

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 28th day of MARCH, 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:



The meeting was called to order by Judge Gilberto Hinojosa. He then asked Rev. Juan J. Morales, Iglesia De La Roca, for the invocation and Commissioner Cascos 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 March 23, 1995, at 4:44 P. M.:

(3) APPROVAL OF MINUTES OF MARCH 14, 1995

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Minutes of the Regular Meeting held on March 14, 1995, at 1:30 P.M. were approved.



(4) AUTHORIZATION TO APPROVE CHANGE ORDER NO. 12 TO THE CAMERON COUNTY JUVENILE DETENTION FACILITY WITH SCOGGINS CONSTRUCTION COMPANY

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, Change Order No. 12 with Scoggins Construction Company, regarding the Cameron County Juvenile Detention Facility, was approved.

The Order is as follows:

(5) APPROVAL TO REFUND TAXES TO: ALFREDO LONGORIA, IN THE AMOUNT OF \$846.65

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the refund taxes to Mr. Alfredo Longoria, in the amount of \$846.65, was approved.

████████████████████

(6) AUTHORIZATION TO FUND AN "EXTRA HELP" POSITION FOR A SIX (6) MONTH PERIOD, EFFECTIVE MARCH 1, 1995, THROUGH SEPTEMBER 30, 1995, FOR THE OFFICE OF JUSTICE OF THE PEACE, PRECINCT NO. 6, PLACE NO. 1

Judge Sally Gonzalez, Justice of the Peace Precinct No. 6, Place No. 1, explained that the temporary position would be through the Private Industry Council, in order for her Office to implement the State Judicial System Computer Program.

Commissioner Cascos moved that the funds for an "extra help" position for a six (6) month period, beginning March 1, 1995, through September 30, 1995, be approved, for the Justice of the Peace Precinct No. 6, Place No. 1 Office.

The motion was seconded by Commissioner Peña and carried unanimously.

████████████████████

At this time, Commissioner Matz commended the County Auditor for the following "Budget Officer's Recommendations" prepared for each of the Agenda Items, by illustrating the money involved and the source of funding:

**(7) IN THE MATTER OF EQUIPMENT REQUESTS
FOR FISCAL YEAR 1995 AS PRESENTED TO
CAMERON COUNTY ON MARCH 21, 1995
[TABLED]**

At this time, Constable Mike Barbarena, Precinct No. 1, presented a late request for a copier for his Office in the amount of \$800.00.

Commissioner Matz stated that the Equipment Request List represented a total request in the amount of \$728,371.00, and noted that the County Auditor's recommendation, including the \$800.00 copier for Constable Precinct No. 1, would total \$187,571.00.

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



**(8) AUTHORIZATION TO USE LAPSED SALARIES
FOR PERSONNEL CHANGES**

At this time, Mr. Manuel Saenz, Chief Deputy Clerk, stated that the Lapsed Salaries were within the County Clerk's Budget and would be utilized for personnel changes beginning April 2, 1995.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Lapsed Salaries for personnel changes in the County Clerk's Office were approved.



**(9) AUTHORIZATION OF PERSONNEL CHANGES -
SOURCE OF FUNDING (CONTINGENCY FUNDS)**

Judge Hinojosa clarified that the matter of the salary change for Judge Ed Sarabia, Justice of the Peace, Precinct 2, Place 2, were discussed at the previous Meeting, and was an attempt to upgrade the Court Clerk's salary to that of the adjacent Court Clerk.

Commissioner Rosenbaum moved that the personnel changes be approved, said funds to be allocated from the Contingency Funds.

The motion was seconded by Commissioner Cascos.

At this time, Commissioner Matz stated that he could not support said action and referred to the Report provided by the County Auditor comparing all the Justices of the Peace slots and salary ranges and recommended that the matter be discussed during the mid-year Budget Review, noting that the County Auditor did not recommend approval.

Upon motion duly made by Commissioner Rosenbaum concerning the personnel salary change and seconded by Commissioner Cascos, the vote carried as follows:

AYE: Commissioners Rosenbaum, Cascos, and Judge Hinojosa

NAY: Commissioner Matz

ABSTAIN: Commissioner Peña.

(10) AUTHORIZATION FOR THE PROJECT DEVELOPMENT AND MANAGEMENT DEPARTMENT TO NEGOTIATE A PROFESSIONAL SERVICE AGREEMENT WITH MEJIA & ROSE, INC., FOR THE DESIGN AND DEVELOPMENT OF ROAD IMPROVEMENTS TO CAMERON PARK

Mr. Frank Bejarano, Program Development and Management Director, reported that the Review Committee reviewed and evaluated five (5) Proposals and was recommending the Engineering Firm of Mejia and Rose Inc., for the Project.

Commissioner Cascos moved that the Project Development and Management Department be directed to negotiate a Professional Service Agreement with the Engineering Firm of Mejia & Rose, Inc., Brownsville, Texas, for the design and development of road improvements to Cameron Park.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(11) AUTHORIZATION FOR FUNDING IN THE AMOUNT OF \$3,500.00, FOR THE CONTINUATION OF THE CRIME VICTIM'S ASSISTANCE PROGRAM

At this time, Mr. Woodie Peables, Director of Crime Victim's Assistance Program, explained that they were expecting to receive a Federal Grant, but that in the meantime, the Program was in need of \$10,000.00 to survive, and added that the District Attorney had offered \$7,500.00 from his Budget.

(13) AUTHORIZATION TO ACCEPT QUEEN SAGO DRIVE, PALM VISTA DRIVE, PALMETTO DRIVE, WASHINGTON PALM DRIVE, DATE DRIVE, DRACAENA DRIVE, AND COCONUT DRIVE WITHIN PALM VISTA ESTATES SUBDIVISION, UNIT NUMBERS 1, 2, 3, 4, AND 5, AS COUNTY DEDICATED ROADS

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the following were accepted as County Dedicated Roads: Queen Sago Drive, Palm Vista Drive, Palmetto Drive, Washington Palm Drive, Date Drive, Dracaena Drive, and Coconut Drive within Palm Vista Estates Subdivision, Unit Numbers 1, 2, 3, 4, and 5.



(14) AUTHORIZATION FOR VOTING MACHINE LEASE AGREEMENTS WITH THE CITY OF RIO HONDO AND CITY OF LOS FRESNOS FOR ELECTIONS OF MAY 6, 1995

Commissioner Peña moved that the Voting Machine Lease Agreements with the City of Rio Hondo and City of Los Fresnos be approved for the elections of May 6, 1995.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

At this time, Ms. Tencha de la Peña, Elections Administrator, reported that the Voting Machine repairs should be completed soon.

The Agreements are as follow:

(15) **AUTHORIZATION FOR THE COUNTY ATTORNEY TO ISSUE A "LETTER OF OPINION" REGARDING VARIOUS MATTERS PERTAINING TO THE PINNELL LAND DONATION TO CAMERON COUNTY**

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the County Attorney was directed to issue a "Letter of Opinion" regarding various matters pertaining to the Pinnell Land Donation to Cameron County.



(16) **AUTHORIZATION FOR THE RIO GRANDE COUNCIL'S, BOY SCOUTS OF AMERICA, TO UTILIZE A DESIGNATED PORTION OF THE DOLPHIN COVE PENINSULA IN THE SUMMER OF 1995, FOR THE SOUTH PADRE ISLAND HIGH ADVENTURE STATION**

Mr. Kenneth Conway, Parks System Director, explained that it would be the second year that the Boy Scouts would be holding a Summer Camp at the Island, and that they had negotiated some site improvements as part of their Project, and added that the site improvements would be between the amount of \$1,000.00 to \$3,000.00, in labor and materials.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Rio Grande Council's, Boy Scouts of America, request to utilize a designated portion of the Dolphin Cove Peninsula in the Summer on 1995, for the South Padre Island High Adventure Station, was approved.

Commissioner Matz suggested that the Agreement needed to be reviewed by the County Counsel, in order that the County Auditor's concerns be addressed.



NOTE: COMMISSIONER ROSENBAUM LEFT THE COURTROOM, AT THIS TIME

**(17) AUTHORIZATION FOR BID SPECIFICATIONS
FOR THE DEPOSITORY CONTRACT, 1995 TO 1997**

Commissioner Matz moved that the "Draft" Bid Specifications for the Depository Contract 1995 to 1997, be acknowledged, as recommended by the County Treasurer.

The motion was seconded by Commissioner Peña and carried unanimously.

The Specifications are as follow:

"CONSENT" AGENDA ITEM

NOTE: COMMISSIONER ROSENBAUM RETURNED TO THE COURTROOM, AT THIS TIME

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 Matz, seconded by Commissioner Rosenbaum and carried unanimously, the

"Consent" Agenda Item was approved as follows:

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

- a) Constable Precinct No. 2, and two (2) deputies, to attend a "Civil Process School" in Corpus Christi, Texas, on April 11 - 14, 1995;
- b) Financial Disruption Task Force Coordinator to attend the "Regional Commander's Meeting" in San Antonio, Texas, on April 11 - 12, 1995;
- c) Cameron County Drug Enforcement Task Force to travel to San Antonio, Texas, on April 11 - 12, 1995;
- d) Health Director to attend a "Title V Future Plan Meeting" in Austin, Texas, on April 6 - 8, 1995; and
- e) Three (3) Health Department Employees to attend the "18th Annual Seminar in Woman's Health Care" in Dallas, Texas, on April 10 - 13, 1995.

(19) EXECUTIVE SESSION

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

Court met in Executive Session at 2:32 P. M. to discuss the following matters:

- a) Discussion with County Counsel concerning the Right-of-Way acquisition for FM/509 for Parcel No. 18 (R.R. Property), pursuant to Vernon Texas Code Annotated (V.T.C.A), Government Code Section 551.072;
- b) Discussion with County Counsel concerning the settlement offer in the Rojano vs. Cameron County, Civil Action No. B-94-048, United States District Court, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Governmnet Code Section 551.071 (1)(B);

- c) Discussion with County Counsel concerning Jose Luis Peña vs. The State Bar of Texas, et al, Civil Action No. M-95-061, in the United States District Court for the Southern District, McAllen Division, to discuss case and authority to represent individual defendants, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (a);
- d) Discussion with County Counsel concerning financial matters pertaining to various Parks System Concession Leases, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- e) Discussion with County Counsel regarding possible litigation regarding Parks System on Recreational Vehicles Space Reservation Policies, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2); and
- f) Discussion with County Counsel concerning authorization to Contract with Allen, Williford and Seale, Inc., for Right-of-Way Acquisition Services for Old Alice Road and Dakota Road, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Regular Session at 2:48 P. M.



(20) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Discussion with County Counsel concerning the Right-of-Way acquisition for FM/509 Parcel No. 18 (R.R. Property);
- b) Discussion with County Counsel concerning the settlement offer in the Rojano vs Cameron County, Civil Action No. B-94-048, United States District Court;
- c) Discussion with County Counsel concerning Jose Luis Peña vs. The State Bar of Texas, et al, Civil Action No. M-95-061, in the United States District Court for the Southern District, McAllen Division, to discuss case and authority to represent individual defendants;
- d) Discussion with County Counsel concerning financial matters pertaining to various Parks System Concession Leases;
- e) Discussion with County Counsel regarding possible litigation regarding Park System on Recreational Vehicles Space Reservation Policies; and
- f) Discussion with County Counsel concerning authorization to Contract with Allen, Williford and Seale, Inc., for Right-of-Way Acquisition Services for Old Alice Road and Dakota Road

Judge Hinojosa 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 said matters.

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

- a) Right-of-Way acquisition for FM/509, Parcel No. 18 (R.R. Property);
- b) The settlement offer in the Rojano vs. Cameron County, Civil Action No. B-94-048, United States District Court;
- c) The case styled Jose Luis Peña vs. The State Bar of Texas, et al, Civil Action No. M-95-061, United States District Court;
- d) Financial matters pertaining to various Parks System Concession Leases;
- e) Parks System on Recreational Vehicles Space Reservations Policies; and
- f) Contract with Allen, Williford and Seale, Inc., for Right-of-Way Acquisition Services for Old Alice Road and Dakota Road.

████████████████████

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

████████████████████

APPROVED this **18th** day of **APRIL, 1995**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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