

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 16th day of **MAY, 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

COMMISSIONER, PRECINCT NO. 3

HECTOR PEÑA
COMMISSIONER, PRECINCT NO. 4

INELDA T. GARCIA Deputy
COUNTY CLERK

ABSENT:

JAMES R. MATZ

The meeting was called to order by Judge Gilberto Hinojosa. He then asked Rev. Patrick Trobaugh, Portway Baptist Church, 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 May 12, 1995, at 11:03 A. M.:

SUPPLEMENTAL ITEMS

- (1) **CONSIDERATION TO ADOPT A PLAN OF FINANCE TO INCLUDE ISSUING CAMERON COUNTY, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 1995, AND CAMERON COUNTY UNLIMITED TAX ROAD BONDS, SERIES 1995. THE SALE OF UNLIMITED TAX ROAD BONDS TO INCLUDE CONTINUED PURCHASE OF RIGHT-OF-WAY (ROW) AND ACQUISITION STUDIES FOR PROJECT ROAD MAP. APPROVAL FOR THE SALE OF CERTIFICATES OF OBLIGATION TO INCLUDE THE COMPLETION OF THE OSCAR DANCY BUILDING'S RENOVATION, AND CONSOLIDATION OF ALL LEASE/PURCHASE AGREEMENTS.**

Mr. Noe Hinojosa, Financial Advisor, explained that about a month ago the County Treasurer and the County Auditor requested that the current outstanding Leases be evaluated and that a "Plan of Finance" be developed to address the Bond Issues relating to Project Road Map, Lease Purchase Agreements and the Dancy Building.

Mr. Hinojosa highlighted the following Analysis and added that refinancing the twenty-two (22) Leases would result in a "marginal" savings in the amount of \$14,000.00, over a five (5) year period:

There was some discussion concerning the benefits of executing a "Master" Lease for the Lease Agreements and whether the Bond Company should continue to monitor the issues and the suggestion was made to disregard the matter.

Mr. Hinojosa reviewed the Project Road Map Bond Issue and the Construction Fund for the Dancy Building that are scheduled for the Second Phase.

Judge Hinojosa questioned whether the County could utilize Project Road Map monies to acquire the Right-of-Way (R-O-W) for the Los Tomates Bridge, should the Texas Department of Transportation (TxDOT) agree to reimburse the County, at cost plus interest, when the "Diplomatic Note" was issued.

Mr. Michael Martin, County Engineer, responded that monies were allocated for the acquisition of the Right-of-Way for the Los Tomates Bridge, and could possibly "borrow" from other Projects to be reimbursed later.

Mr. Mark Yates, County Auditor, responded that the Financial Plan being reviewed was doing nothing new. He stated that the voters approved Project Road Map, and that the timetables for the Projects were being realigned, and added that the Issue would include additional money for new equipment, in order to provide the money "up-front", instead of from the Fund Balance.

Mr. Hinojosa recommended that the Court adopt an Order of "Notice of Intent" to issue the amount of \$2,250,000.00 for Project Road Map Funds, and \$2,450,000.00 Certificates of Obligations for the completion of the Dancy Building, in order to sell the Debt by June 20, 1995.

Commissioner Cascos moved that the Plan of Finance, to include issuing Cameron County, Texas, Certificates of Obligation, Series 1995, and Cameron County Unlimited Tax Road Bonds, Series 1995, be adopted; and the sale of Unlimited Tax Road Bonds, to include continued purchase of Right-of-Way and acquisition studies for Project Road Map; and the sale of Certificates of Obligation, to include the completion of the Oscar Dancy Building's renovation, and consolidation of all Lease/Purchase Agreements, be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(2) **IN THE MATTER TO DIRECT HIRING
OF BOND COUNSEL [TABLED]**

Commissioner Cascos moved that the Firm of Aiken, Gump, Strauss, Hauer and Feld, L.L.P, San Antonio, Texas, be retained as Bond Counsel.

The motion was seconded by Judge Hinojosa and the vote was as follows:

AYE: Commissioner Cascos and Judge Hinojosa

NAY: Commissioner Rosenbaum and Commissioner Peña

Commissioner Cascos moved that the Item be **TABLED**.

The motion was seconded by Commissioner Peña and carried unanimously.

At this time, Mr. Noe Hinojosa, Financial Advisor, requested the Court's guidance as to the Bond Counsel and questioned whether the Court would have any objections to the current Bond Counsel preparing the "Notice of Intent" and Judge Hinojosa responded that it would not be "fair" for them to do so, and added that the Firm that applied could prepare the "Notice".



(4) **PRESENTATION BY THE UNITED WAY OF
SOUTHERN CAMERON COUNTY,
RECOGNIZING THE EFFORTS AND
CONTRIBUTIONS OF COUNTY EMPLOYEES
DURING 1994**

At this time, Mr. Alfonso Gutierrez, Executive Director of the United Way of Southern Cameron County, recognized the Agency Board members in attendance and called on Mr. David Merrill, President of the United Way, to make the presentation to the County.

Mr. David Merrill, President of the United Way, remarked that Cameron County employees were a source of "great pride" to the United Way, because their contributions had increased from \$1,900.00 in 1990 to an excess of \$32,000.00 in 1995.

At this time, Mr. Merrill recognized Mr. Joe G. Rivera, County Clerk, for his leadership with the United Way and the following Departments for their contributions:

- **Adult Probation,**
- **County Auditor,**
- **Health Department,**
- **Engineering Department,**
- **Judge Migdalia Lopez,**
- **District Clerk,**

- **County Clerk; and**
- **Judge Gilberto Hinojosa.**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Presentation by the United Way of Southern Cameron County, recognizing the efforts and contributions of County employees during 1994, was acknowledged.



(1) APPROVAL OF THE COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented the late claims as to Mr. Crispin Treviño, Warrant No. 118159, in the amount of \$7,500.00, and the State Treasurer, Warrant No. 118706, in the amount of \$115.51, and requested that Warrant No. 118169, in the amount of \$6,781.15, be deleted.

Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously the County Claims were approved, inclusive of the late claims as to Warrant No. 118159, in the amount of \$7,500.00, and Warrant No. 118706, in the amount of \$115.51, with the exception of Warrant No. 118169, in the amount of \$6,781.15, as recommended by the County Auditor.



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

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Fiscal Year 1995 Budget Amendment No. 95-19 and the Salary Schedules for the County Engineer's Office, Fund No. 15-622, and the Maternal and Child Health Program, Fund No. 27-643, Fund No. 27-629 and Fund No. 32-641, were approved.

The Budget Amendment and Salary Schedules are as follow:

(3) APPROVAL OF THE MINUTES OF APRIL 11, 18 AND 25, 1995

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the following Minutes of the Regular Meetings held at 1:30 P. M., were approved:

- April 11, 1995
- April 18, 1995
- April 25, 1995



(5) AUTHORIZATION TO DEVELOP POLICIES AND PROCEDURES FOR THE APPOINTMENT TO THE TROPICAL TEXAS CENTER FOR MENTAL HEALTH AND MENTAL RETARDATION (MHMR) BOARD OF TRUSTEES TO BE IN COMPLIANCE WITH SENATE BILL 112, SECTION 3.02 (D)(E)

Judge Hinojosa explained that there were three (3) appointments to the Board that the Court should designate and that no one had been appointed in the last four (4) years and suggested that procedures be developed for said appointments.

Commissioner Cascos moved that Policies and Procedures for the Appointment to the Tropical Texas Center for Mental Health and Mental Retardation (MHMR) Board of Trustees, be developed in order to be in compliance with Senate Bill 112, Section 3.02 (D) (E).

The motion was seconded by Commissioner Rosenbaum and carried unanimously.



(6) AUTHORIZATION TO ADVERTISE FOR THE POSITION OF HEALTH ADMINISTRATOR

Commissioner Cascos moved that the advertisement for the position of Health Administrator be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Advertisement is as follows:

(7) **AUTHORIZATION TO APPOINT A SEARCH COMMITTEE FOR THE POSITION OF HEALTH ADMINISTRATOR**

Judge Hinojosa recommended that the following individuals be appointed:

- **Dr. Romeo Montalvo, M. D.,**
- **Dr. Gus Stern, M. D., FACS,**
- **Dr. Leonel Vela, M. D., Texas Department of Health,**
- **Ms. Paula Gomez, Brownsville Community Health Center,**
- **Ms. Graciela Salinas, Cameron County - County Judge's Office,**
- **Mr. Mariano Ayala, Cameron County Personnel Department, and**
- **Mr. Mark Yates, County Auditor.**

Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously the following individuals were appointed to serve on the Search Committee for the position of Health Administrator:

- **Dr. Romeo Montalvo, M. D.,**
- **Dr. Gus Stern, M. D., FACS,**
- **Dr. Leonel Vela, M. D., Texas Department of Health,**
- **Ms. Paula Gomez, Brownsville Community Health Center,**
- **Ms. Graciela Salinas, Cameron County - County Judge's Office,**
- **Mr. Mariano Ayala, Cameron County Personnel Department, and**
- **Mr. Mark Yates, County Auditor.**

(8) **AUTHORIZATION TO SUBMIT A JOINT GRANT APPLICATION (CAMERON/WILLACY COUNTIES) TO THE UNITED STATES DEPARTMENT OF JUSTICE**

Judge Hinojosa explained that the Federal Crime Legislation allocated funds for the Regional Boot Camp Construction and added that a Grant Application, in the amount of \$2,000,000.00, was prepared jointly with the Texas Key Program. He stated that the Grant had a \$500,000.00 match and that Willacy County had committed to donate \$300,000.00 worth of land. Judge Hinojosa stated that the County would be responsible for \$200,000.00, should the Court approve the construction of a \$2,000,000.00 Facility, to be under the direction of the Juvenile Department.

Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum carried unanimously, the Joint Grant Application with Cameron and Willacy Counties to the United States Department of Justice was approved.

- (9) **APPROVAL TO REFUND TAXES TO NAVAIN'S ARTS, INC., IN THE AMOUNT OF \$505.61**
- (10) **APPROVAL TO REFUND TAXES TO CONNECTICUT MUTUAL LIFE INSURANCE COMPANY IN THE AMOUNT OF \$15,249.10**
- (11) **APPROVAL TO REFUND TAXES TO WILLIAM CAMERON AND COMPANY IN THE AMOUNT OF \$507.61**
- (12) **APPROVAL TO REFUND TAXES TO LMJ ENTERPRISES, INC., IN THE AMOUNT OF \$6,031.41**
- (13) **APPROVAL TO REFUND TAXES TO CARLOS G. WATSON, JR., IN THE AMOUNT OF \$2,163.63**
- (14) **APPROVAL TO REFUND TAXES TO CARLOS MORENO IN THE AMOUNT OF \$631.30**
- (15) **APPROVAL TO REFUND TAXES TO ALFREDO LONGORIA IN THE AMOUNT OF \$1,685.57**

Commissioner Cascos moved that the Tax refunds to the following individuals be approved:

- **Navain's Arts, Inc. - \$505.61,**
- **Connecticut Mutual Life Insurance Company - \$15,249.10,**
- **William Cameron and Company - \$507.61,**
- **LMJ Enterprises, Inc. - \$6,031.41,**
- **Carlos G. Watson, Jr. - \$2,163.63,**
- **Carlos Moreno - \$631.30; and**
- **Alfredo Longoria - \$1,685.57.**

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(16) **AUTHORIZATION TO OPEN BIDS FOR THE EXTERIOR RESTORATION OF THE OLD COUNTY COURTHOUSE (DANCY BUILDING)**

At this time, Frank Bejarano, Program Development and Management Director, requested the Court's guidance as to the Review of the Bids by the Review Committee and added that the recommendation could be presented in two (2) weeks.

Judge Hinojosa responded that the Review Committee could Review the Bids but that the recommendation should be from the Project Architect.

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

approval was given to open bids as received for the exterior restoration of the "Old" County Courthouse, that being the Dancy Building.

The Bids received and opened are as follow:

NOTE: Commissioner Rosenbaum left the Court Room.

	Contractor	Amount of Bid	Time for Completion (calendar days)
1.	Historic System	\$1,223,000.00	365 days
2.	Terry Ray Construction	1,297,870.00	300 days
3.	Sweezy Construction	856,213.00	240 days
4.	Ferguson Construction	1,474,465.00	365 days
5.	Wilson Construction	1,322,000.00	270 days

(17) AUTHORIZATION TO ADVERTISE FOR BIDS TO COMPLETE CONSTRUCTION OF PUBLIC RESTROOMS AT PELICAN PAVILION AT ANDY BOWIE PARK, PURSUANT TO 1995 PARKS CAPITAL IMPROVEMENT PLAN

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the advertisement for bids, to complete the construction of public restrooms at the Pelican Park Pavilion at Andy Bowie Park, pursuant to 1995 Parks Capital Improvement Plan, was approved.

(18) AUTHORIZATION FOR COUNTY JUDGE TO ENDORSE MOBILE VENDOR'S PERMIT APPLICATION FOR CHARLES C. BORTON, DBA BREAKWATER RENTALS IN ISLA BLANCA PARK AND TO FORWARD TO TEXAS PARKS AND WILDLIFE DEPARTMENT

Commissioner Cascos moved that the County Judge be authorized to endorse the Mobile Vendor's Permit Application for Charles C. Borton, DBA Breakwater Rentals, in Isla Blanca Park, and to forward said Application to the Texas Parks and Wildlife Department.

The motion was seconded by Commissioner Peña and carried unanimously.

The Application is as follows:

Commissioner Rosenbaum returned to the Court Room.

**(19) APPROVAL OF A BRIDGE LOAD POSTING
AGREEMENT WITH THE TEXAS
DEPARTMENT OF TRANSPORTATION**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Bridge Load Posting Agreement with the Texas Department of Transportation was approved.

The Agreement is as follows:

(21) AUTHORIZATION TO RENEWAL OF ANNUAL SUMMER BEACH CLEANING CONTRACT FOR MAY 15, 1995 THROUGH SEPTEMBER 17, 1995 FOR SPECIFIED BEACH SECTION, TO LOW BIDDER MS. MARTHA HERNANDEZ

Commissioner Peña moved that the renewal of the Summer Beach Cleaning Contract, for specified beach section, be approved to the low bidder Ms. Martha Hernandez, for the period of May 15, 1995 through September 17, 1995.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Contract is as follows:

(20) AUTHORIZATION TO SUBMIT AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS' HOUSING TRUST FUND FOR HOME REHABILITATION IN CAMERON PARK

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Texas Department of Housing and Community Affairs' Housing Trust Fund Application for Home Rehabilitation in Cameron Park was approved.



(22) AUTHORIZATION TO ALLOW THE TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICE TO REQUEST REIMBURSEMENT OF ADMINISTRATIVE, FOSTER CARE, MAINTENANCE AND TRAINING FUNDS FOR TITLE IV-E FUNDS

Commissioner Cascos moved that the Texas Department of Protective and Regulatory Service be authorized to request reimbursement of Administrative, Foster Care, Maintenance and Training Funds for Title IV-E Funds.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Service Agreements areas follow:

**(23) APPROVAL TO ADOPT A RESOLUTION TO
COLLECT FEES AND COSTS FOR THE
COUNTY COURTS AT LAW**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously the Resolution to Collect Fees and Costs for the County Courts at Law was adopted.

The Resolution is as follows:

(24) **IN THE MATTER OF THE LEASE WITH LA FERIA CO-OP TO LEASE BUILDING FOR JUSTICE OF THE PEACE AND TAX OFFICE [TABLED]**

Commissioner Peña moved that the Lease Agreement with La Feria Co-op in order to lease the building for the Justice of the Peace and the Tax Office be approved.

The motion was seconded by Commissioner Rosenbaum.

At this time Commissioner Cascos questioned whether the Lease being considered was the same as the Lease approved on April 11, 1995, indicating that the terms were different and questioned whether County Counsel had reviewed the Lease.

Mr. Tony Yzaguirre, Tax Assessor Collector, responded that it was a new Lease Agreement and that the cost would be included in the next year's Budget.

Commissioner Cascos noted that the Branch Office in La Feria was a "Pilot Program" and that the term of the Lease being considered was for nineteen (19) months.

Judge Hinojosa responded that the Justice of the Peace would continue to lease at that location, whether the Tax Office remained or not.

There was some discussion concerning the terms of the Lease and the need to have County Counsel review said Lease, and the suggestion was made to **TABLE** the matter.

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



"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 Peña, seconded by Commissioner Rosenbaum and carried unanimously, the "Consent" Agenda Items were approved as follow:

(25) FINAL APPROVAL:

- a) **Precinct No. 3 -** Zillock Ranch Subdivision Unit 2 - being a subdivision of 3.556 acres out of Block 154, San Benito Land & Water Company Subdivision; and
- b) **Precinct No. 4 -** Q Subdivision No. 2 - being a resubdivision of the South 14.12 acres out of Block 76, Hooks & Hodges Subdivision No.1, out of the La Feria Grant.

(26) PRELIMINARY APPROVAL:

- a) **Precinct No. 3 -** Zillock Ranch Subdivision Units 2 - 4 being a subdivision of the South West 40.00 acres of Block 154, San Benito Land & Water Company Subdivision; and
- b) **Precinct No. 1 -** California Estates Mobile Home Park - being a replat of 19.41 acres, comprised of 7.33 acres out of Lot 4, and 12.08 acres out of Lot 5, Block 105, El Jardin Re-subdivision.

(27) PRELIMINARY AND FINAL APPROVAL:

- a) **Precinct No. 4 -** Bass Blvd., Unit II Subdivision - being a 13.06 acre tract of land out of Block 35, Adams Garden Subdivision "B".

(28) AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET:

- a) County Court at Law Judge No. 1 to attend the "18th Annual Marriage Dissolution Institute Seminar", in El Paso, Texas, on May 3 - 5, 1995;
- b) Computer Center employee to attend a "Computer Training class for Intermediate WordPerfect for Windows", in Pharr, Texas, on May 18, 1995;
- c) Computer Center employee to attend a "Computer Training Class for Intermediate WordPerfect for Windows", in Corpus

Christi, Texas, on May 15, 1995;

- d) International Bridge Systems Director to attend meeting of "Bi-Lateral Conference" in Piedras Negras, May 22-23, 1995;
- e) County Judge, Commissioner Precinct. No. 1 and International Bridge Systems Director to attend meeting of "Los Tomates Bridge Project" in Mexico City, Mexico on May 7 - 9, 1995;
- f) Tax Assessor Collector and all Tax Office Deputies to attend the "41st Annual Tax Assessor-Collectors Association Conference", to be held in Brownsville, Texas;
- g) County Judge to attend meeting on "Los Tomates Bridge Project" and Legislative Meetings in Austin, Texas, on April 12, 1995; and
- h) Constable Precinct. No. 2 and Deputy to attend the "South Texas Justices of Peace and Constables Association" in Boerne, Texas, on May 19 - 21, 1995.



(26) EXECUTIVE SESSION

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

Court met in Executive Session at 3:05 P. M. to discuss the following matters:

- a) To discuss matters pertaining to land acquisition for a County Park at the Port of Brownsville, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072, and
- b) To discuss additional expenses on outstanding closing costs for FM/509 Project to Metro Title Company, Inc., pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

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

Court reconvened in Regular Session at 3:20 P.M.



(27) ACTION RELATIVE TO EXECUTIVE SESSION

- a) To discuss matters pertaining to land acquisition for a County Park at the Port of Brownsville.

Judge Hinojosa reported that after some discussion, it was the consensus of the Court as determined by polling, that the Parks System Director be instructed to negotiate with the Navigation District regarding said matter.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Parks Systems Director was directed to negotiate a Contract with the Navigation District pertaining to land acquisition for a County Park at the Port of Brownsville.

- b) To discuss additional expenses on outstanding closing costs for FM/509 Project to Metro Title Company, Inc.

Judge Hinojosa reported that after some discussion, it was the consensus of the Court as determined by polling, that the additional expenses, in the amount of \$367.70, to be allocated for said matter.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the additional expenses, in the amount of \$367.70, were approved for the outstanding closing costs for FM/509 Project to Metro Title Company, Inc.



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

APPROVED this **13th** day of **JUNE 1995**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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