

THE STATE OF TEXAS           §

COUNTY OF CAMERON           §

**BE IT REMEMBERED** on the 25th day of **APRIL 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**

**COMMISSIONER, PRECINCT NO. 1**

**CARLOS H. CASCOS**  
**COMMISSIONER, PRECINCT NO. 2**

**COMMISSIONER, PRECINCT NO. 3**

**HECTOR PEÑA**  
**COMMISSIONER, PRECINCT NO. 4**

**PRISCILLA J. KEE           Deputy**  
**COUNTY CLERK**

**ABSENT:**

**LUCINO ROSENBAUM, JR.**

**JAMES R. MATZ**



The meeting was called to order by Judge Gilberto Hinojosa. He then asked Rev. George W. Graydon, Church of the Redeemer, 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 April 13, 1995, at 1:47 P. M.:



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

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Fiscal Year 1995 Budget Amendment No. 95-18 and the Following Salary Schedules were approved:

County Clerk's Office, Fund No. 10-403,

County Jail Department, Fund No. 10-512,

Maternal and Child Health Department, Fund No. 27-629,

Community Parks Pct. 2, Fund No. 71-003,

Cameron County Juvenile Fund, No. 45-573, and

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

The Budget Amendment and Salary Schedules are as follows:

**(4) ADOPTION OF A RESOLUTION DECLARING  
THE MONTH OF APRIL 1995, AS "CHILD  
ABUSE AND NEGLECT PREVENTION MONTH"**

Commissioner Cascos moved that the Resolution declaring the Month of April 1995, as "Child Abuse and Neglect Prevention Month," be adopted.

The motion was seconded by Commissioner Peña and carried unanimously.

The Resolution is as follows:

**(5) ACKNOWLEDGEMENT OF REPORT BY MR.  
ALAN JOHNSON ON STATUS I-69 ALLIANCE  
ACTIVITIES**

At this time, Mr. Alan Johnson, I-69 Alliance Committee Member, reported on the status regarding the confirmation of the Interstate Highway 69 Route into the Valley. He said that two (2) years ago, Legislation created a Route for I-69 out of Houston into Laredo and excluded the Rio Grande Valley. He stated that the Committee requested that The Texas Department of Transportation (TxDOT) consider including the Valley and announced that the State Proposal now included the Rio Grande Valley.

Mr. Johnson reported that the meeting held on March 30, 1995, was very satisfactory, and that the Mayor of Houston, who serves as TxDOT Chairperson, concentrated his comments on the need for an Interstate Highway in the Valley.

Judge Hinojosa questioned what was needed for designation of the Interstate Highway and Mr. Johnson responded that the National Representatives should be contacted and the priority expressed to them.

Commissioner Cascos moved that the report by Mr. Alan Johnson regarding the status of I-69 Alliance Activities be acknowledged.

The motion was seconded by Commissioner Peña and carried unanimously.

The Report is as follows:

**(6) PRESENTATION ON THE HAZARDOUS  
MATERIAL COMMODITY FLOW STUDY  
(HMCFS) REPORT**

At this time, Mr. David Hanawa, Local Emergency Planning Committee Chairperson (LEPC), presented a Summary and Overview regarding the LEPC Hazardous Materials Flow Study.

Judge Hinojosa expressed his concerns regarding the lack of involvement with the disaster relief and recovery programs, and expressed that the County should have an Emergency Plan implemented for the County.

There was some discussion concerning the scope of responsibilities of the LEPC and the possible expansion to include a Hurricane Preparedness and Recovery Program, and the suggestion was made to have LEPC research the matter and Report to the Court.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Presentation concerning the Hazardous Material Commodity Flow Study (HMCFS) Report was acknowledged.

The Report is as follows:

**(7) APPROVAL TO ENTER INTO A CONTRACT AGREEMENT FOR HAZARDOUS MATERIALS TRANSPORTATION ACT PLANNING GRANT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY DIVISION OF EMERGENCY MANAGEMENT AND CAMERON COUNTY SERVING AS FISCAL AGENT FOR THE LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)**

Commissioner Cascos stated that the Contract Agreement for the Hazardous Materials Transportation Act Planning Grant with the Texas Department of Public Safety Division of Emergency Management and Cameron County, serving as Fiscal Agent for the Local Emergency Planning Committee (LEPC), was approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Contract is as follows:

**(8) AUTHORIZATION TO AWARD A CONTRACT FOR THE CLEARING OF LOTS ONE (1) AND TWO (2) IN BLOCK 173 ORIGINAL BROWNSVILLE TOWNSITE FOR COURTHOUSE PARKING AND DESIGNATE THE FUNDING SOURCE**

At this time, Mr. Michael Martin, County Engineer, recommended that Terry Ray Construction, be awarded the Contract, in the amount of \$10,800.00.

Commissioner Cascos moved that the Contract to clear Lots One (1) and Two (2) in Block 173, Original Townsite, for Courthouse Parking be granted to Terry Ray Construction, Brownsville, Texas, in the amount of \$10,800.00.

The motion was seconded by Commissioner Peña.

Judge Hinojosa suggested that the County Engineer study the matter of paving the Vacant lot between the Warehouse and the Court House, with the City of Brownsville and report to the Court.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Contract to clear of Lots One (1) and Two (2) in Block 173, Original Townsite, for Courthouse Parking was awarded to Terry Ray Construction, Brownsville, Texas, in the amount of \$10,800.00, said funding to be allocated from the 1987 Certification Of Obligation funds, subject to legal review.

**The Contract is as follows:**



**(9) ACTION RELATIVE TO A REQUEST FOR THE TEMPORARY NINETY (90) DAY VARIANCE TO PLACE OVERHEAD ELECTRICAL SERVICE AT A CONSTRUCTION SITE ON SOUTH PADRE ISLAND FOR CONSTRUCTION OF A PROPOSED PUBLIC FISHING PIER, LOCATED AT THE SITE OF THE FORMER QUEEN ISABELLA STATE PIER**

Upon motion by Commissioner Peña, seconded by Commissioner Cascos and carried unanimously, the temporary ninety (90) day variance was granted, in order to place overhead electrical service at a construction site on South Padre Island for construction of a proposed public fishing pier, located at the site of the former Queen Isabella State Pier.



**(10) AUTHORIZATION RELATIVE TO CENTRAL POWER AND LIGHT'S (CP&L) REQUEST FOR A VARIANCE TO THE COUNTY'S UNDERGROUND UTILITY ORDINANCE FOR SOUTH PADRE ISLAND TO PLACE AN OVERHEAD LINE WITHIN OR ADJACENT TO ISLA BLANCA PARK FOR A PERIOD NOT TO EXCEED TWO (2) YEARS**

Commissioner Peña moved that Central Power and Light's (CP&L) request for a variance to the County's Underground Utility Ordinance be granted for South Padre Island, in order to place an overhead line within or adjacent to Isla Blanca Park for a period not to exceed two (2) years, subject to an \$80,000.00 Performance Bond.

The motion was seconded by Commissioner Cascos and carried unanimously.



**(11) ACTION ON CONTRACT WITH APPRAISALS-R- US**

Mr. Joe Galvan, Bridge Systems Director, explained the suggestion that was made to secure Appraisals regarding the property values at the Free Trade Bridge at Los Indios. He stated that Mr. J. D. Garcia, Appraisals-R-Us, was contacted to appraise four (4) tracts, at a cost of \$2,400.00.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Contract with Appraisals-R-Us, Brownsville, Texas, was awarded in the amount of \$2,400.00.

The Contract is as follows:

**(12) APPROVAL TO HIRE THREE (3) PEOPLE FOR EXTRA HELP, ONE (1) GRADER OPERATOR AND ONE (1) ROAD MAINTENANCE TECHNICIAN**

Upon motion by Commissioner Peña, seconded by Commissioner Cascos and carried unanimously, the hiring of three (3) people for extra help, one (1) grader operator and one (1) road maintenance technician was approved.



**(13) IN THE MATTER OF THE APPOINTMENT OF THE ELECTION ADMINISTRATOR BY THE ELECTION COMMISSION [TABLED]**

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

**(14) ACTION ON SETTING A SALARY/AUTO ALLOWANCE FOR THE ELECTIONS ADMINISTRATOR POSITION**

Judge Hinojosa, requested that the salary for the new Elections Administrator be set at the current Elections Administrator level, and added that a salary survey was conducted of other Elections Administrators and the salary was commensurate with the "important" position.

Commissioner Cascos expressed his support for the proposed salary, and added that he did not agree with using the salary surveys, and comparisons with other Counties to establish salaries.

Commissioner Cascos moved that the salary/auto allowance for the Elections Administrator position, effective July 1, 1995, be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

There was some discussion concerning the appointment of the new Elections Administrator effective July 1, 1995, and the purpose of establishing the salary at this time. Commissioner Cascos stated that it was his understanding that the Elections Administrator would start on-the-job training prior to May 6, 1995, and Judge Hinojosa responded that said action could not be taken because funds were not available for the position.



# **"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 Peña, seconded by Commissioner Cascos and carried unanimously, the "Consent" Agenda Items were approved, with the exception of Item No. 20.

**(15) AUTHORIZATION TO ADVERTISE FOR PROPOSALS FOR INDEXING AND RECORDS MANAGEMENT SYSTEM FOR COUNTY CLERK'S DEPARTMENT**

**(16) AUTHORIZATION TO AWARD BIDS FOR TWO (2) ½ TON PICK-UP TRUCKS WITH TRADE, CASH OR LEASE PURCHASE, PRECINCT NO. 4**

Cardenas Motors, Brownsville, Texas

Item b) Two (2) ½ Ton Pick-Up \$30,309.00

**(17) AUTHORIZATION TO AWARD BIDS FOR DEMOLITION AND REMOVAL OF CIVIC CENTER ISLA BLANCA PARKS**

F.A Construction, Port Isabel, Texas

Item a) Foundation Demolition and Removal of Civic Center \$19,500.00

**(18) AUTHORIZATION TO AWARD BIDS FOR ONE (1) WATER TRUCK - 2000 GALLONS, CASH OR LEASE PURCHASE, PRECINCT NO. 4**

Bogus Ford, Harlingen, Texas

Item b) Lease Purchase, One (1) Water Truck-2000 Gallon \$41,796.36

**(19) AUTHORIZATION TO AWARD BIDS FOR ONE (1) ASPHALT CHIP SPREADER, CASH OR LEASE PURCHASE, PRECINCT NO. 4**

Cooper, San Antonio, Texas

Item c) Lease Purchase, one (1) Asphalt Chip Spreader \$87,564.42

**(21) AUTHORIZATION TO ADVERTISE FOR BIDS FOR ONE (1) COMPACT PICK-UP TRUCK-ENGINEERING**

**(22) TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS FROM THEIR BUDGET:**

- a) Computer Center Director and Employee to attend a two (2) day "Texas Criminal Justice Information Users Group Conference" on May 18-19, 1995, in Corpus Christi, Texas;
- b) County Auditor, Assistant Auditors and Commissioner Precinct No. 2, to attend the "Annual Auditor's Conference" on May 8-11, 1995, in Austin, Texas;
- c) Program Development and Management Director to attend "1995 Texas Community Development Program Public Hearing" on April 26-27, 1995, in Corpus Christi, Texas;
- d) County Judge and Program Development and Management Director to meet with Texas Department of Housing and Community Affairs (TDHCA) Officials regarding Affordable Housing Programs on May 3, 1995, in Austin, Texas;
- e) Two (2) Cameron County Drug Enforcement Officers to collect Texas Narcotic Investigation Services (TNIS) equipment at the Department of Public Safety (DPS) Office on April 18, 1995, in Austin, Texas;
- f) Engineering Department Permit Clerk and Personnel Secretary to attend "Stress Solutions Workshop for Women" on May 1, 1995, in McAllen, Texas;
- g) Commissioner Precinct. No. 4, Supervisor, Foreman and Purchasing Agent, to attend "Texas Surplus" on April 27 - 28, 1995, in Houston, Texas and May 3 - 4, 1995, in San Antonio, Texas; and
- h) Commissioner Precinct No. 3 to travel, at no cost to County:
  - 1) To receive the "President's National Service Award" at the White House, on April 25-30, 1995, in Washington, D.C.,
  - 2) To attend the "TNRCC Advisory Council Meeting," the "Environmental Fair" and the "Governor's Environmental Excellence Banquet", on May 11 - 12, 1995, in Austin, Texas;
  - 3) To receive the "Chevron-Times Mirror Magazine Award" for Valley Proud Environmental Council on May 16-18, 1995, in Washington, D.C.

**(20) IN THE MATTER OF AUTHORIZATION TO ADVERTISE FOR BIDS PRECINCT NO. 1, CASH OR LEASE PURCHASE OF:**

- a) One (1) Pneumatic Roller
- b) One (1) Pick-Up Truck 3/4 ton with Trade
- c) One (1) Tractor/Mower
- d) One (1) Dump Truck 12-14 C.B. with Trade

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



**(23) EXECUTIVE SESSION**

Upon motion by Commissioner Peña seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 2:35 P.M. to discuss the following matters:

- b) To confer with County Council concerning possible litigation regarding the El Pasol Building, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) To discuss case of Cesario Leal, III vs. Cameron County 1995-CCL-00208-B, County Court at Law No. 2, Cameron County, and authority to represent individual defendants, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(a);
- d) To discuss case of Juan Guerra vs. Alex Perez, et al, 95-03-1195-E, 357th Judicial District Court, Cameron County, and authority to represent individual defendants, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(a);
- e) To discuss case of Daniel Robles vs. Petra Perez, et al, 95-03-1195-E, 357th Judicial District Court, Cameron County, and authority to represent individual defendants, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(a); and
- f) For evaluation and action of Health Administrator, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 2:45 P.M.



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

- a) Action regarding case of Rolando Flores vs. Cameron County; to discuss Interlocutory Appeal, settlement Demand and status of case.

Commissioner Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that Mr. Arnoldo Aguilar, Attorney at Law, should be directed to continue litigation on said matter.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, Counsel was directed to proceed with the litigation concerning the case of Rolando Flores vs. Cameron County, et al, B-90223 and to discuss the Interlocutory Appeal and the settlement Demand.

- b) To confer with County Counsel concerning possible litigation regarding the El Pasol Building,

Commissioner Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Counsel should be directed to proceed with the litigation on said matter, along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, County Counsel was directed to proceed along the terms and conditions outlined in Executive Session, regarding the El Pasol Building.

- c) Action regarding the case of Cesario Leal, III vs. Cameron County and authority to represent individual defendants,
- d) Action regarding the case of Juan Guerra vs. Alex Perez, and authority to represent individual defendants; and
- e) Action regarding the case of Daniel Robles vs. Petra Perez, and authority to represent individual defendants.

Judge Hinojosa reported that County Counsel should be directed to continue the defense on said matters, along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, County Counsel was directed to proceed along the terms and conditions outlined in Executive Session, regarding the cases styled c)Cesario Leal, III vs. Cameron County, d) Juan Guerra vs. Alex Perez and e) Daniel Robles vs. Petra Perez.

- f) Evaluation and action of Health Administrator.

At this time, Mr. Douglas Wright, County Counsel reported that no further action was necessary and that the Court should acknowledge the "Letter" from the Health Administrator.

Judge Hinojosa reported it was the consensus of the Court, as determined by polling, that the Letter of Resignation by Mr. Rolando Martinez, Health Administrator, be acknowledged and that an "Interim" Executive Director be appointed immediately, that being Ms. Yvette Salinas.

Commissioner Cascos moved that the "Letter of Resignation" by Mr. Rolando Martinez, Health Administrator, be accepted, effective May 31, 1995, and that Ms. Yvette Salinas be appointed as the "Interim Director" and Mr. Martinez assist with the transition.

The motion was seconded by Commissioner Peña and carried unanimously.



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



**APPROVED** this 16th day of **MAY 1995**.

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**COUNTY JUDGE**

**ATTEST:**

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**COUNTY CLERK AND EX-OFFICIO CLERK  
OF THE COMMISSIONERS' COURT OF  
CAMERON COUNTY, TEXAS**