner Cascos moved that employment of an Administrative Assistant, Executive Secretary and a Clerk for Precinct No. 4, be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(9) INTRODUCTION OF MR. DON OCHER, WARNING COORDINATION METEOROLOGIST, TO EXPLAIN REORGANIZATION AND THE ROLE OF THE NATIONAL WEATHER SERVICE OFFICE IN BROWNSVILLE

At this time, Commissioner Matz, introduced Mr. Don Ocher, Meteorologist, who then presented the reorganization and the role of the National Weather Service Office in Brownsville, Texas.

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(11) AUTHORIZATION OF THE STATUS OF THE EMERGENCY PLANNING CONTRACT WITH MS. JACKIE LOCKETT

At this time, Mr. David Hanawa, Ambiotec Environmental Consultants, presented a brief Summary on the activities and accomplishments of the Local Emergency Planning Commission and Ambiotec since 1990.

At this time, Judge Hinojosa questioned whether the two (2) Contracts could be combined and Mr. Hanawa responded in the affirmative.

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(13) ACKNOWLEDGEMENT OF A REQUIRED MANDATORY COMMISSIONERS CONTINUING EDUCATION COMPLETED BY COMMISSIONER LUCINO ROSENBAUM, JR

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Certificate of Completion for Commissioner Rosenbaum, of the Continuing Education provisions of Article 81.0025 of the Texas Local Government Code, was acknowledged.

The Certificate is as follows:

**(14) IN THE MATTER OF CAMERON COUNTY
PRECINCT NO. 1, TO MOW AN EIGHT (8) ACRE
TRACT LOCATED ON FM/1419, EL JARDIN
SUBDIVISION, BELONGING TO PROYECTO DE
NIÑOS [TABLED]**

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

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**(15) POSSIBLE APPROVAL OF AN ORDER
DECLARING RESULTS OF THE ELECTION OF
THE CITY OF LOS INDIOS**

At this time, Mr. Barry Jones, Attorney at Law, reported that no significant changes resulted from the canvassing of the Election of the City of Los Indios. He then presented the following Elected Officials:

Ms. Diamantina Bennett, Mayor;

Ms. Delia Weaver, Alderman;

Mr. Ricardo Aguilar, Alderman;

Mr. Herman Manuel Garcia, Alderman;

Mr. Felix Conde, Jr, Alderman; and

Ms. Lydia H. Sanchez, Alderman.

Commissioner Matz moved that the canvassed results of the City of Los Indios Election of January 21, 1995, and the Order declaring the results of the Election be acknowledged.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Order is as follows:

(16) AUTHORIZATION FOR THE DISTRICT ATTORNEY'S OFFICE TO APPLY FOR A CONTINUATION GRANT FROM THE GOVERNOR'S OFFICE CRIMINAL DIVISION FOR THE ADJUDICATION OF DRUG OFFENDERS PROJECT

Commissioner Cascos moved that the District Attorney's Office be authorized to apply for a continuation Grant from the Governor's Office Criminal Division for the Adjudication of Drug Offenders Project.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(17) IN THE MATTER TO NEGOTIATE AN ENGINEERING CONTRACT FOR THE DESIGN OF RABB ROAD IMPROVEMENTS [NO ACTION TAKEN]

(18) AUTHORIZATION FOR PROGRAM DEVELOPMENT AND MANAGEMENT DEPARTMENT TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH GUZMAN AND MUÑOZ ENGINEERING FOR THE DESIGN OF RABB ROAD IMPROVEMENTS

At this time, Mr. Frank Bejerano, stated that Item No. 17 was inadvertently placed on the Agenda and was the same as Item No. 18..

At this time, Commissioner Peña questioned the process in selecting the Engineering Services and suggested that prior work by the Engineering Firms should be reviewed as part of the selection criteria.

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Professional Services Agreement with Guzman and Muñoz Engineering, for the design of Rabb Road Improvements was approved.

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**(19) AUTHORIZATION FOR CAMERON COUNTY TO
APPLY FOR A VICTIMS COMPENSATION
PROGRAM FROM THE GOVERNOR'S OFFICE
CRIMINAL JUSTICE DIVISION ON BEHALF OF
THE FRIENDSHIP OF WOMEN,
INCORPORATED**

Commissioner Cascos moved that the Application for a Victims Compensation Program from the Governor's Office Criminal Justice Division be authorized on behalf of the Friendship of Women, Incorporated.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Application is as follows:

**(20) IN THE MATTER TO APPROVE A MOBILE
PHONE SYSTEM FOR CONSTABLE JUAN
MENDOZA [TABLED]**

At this time, Judge Hinojosa suggested that the requests from the Constables should be discussed at a Workshop.

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

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**(21) AUTHORIZATION TO APPROVE PAYMENT
FOR FM/509 PARCELS NOS. 6-003, 6-017, 6-030,
AND 6-031**

Commissioner Matz moved that the payment for the Right-of-Way acquisitions for FM/509 Parcels Nos. 6-003, 6-017, 6-030, and 6-031 be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

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**(23) AUTHORIZATION OF A CONTRACT FOR
RESIDENTIAL SERVICES WITH THE GULF
COAST COUNCIL LA RAZA, INCORPORATED,
TO TERMINATE ON SEPTEMBER 30, 1995**

**(24) AUTHORIZATION OF A CONTRACT FOR
RESIDENTIAL SERVICES WITH THE
REHABILITATION AND CORRECTIONS
CORPORATION (RECOR) TO TERMINATE ON
SEPTEMBER 30, 1995**

Commissioner Peña moved that the Contracts for Residential Services with the Gulf Coast Council of La Raza, Incorporated, and the Rehabilitation and Corrections Corporation (RECOR) be approved, said Contracts to terminate on September 30, 1995.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Contracts are as follow:

**(25) IN THE MATTER TO DISCUSS RENEGOTIATIONS
OF SELECTED PARK SYSTEM LEASES [TABLED]**

Mr. Ken Conway, Park Systems Director, stated that he had evaluated the current Concession Leases for the Cameron County Parks System, as requested, and suggested that the Convention Center and Charlie's Paradise Leases be renegotiated.

There was some discussion concerning the initial projections of the Convention Center Lease and the suggestion was made to obtain additional information and to present to the Court at a later date.

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

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**(26) IN THE MATTER FOR THE PARKS SYSTEM TO
SOLICIT PROPOSALS FOR A SIX (6) MONTH
LISTING AGREEMENT FOR SELECTED LEASE
SITES IN COUNTY PARKS ON SOUTH PADRE
ISLAND [TABLED]**

Mr. Ken Conway, Parks System Director, stated that the Court had authorized the Parks Director to solicit Lease Agreements for a fishing pier, and added that the Parks System was regularly approached for Park land to be leased for higher dollar developments and suggested that the Court authorize the development of a Master Plan on some of these tracts, and to enter into a Listing Agreement with a Real Estate Company to market said tracts of land.

Judge Hinojosa suggested that a Consultant be retained to prepare a Business Land Use Study to give the Real Estate Agents an idea of the types of businesses that would be able to operate on the individual tracts of land, in order for the Realtors to list the property for specific business uses and the suggestion was made that the Parks Director should determine the availability of any Land Use Consultants in the area.

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

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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 Peña and carried unanimously, the

"Consent" Agenda Items were approved as follow:

- (27) APPROVAL OF THE SOUTH TEXAS COUNTY JUDGE AND COMMISSIONERS ASSOCIATION ANNUAL DUES IN THE AMOUNT OF \$100.00
- (28) TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGET:
 - a) One (1) Health Department employee to attend the University of Texas Health and Science Center San Antonio in San Antonio, Texas, on March 9-13, 1995;
 - b) County Judge and International Bridge Systems Director to attend a Meeting of the Border Trade Alliance in Mexico City, Mexico, on February 19-21, 1995;
 - c) International Bridge System Director to attend the Metropolitan Planning Organization in McAllen, Texas, on February 9, 1995;
 - d) Computer Center Programmer and Technician to attend a free Seminar on Micro Soft Networking for Local Area Networks (LAN) in Corpus Christi, Texas, on February 7, 1995;
 - e) Election Administrator to attend the Election Center Workshop in Albuquerque, New Mexico, on February 9-13, 1995; and
 - f) Commissioners' Court members to attend the Secretary of State Swearing-In Ceremony in Austin, Texas, on February 7, 1995.

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(29) EXECUTIVE SESSION

Upon motion by Commissioner Cascos seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 3:05 P. M. to discuss the following matters:

- a) Discussion with County Counsel concerning the possible Lease of land at the Free Trade Bridge at Los Indios to Medical Third Party Resources, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) Discussion with County Counsel concerning the request for an easement by the Southern Transmission Company at the Free Trade Bridge at Los Indios, pursuant

to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
and

- c) Discussion with County Counsel concerning the Right-of-Way acquisition for FM/509 for Parcel No. 7-18, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1) (A).

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

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(30) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Discussion with County Counsel concerning the possible Lease at the Free Trade Bridge at Los Indios to Medical Third Party Resources.

At this time, Mr. Humberto Zamora, Medical Third Party Resources, Incorporated, presented the following Information Packet regarding a proposed Economic Development at the Free Trade Bridge at Los Indios and the request for a fifteen (15) year Lease of the Land, adding that they would be responsible for the improvements and the facilities:

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Report by Mr. Humberto Zamora, on the proposed Economic Development at the Free Trade Bridge at Los Indios, was acknowledged.

- b) In the matter concerning the Easement by Southern Transmission Company at the Free Trade Bridge at Los Indios.[TABLED]

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

- c) Discussion with County Counsel concerning the Right-of-Way acquisition for FM/509 Parcel No. 7-18.

Judge Hinojosa reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should proceed with the Right-of-Way acquisition for FM/509 Parcel No. 7-18, along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel was directed to proceed with the Right-of-Way acquisition of FM/509 Parcel No. 7-18, along the terms and conditions as outlined in Executive Session.

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(22) AUTHORIZATION TO RATIFY A CONTRACT FOR THE ACQUISITION SERVICES WITH ALLEN WILLIFORD AND SEALE

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Contract for the Acquisition Services with Allen, Williford and Seale was approved, subject to final review by County Counsel.

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(12) AUTHORIZATION OF THE STATUS OF THE EMERGENCY PLANNING CONTRACT WITH AMBIOTEC ENVIRONMENTAL CONSULTANTS, INCORPORATED

Commissioner Cascos moved that County Counsel be authorized to negotiate the Emergency Planning Contract with Ambiotec Environmental Consultants, Incorporated.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(11) AUTHORIZATION OF THE STATUS OF THE EMERGENCY PLANNING CONTRACT WITH MS. JACKIE LOCKETT

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, County Couns

concerning the Emergency Planning Contract with Ms. Jackie Lockett.

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There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner
ADJOURNED.

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APPROVED this **07th** day of **MARCH, 1995.**

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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