

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 27th day of JUNE, 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:

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

DEE DEE CAVAZOS Deputy
COUNTY CLERK

ABSENT:

GILBERTO HINOJOSA

=====
The meeting was called to order by Judge Pro-tem Carlos H. Cascos. He then asked Ms. Dee Dee Cavazos, Deputy County Clerk, 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 June 23, 1995, at 9:27 A. M.:

(30) ACTION AUTHORIZING THE TAX ASSESSOR COLLECTOR TO DEPUTIZE MR. JACK CRANE AS DEPUTY TAX COLLECTOR FOR THE COLLECTION OF AD VALOREM TAXES, FOR VALLEY MUNICIPAL DISTRICT NO. 1, AND ASSESS SAID FEES AS PROVIDED BY THE PROPERTY TAX CODE, SECTION 6.24

Commissioner Rosenbaum moved that the Tax Assessor Collector be authorized to deputize Mr. Jack Crane, Deputy Tax Collector, in order to collect the Ad Valorem Taxes for Valley Municipal District No. 1, and to assess said Fees as provided by the Property Tax Code, Section 6.24.

The motion was seconded by Commissioner Peña and carried unanimously.

(4) ADOPTION OF A RESOLUTION DESIGNATING JUNE 30, 1995, AS "TENCHA DE LA PEÑA DAY"

Commissioner Rosenbaum moved that the Resolution designating June 30, 1995, as "Tencha de la Peña Day" be adopted.

The motion was seconded by Commissioner Matz and carried unanimously.

The Resolution is as follows:

(5) **ADOPTION OF A RESOLUTION DESIGNATING
JULY 7, 1995, AS "STEVE THOMPSON DAY"**

At this time, Mr. Steve Thompson, Manager of Laguna Atascosa, expressed his gratitude to the Commissioners' Court and to his staff for the opportunity of working together and for the honor in receiving the designation presented.

Commissioner Matz moved that the Resolution designating July 7, 1995, as "Steve Thompson Day" be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Resolution is as follows:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, requested that Item No. 6 be considered after the Executive Session, and presented the late claim as to Kellogg Chevrolet, Warrant No. 121012, in the amount of \$16,303.00, for approval.

Commissioner Peña moved that the County Claims be approved, inclusive of the late claim as to Warrant No. 121012, in the amount of \$16,303.00, as recommended by the County Auditor.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.



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

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Fiscal Year 1995 Budget Amendment No. 95-22 and the following Salary Schedules were approved, as recommended by the County Auditor:

- **County Attorney, Fund No. 10-475,**
- **Tax Assessor/Collector, Fund No. 10-499,**
- **County Jail, Fund No. 10-512,**
- **Health Department, Fund No. 10-630,**
- **County Extension Service, Fund No. 10-665,**
- **M and O Precinct No. 1, Fund No. 15-617,**
- **Adjudication of Drug Offenders, Fund Nos. 21-474 and 475,**
- **Health - TB Outreach, Fund No. 26-648,**
- **Women, Infant and Children (WIC), Fund No. 32-630, and**
- **Drug Enforcement Task Force, Fund No. 50-479/480.**

The Budget Amendment and Salary Schedules are as follow:

(3) **APPROVAL OF THE MINUTES OF MAY 30, 1995, AND JUNE 6, 1995 (TWO SETS)**

Commissioner Matz moved that the Minutes of the Regular Meetings held on May 30, 1995, at 1:30 P. M. and June 6, 1995, at 1:30 P. M., and the Special Meeting held on June 6, 1995, at 9:30 A. M, be approved, subject to the correction noted regarding Item No. 6 of the Regular Meeting held on June 6, 1995.

The motion was seconded by Commissioner Peña and carried unanimously.



(10) **ACTION ON ELECTION BOND REQUIREMENTS OF THE NEW ELECTIONS ADMINISTRATOR AND/OR DEPARTMENT ADMINISTRATIVE DEPUTIES**

At this time, Mr. Doug Wright, County Counsel, stated that the Court needed to establish the Bond requirements for the Elections Administrator and added that the current Bond was in the amount of \$20,000.00, payable to the County Judge. He recommended that the Court set the Bond in the amount of \$20,000.00, subject to legal review.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Bond requirement for the new Elections Administrator was established in the amount of \$20,000.00.

There was some discussion concerning the Bond requirements for the Deputies and the suggestion was made that the new Elections Administrator should consider said matter and make a recommendation.

Commissioner Rosenbaum moved that the matter of the Bond requirements for the Administrative Deputies be considered at a later date.

The motion was seconded by Commissioner Peña and carried unanimously.

The Bond is as follows:

(11) **IN THE MATTER OF AN INTERLOCAL AGREEMENT WITH DUVAL COUNTY FOR THE PLACEMENT AND HOUSING OF ADJUDICATED JUVENILES [TABLED]**

Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously, this Item was **TABLED** for one (1) week.



(12) **AUTHORIZATION TO HIRE PART-TIME CLERICAL "EXTRA HELP"**

At this time, Judge Pro-tem Cascos stated that Commissioner Precinct No. 4 had made a similar request to hire part-time clerical and/or labor "extra help" as Commissioner Precinct No. 1, subject to funds within their Budgets.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, part-time clerical and/ or labor "extra help" for Commissioners Precinct No. 1 and No. 4 were approved, subject to funds within their Budgets.



(13) **APPROVAL OF THE TEXAS DEPARTMENT OF HEALTH (TDH) DOCUMENT NO. C5000223, ATTACHMENT NO. 07A - AMENDMENT FOR IMMUNIZATION DIVISION TO FUND INVESTIGATIONS, CONTROL MEASURES AND IMMUNIZATION SERVICES**

Commissioner Peña moved that the Texas Department of Health (TDH) Document No. C5000223, Attachment No. 07A - Amendment for Immunization Division be approved, in order to fund Investigations, Control Measures and Immunization Services;

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Contract is as follows:

(14) **APPROVAL OF THE AGREEMENT REFERRED TO AS "PROMESA SALUD" BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND PLANNED PARENTHOOD ASSOCIATION OF CAMERON AND WILLACY COUNTIES TO PROVIDE FREE MAMMOGRAMS**

Commissioner Rosenbaum moved that the Agreement referred to as "Promesa Salud" between the Cameron County Health Department and Planned Parenthood Association of Cameron and Willacy Counties be approved, in order to provide free mammograms.

The motion was seconded by Commissioner Peña and carried unanimously.

The Agreement is as follows:

(15) APPROVAL OF THE TEXAS DEPARTMENT OF HEALTH (TDH) CONTRACT NO. C6000166, ATTACHMENT NO. 2A, CHANGE NO. 2: INCREASE IN FUNDS TO REFLECT ACTUAL EXPENDITURES NEEDED FOR EXISTING CLIENTS

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Texas Department of Health (TDH) Contract No. C6000166, Attachment No. 2A, Change No. 2, was approved, in order to increase the funds to reflect actual expenditures needed for existing clients.

The Contract is as follows:

(16) **ACKNOWLEDGEMENT OF THE RECEIPT OF CLOSING DOCUMENTS, INCLUDING THE DEED OF CONVEYANCE AND TITLE INSURANCE, FOR E. K. ATWOOD COUNTY PARK**

Commissioner Peña moved that the receipt of Closing Documents, including the "Deed of Conveyance" and "Title Insurance", for E. K. Atwood County Park be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

The Closing Documents are as follow:

(17) APPROVAL OF THE INVOICE AND AUTHORIZATION OF PAYMENT OF \$2,750.00 TO APPRAISALS - R - US, FOR INVOICE NO. 95001, DATED MAY 12, 1995

Mr. Doug Wright, County Counsel, stated that the Item concerned the appraisals of the properties obtained through the tax foreclosures and added that a funding source needed to be designated. He stated that the matter of funding was discussed with the County Auditor and the suggestion was made to have the proceeds of the sales pay for the expenditures.

Mr. Mark Yates, County Auditor, stated the General Fund could provide the working capital and the money transferred when the Program proceeds were received.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the payment in the amount of \$2,750.00 to Appraisals - R - Us, for the Invoice No. 95001, dated May 12, 1995, was approved.

Commissioner Peña moved that the payment, in the amount of \$2,750.00 to Appraisals - R - Us, be allocated from the General Fund.

The motion was seconded by Commissioner Matz and carried unanimously.



(18) AUTHORIZATION FOR THE PROGRAM DEVELOPMENT AND MANAGEMENT (P D & M) DEPARTMENT TO PREPARE AND TO SUBMIT A TEXAS CAPITAL FUND GRANT APPLICATION TO THE TEXAS DEPARTMENT OF COMMERCE IN SUPPORT OF A BUSINESS EXPANSION BY SOUTHWIND AVIATION AT THE COUNTY AIRPORT

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Program Development and Management (P D & M) Department was authorized to prepare and to submit a Texas Capital Fund Grant Application to the Texas Department of Commerce, in support of a business expansion by Southwind Aviation at the County Airport.



(19) **APPROVAL OF A CONTRACT WITH HISTORIC SYSTEMS, INC.; FOR THE EXTERIOR RESTORATION OF THE OLD COUNTY COURTHOUSE (DANCY BUILDING) AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE SAID CONTRACT**

Mr. Doug Wright, County Counsel, stated that there were some basic provisions concerning the arbitration terms that the Court should be aware in the Contract.

Mr. Frank Bejarano, Program Development and Management (P D & M) Director, explained that the Contract was a "basic standard" Architect's Contract.

There was some discussion concerning the provisions of arbitration and jurisdiction, should there be litigation, and the suggestion was made to approve the Contract and that County Counsel should negotiate as to the terms of arbitration and venue.

Mr. Wright clarified that the Contractors could begin with the Project, as soon as the agreements were reached concerning arbitration and venue clauses.

Commissioner Peña moved that the Contract with Historic Systems, Inc., for the Exterior Restoration of the Old County Courthouse, that being the Dancy Building, be approved and that the County Judge be authorized to execute said Contract, subject to legal review and the provisions of arbitration and venue be clarified.

The motion was seconded by Commissioner Rosenbaum and carried as follows:

AYE: Commissioners Rosenbaum, Peña and Judge Pro-tem Cascos

NAY: Commissioner Matz

ABSTAIN: None.

The Contract is as follows:

(20) AUTHORIZATION TO PURCHASE TWO (2) VEHICLES FOR THE COUNTY'S SOLID WASTES ENFORCEMENT PROGRAM, VIA THE HOUSTON/GALVESTON AREA COUNCIL INTERLOCAL AGREEMENT AND/OR AUTHORIZATION TO SEEK BIDS FOR VEHICLE PURCHASE

At this time, Mr. Frank Bejarano, Program Development and Management (P D & M) Director, explained that Items No. 20 and No. 21 concerned the Anti-Illegal Dumping Program and added that the "Draft Contract" was received, and the State should be forwarding the "Final Contract" by the end of the week. He stated that in order to proceed on a timely basis, equipment and vehicles needed to be purchased as remitted Items; however, a Grant Account could not be created until the "Final Contract" was obtained and he requested the Court's permission to establish said Grant Account.

Mr. Mark Yates, County Auditor, stated that the Grant specified that two (2) vehicles be purchased in the amount of \$20,000.00 each and he recommended that a "utility" type vehicle be obtained, said funding to be allocated from the General Fund until the Grant Funds were received.

Ms. Rosemary Perez, County Auditor's Office, explained that a Fund had been established when the contributions were received, but that there were not enough Funds to cover vehicles.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the purchasing of two (2) vehicles for the County's Solid Wastes Enforcement Program, through the Houston/Galveston Area Council Interlocal Agreement, was approved.



(21) ACTION TO ACCEPT A DRAFT CONTRACT FROM THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION (DATED MAY 25, 1995) FOR THE PURPOSE OF ESTABLISHING A GRANT ACCOUNT FOR THE ANTI-ILLEGAL DUMPING PROGRAM

Commissioner Rosenbaum moved the "Draft Contract" from the Texas Natural Resource Conservation Commission, dated May 25, 1995, be accepted for the purpose of establishing a Grant Account for the Anti-Illegal Dumping Program.

The motion was seconded by Commissioner Matz and carried unanimously.

The Draft Contract is as follows:

(22) **ACTION TO AUTHORIZE BOARD OF DIRECTORS OF THE OLMITO WATER SUPPLY CORPORATION TO REVIEW PROPOSALS FOR A WATER STORAGE PROJECT, FUNDED UNDER THE 1994 TEXAS COMMUNITY DEVELOPMENT PROGRAM**

(23) **ACTION AUTHORIZING THE PROGRAM DEVELOPMENT AND MANAGEMENT (P D & M) DEPARTMENT TO REQUEST ENGINEERING PROPOSALS FOR THE DESIGN OF WATER STORAGE FACILITIES FOR THE OLMITO WATER SUPPLY CORPORATION**

Mr. Frank Bejarano, Program Development and Management (P D & M) Director, explained that Grant Funds, in the amount of \$369,802.00, were awarded to assist the Olmito Water Supply, in order to increase their water source capacity. He requested authorization to solicit Request For Proposals (RFP) for the Engineering Services, and added that the Olmito Water Supply Board would serve as the Review Committee for the Project, since they would be responsible for the maintenance of the Project.

Commissioner Rosenbaum moved that the Board of Directors of the Olmito Water Supply Corporation be authorized to review the Proposals for a Water Storage Project, funded under the 1994 Texas Community Development Program, and that the Program Development and Management (P D & M) Department be authorized to request Engineering Proposals for the design of the Water Storage Facilities for the Olmito Water Supply Corporation, subject to Legal and Engineering review.

The motion was seconded by Commissioner Peña and carried unanimously.



(24) **APPROVAL OF A CONTRACT WITH REDELCO'S SMALL BUSINESS COMPLEX UNITS NOS. 19 AND 20, 1920 DUVAL, LOOP 499, HARLINGEN, TEXAS, VEHICLE STORAGE AS PROVIDED IN THE BUDGET FROM JUNE 1, 1995, TO MAY 31, 1996, AS OF JULY 1, 1995**

Commissioner Matz moved that the Contract with Redelco's Small Business Complex, Units Nos. 19 and 20, 1920 Duval, Loop 499, Harlingen, Texas, be approved for the Vehicle Storage as provided in the Budget from June 1, 1995, to May 31, 1996, as of July 1, 1995, subject to legal review.

The motion was seconded by Commissioner Peña and carried unanimously.

The Contract is as follows:

(25) **AUTHORIZATION TO PREPARE RIGHT - OF - WAY MAPS AND TO ACQUIRE PROPERTY ALONG MAVERICK ROAD FROM FM/1419 TO DAKOTA AVENUE, AND TO DESIGNATE THE FUNDING SOURCE**

Mr. Michael Martin, County Engineer, explained that Maverick Road was a section of roadway between Southmost Road and Dakota Avenue that provided access to Lopez High School. He stated that the section was very narrow and that the Brownsville Independent School District had been supportive of getting the roadway widened but funds needed to be allocated for the acquisition of the Right-Of-Way. Mr. Martin recommended that the 1991 Certificates of Obligation Funds, in the amount of \$19,548.00, be utilized and added that said Funds needed to be utilized before the end of September, 1995.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the preparation of the Right-Of-Way Maps was approved, in order to acquire property along Maverick Road from FM/1419 to Dakota Avenue, said fundings to be allocated from Fund No. 6, 1991 Certificates of Obligation, in the amount of \$19,548.00.



(26) **AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH RABA - KISTNER ASSOCIATES FOR GEOTECHNICAL ANALYSIS SERVICES ON THE LOS TOMATES BRIDGE AND LEVEE RELOCATION AND DESIGNATE THE FUNDING SOURCE**

At this time, Mr. Michael Martin, County Engineer, stated that three (3) bids were received for Geotechnical Services for the Los Tomates Bridge. He reported that Raba - Kistner Consultants, Inc., was the low bid, in the amount of \$25,736.94, and recommended that the amount of \$30,000.00 be designated, in case there was some additional testing needed.

Commissioner Rosenbaum moved that the Professional Services Agreement with Raba - Kistner Consultants, Inc., for the Geotechnical Analysis Services, be executed for the Los Tomates Bridge and Levee Relocation, said funding to be allocated from Gateway Fund Balance.

The motion was seconded by Commissioner Peña and carried unanimously.

The Services Agreement is as follows:

(27) AUTHORIZATION TO ABANDON PORTIONS OF TWO (2) ROADWAYS INSIDE THE CONTIGUOUS LAND OWNED BY MILITARY HIGHWAY WATER SUPPLY CORPORATION, WITHIN BLOCK 16, MAP NO. 4, BARREDA GARDENS SUBDIVISION

Commissioner Rosenbaum moved that portions of two (2) Roadways, inside the contiguous land owned by Military Highway Water Supply Corporation, within Block 16, Map No. 4, Barreda Gardens Subdivision, be abandoned.

The motion was seconded by Commissioner Peña and carried unanimously.



(28) ACTION AUTHORIZING CELLULAR PHONE FOR THE CHIEF SECURITY OFFICER

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the cellular phone for the Chief Security Officer was authorized.

The motion was seconded by Commissioner Matz and carried unanimously.



(29) IN THE MATTER TO PURCHASE A NEW PHOTO COPIER FOR THE JUSTICE OF THE PEACE PRECINCT NO. 1 [TABLED]

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, this Item was **TABLED** for one (1) week.

NOTE: At this time, Commissioner Rosenbaum left the Court room.



(31) AUTHORIZATION TO RESCIND BID FOR DEMOLITION OF ISLA BLANCA PARK - CIVIC CENTER

Commissioner Matz moved that the bid for the Demolition of Isla Blanca Park - Civic Center, be rescinded.

The motion was seconded by Commissioner Peña and carried unanimously.



"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 Matz, seconded by Commissioner Peña and carried unanimously, the

"Consent" Agenda Items were approved as follow, with the exception of Items No. 37 "A" and "C":

- (32) AUTHORIZATION TO REJECT BIDS FOR BURSTER/DETACHER - DATA PROCESSING DEPARTMENT**
- (33) AUTHORIZATION TO AWARD BIDS FOR ONE (1) 1995 COMPACT PICK-UP TRUCK (IN STOCK)**

BERT OGDEN, EDINBURG, TEXAS
\$10,430.00 - WITHOUT TRADE
- (34) AUTHORIZATION TO ADVERTISE FOR ANNUAL BIDS**
- (35) AUTHORIZATION TO OPEN BIDS FOR IMPROVEMENTS TO THE GATEWAY INTERNATIONAL BRIDGE**
- (36) PRELIMINARY APPROVAL**
 - a) Precinct No.4 -** S.T. Cavazos Subdivision - being a subdivision of a 10.00 acres tract, out of Block 5, the L.R. Beddoes Subdivision;
 - b) Precinct No.3 -** Mansfield Park Subdivision - being 2.71 acres, out of the west 30 acres, Block 177, Fresnos Land and Irrigation Co. Subdivision.
- (37) FINAL APPROVAL**
 - b) Precinct No. 2 -** Barreda Jardin Subdivision - being all of Lots 13, 14, 15 and 16, in Block "A", Barreda Gardens Subdivision.
- (38) AUTHORIZATION TO RESCIND ANNUAL BID FOR TYPEWRITERS AND REBID**
- (39) AUTHORIZATION TO TRAVEL AND OR APPROVAL OF TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET:**
 - a)** Cameron County Drug Enforcement Task Force Coordinator to attend the "Southwest Border High Intensity Drug Trafficking Area (HIDTA) Meeting", regarding funding for the Cameron County Financial Disruption Task Force, in San Antonio, Texas, on June 15, 1995;
 - b)** Justice of the Peace Precinct No. 1 to attend the "Justice of the Peace and Constables Seminar", in Abilene, Texas, on June 22 -

26, 1995;

- c) One Health Department employee to attend the "Indigent Health Care Workshop", in Corpus Christi, Texas, on June 14 - 15, 1995;
- d) County Court at Law Judge No. 2 to attend the "21st Annual Advanced Criminal Law Course", in Corpus Christi, Texas, on July 23 - 27, 1995;
- e) County Court at Law No. 2 Coordinator and Court Administrator to attend the "Texas Center for the Judiciary, Inc.", in Huntsville, Texas, on June 19 - 23, 1995;
- f) Two (2) Engineering Survey Crew employees to attend the "Para-Professional Workshop on Leveling-Traversing-Field Notes", in Corpus Christi, Texas, on July 15, 1995; and
- g) Juvenile Department's School Court Conference Coordinator to attend the "Second Annual Mediation Workshop, Mediator Training", in Galveston, Texas, July 17 - 21, 1995.



(37) FINAL APPROVAL:

At this time, Mr. Michael Martin, County Engineer, recommended that Item No. 37 "A" and "C" be approved, subject to the approval by the City of San Benito, and the provision that the Retention Bond be maintained by the developer or the Homeowner's Association.

There was some discussion concerning the new legislation that would be effective July 1, 1995, which would change the requirements and County Counsel recommended approval, subject to the approval by the City of San Benito, noting that they were not subject to the same jurisdiction.

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the following Items were approved, subject to the approval by the City of San Benito and the provision that the Retention Bond be maintained by the Developer or the Homeowner's Association:

- a) **Precinct No. 4 -** Rancho Grande South Subdivision, Section 1, - being 48.907 acres, out of a 49.32 acre tract, out of a certain 75 acre tract, out of a 924.1 acre tract conveyed to Rancho Viejo Plant Farms on March 7, 1949, from H. Douglas Smith (Cameron County Deed Records Volume 476, Page 509).

 - c) **Precinct No. 4 -** Rancho Grande South Subdivision, Section III - 39.486 acres, out of a 48.81 acre tract, out of part of 392.5 acres per actual survey, same property being described as a 389.2 acre tract, in Deed granting a 30 foot water transmission canal easement from E. D. Palmer to W. B. Mobely, dated February 9, 1955, described in Partition Deed between W. B. Hinkly and R. B. Hinkly, dated December 18, 1929 (Cameron County Deed Records Volume 206, Page 432).
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(40) EXECUTIVE SESSION

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 2:16 P. M. to discuss the following matters:

- a) To confer with Legal Counsel for legal advice on approval of Deputy Constables, Deputy Sheriffs and Reserved Deputy Constables pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2).
- b) To discuss possible disposition of tax foreclosed property in the Port Isabel Empowerment Zone, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.
- c) To confer with County Counsel concerning the hiring of an attorney for Sheriff Alex Perez, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2).
- d) To confer with Cameron County Legal Counsel concerning the following real property: (A) leasing property located in Port Isabel; (B) City of Los Fresnos interest in property on FM/2893; (C) City of Los Fresnos interest in Easement at the County Building in Los Fresnos, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2).
- e) To confer with County Legal Counsel concerning Cameron County Depository Contracts, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2).
- f) To request settlement to County Court at Law No. 2 for parcels on FM/509, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.
- g) To request additional expenses for FM/509 Project, location of a private water line to Parcel No. 19, Section 6, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.
- h) To confer with Counsel on acceptance of the Juvenile Detention Center in San Benito, Texas, and possible disbursement of Contract Retainage to Scoggins Construction, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2)

Commissioner Peña moved that the motion to go into Executive Session be rescinded and the Court reconvened in Regular Session at 2:20 P.M.

The motion was seconded by Commissioner Matz and carried unanimously.



**(8) APPROVAL OF AN ORDER AUTHORIZING THE
ISSUANCE OF \$2,250,000.00 CAMERON COUNTY,
TEXAS, UNLIMITED TAX ROAD BONDS, SERIES
1995, AND APPROVING AND AUTHORIZING
INSTRUMENTS, DOCUMENTS, AND OTHER
MATTERS RELATED THERETO**

At this time, Mr. Noe Hinojosa, Estrada - Hinojosa, Inc., stated that the \$2,450,000.00 of Certificates of Obligation and \$2,250,000.00 of Unlimited Tax Road Bonds would provide the final installment for the construction and renovation improvements of the Old County Courthouse, that being the Dancy Building, and \$500,000.00 for the purchase of equipment, and added that the Unlimited Tax Road Bonds were for the second installment of the Project Road Map.

Mr. Hinojosa noted the favorable Bond Rating by the Bond Rating Firm of "Standard and Poor's" as detailed in the Report prepared for the Court.

At this time, Mr. Hinojosa opened the following bids received for the Unlimited Tax Road Bonds:

\$2,250,000.00
CAMERON COUNTY, TEXAS
UNLIMITED TAX ROAD BONDS,
SERIES 1995

TABULATION TABLE

| Bidder | Premium | Net Interest Cost | Net Interest Rate |
|---|-----------------|--------------------------|--------------------------|
| Dain Bosworth, Inc. | \$ -0- | \$1,040,727.06 | 5.2875% |
| Dean Witter Reynolds, Inc. | \$ -0- | \$1,051,287.68 | 5.3412% |
| Merrill Lynch | \$ -0- | \$1,050,225.83 | 5.3358% |
| NationsBanc Capital Markets, Inc. | \$ -0- | \$1,043,933.06 | 5.303864% |
| Paine Webber | \$ -0- | \$1,050,703.88 | 5.338264% |
| Principal Financial Securities, Inc. | \$462.95 | \$1,043,928.22 | 5.30384% |
| Southwest Securities | \$ -0- | \$1,041,472.01 | 5.29136% |

Estrada Hinojosa & Company, Inc.
1717 Main Street, Suite 4740
Lockbox 47
Dallas, Texas 75201
(214) 658-1670

NOTE: At this time, Commissioner Rosenbaum returned to the Court room.

Mr. Hinojosa noted that three (3) Bond Insurance Companies submitted a bid and that the Federal Deposit Insurance Corporation (FDIC) was the low bid and would insure the Bonds, in the amount of \$10,000.00.

At this time, Mr. Hinojosa recommended that the low bid of Dain Bosworth, Inc., in the amount of \$1,040,727.06, be awarded by the Court.

Commissioner Rosenbaum moved that the Order authorizing the issuance of \$2,250,000.00 Cameron County, Texas, Unlimited Tax Road Bonds, Series 1995, be awarded to Dain Bosworth, Inc., and that the Authorizing Instruments, Documents and other matters related thereto, be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Order is as follows:

**(7) APPROVAL OF ORDER AUTHORIZING THE
ISSUANCE OF \$2,450,000.00 CAMERON
COUNTY, TEXAS, CERTIFICATES OF
OBLIGATION, SERIES 1995, AND OTHER
MATTERS RELATED THERETO**

At this time Mr. Noe Hinojosa, Estrada - Hinojosa, Inc., opened the following bids received for the
Certificates of Obligation:

\$2,250,000.00
CAMERON COUNTY, TEXAS
UNLIMITED TAX ROAD BONDS,
SERIES 1995

TABULATION TABLE

| Bidder | Premium | Net Interest Cost | Net Interest Rate |
|---|----------------|--------------------------|--------------------------|
| Dain Bosworth, Inc. | | \$965,919.80 | 5.2515% |
| Dean Witter Reynolds, Inc. | | \$984,957.08 | 5.3550% |
| Merrill Lynch | | \$975,703.10 | 5.3047% |
| NationsBanc Capital Markets, Inc | | \$969,477.78 | 5.27089% |
| Paine Webber | | \$975,409.02 | 5.303139% |
| Principal Financial Securities, Inc. | | \$971,258.95 | 5.28057% |
| Southwest Securities | | \$967,810.64 | 5.26182% |

Estrada Hinojosa & Company, Inc.
1717 Main Street, Suite 4740
Lockbox 47
Dallas, Texas 75201
(214) 658-1670

Mr. Hinojosa recommended that the low bid, in the amount of \$965,919.80, be awarded to Dain Bosworth, Inc.

Commissioner Matz moved that the Order authorizing the issuance of \$2,450,000.00 Cameron County, Texas, Certificates of Obligation, Series 1995, be awarded to Dain Bosworth, Inc., and that other matters related thereto, be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Order is as follows:

(9) **AUTHORIZATION TO REFINANCE SOME CURRENTLY OUTSTANDING INTERNATIONAL BRIDGE REVENUE BONDS AND SELECT AN UNDERWRITER**

At this time, Mr. Noe Hinojosa, Estrada - Hinojosa, Inc., reviewed an Analysis conducted regarding the refinancing of the Parks Systems Bonds and the International Bridge Road Bond, Series 1989 and 1991 Bonds. He stated that the average interest rates of the Series 1989 and 1991 Bonds were about 7.28 % or 7.29 % and that there was an opportunity to reduce the interest rate to 5 1/2 %, which would provide the County with savings in the amount of \$323,000.00 beginning in 1996 through 2012. He stated that some legal concerns had to be addressed with Bond Counsel and the County Auditor, and requested the Court's approval to appoint the firm of Merrill - Lynch, to serve as the Senior Underwriter on the financing. He noted that the other concern would be to decide the method of refinancing which could be handled at a later date.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Report concerning the refinancing of currently outstanding International Bridge Revenue Bonds and the selection of an Underwriter, that being the Firm of Merrill - Lynch, was acknowledged.

The Analysis is as follows:

(40) EXECUTIVE SESSION

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 2:45 P. M. to discuss the following matters:

- a) To confer with Legal Counsel for legal advice on approval of Deputy Constables, Deputy Sheriffs and Reserved Deputy Constables, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2);
- b) To discuss possible disposition of tax foreclosed property in the Port Isabel Empowerment Zone, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) To confer with County Counsel concerning the hiring of an attorney for Sheriff Alex Perez, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2);
- d) To confer with Cameron County Legal Counsel concerning the following real property: (A) leasing property located in Port Isabel; (B) City of Los Fresnos interest in property on FM/2893; and (C) City of Los Fresnos interest in the easement at the County Building in Los Fresnos, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2);
- e) To confer with Legal Counsel concerning Cameron County Depository Contracts, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2);
- f) To request settlement to County Court at Law No. 2 for parcels on FM/509, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- g) To request additional expenses for FM/509 Project, location of a private water line to Parcel No. 19, Section 6, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- h) To confer with Counsel on acceptance of the Juvenile Detention Center in San Benito, Texas, and possible disbursement of Contract Retainage to Scoggins Construction, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2).

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 4:30 P.M.



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

- b) In the matter to discuss possible disposition of tax foreclosed property in the Port Isabel Empowerment Zone.
(NO DISCUSSION)
- c) In the matter to confer with County Counsel concerning the hiring of an attorney for Sheriff Alex Perez.
(NO DISCUSSION)

Judge Pro-tem Cascos reported that there was no discussion regarding Items No. 41 "A" and "C".

- d) To confer with Cameron County Legal Counsel concerning the following real property: (A) leasing property located in Port Isabel; and (B) City of Los Fresnos interest in the property on FM/2893

Judge Pro-tem Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that Commissioner Matz should be designated to commence talks regarding said properties and to Report to the Court, along the terms and conditions as agreed to in Executive Session.

Commissioner Matz moved that he be designated to commence talks regarding A) the leasing of property located in Port Isabel and the B) City of Los Fresnos interest in property on FM/2893 and to Report to the Court.

The motion was seconded by Commissioner Peña and carried unanimously.

- d) (C) City of Los Fresnos interest in the easement at the County Building in Los Fresnos.

Judge Pro-tem Cascos 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 agreed to in Executive Session, regarding said matter.

Commissioner Matz moved that County Counsel be directed to proceed along the terms and conditions as agreed to in Executive Session regarding the City of Los Fresnos interest in the easement at the County Building.

The motion was seconded by Commissioner Peña carried unanimously.

- e) To confer with County Counsel concerning Cameron County Depository Contracts.

Judge Pro-tem Cascos reported that after some discussion it was the consensus of the Court as determined by polling, that County Counsel and the County Treasurer should be directed to negotiate with the two (2) final Depository Banks.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, County Counsel and the County Treasurer were directed to proceed along the terms and conditions as agreed to in Executive Session concerning the two (2) final Depository Banks.

- f) To request settlement to County Court at Law No. 2 for Parcels on FM/509.

Judge Pro-tem Cascos reported that the matter had been settled and that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should meet with the County Auditor and authorize the payment of \$50.00 per Commissioner plus Court Costs, along the terms and conditions as agreed to in Executive Session.

Commissioner Matz moved that County Counsel be directed to meet with the County Auditor and to authorize the payment of \$50.00 per Commissioner plus Court Costs, regarding the matter of the settlement of Parcels on FM/509.

The motion was seconded by Commissioner Peña and carried unanimously.

- g) To request additional expenses for FM/509 Project, location of a private water line to Parcel No. 19, Section 6.

Commissioner Matz moved that Mr. Michael Martin, County Engineer, be authorized to allocate Right-Of-Way monies, in the amount of \$13,172.72, as additional expenses for the FM/509 Project.

The motion was seconded by Commissioner Peña and carried unanimously.

- h) To confer with Counsel on acceptance of the Juvenile Detention Center in San Benito, Texas, and possible disbursement of Contract Retainage to Scoggins Construction, and

ITEM (6) APPROVAL OF APPLICATION AND CERTIFICATE FOR PAYMENT NO. 17, TO SCOGGINS CONSTRUCTION ON THE CAMERON COUNTY JUVENILE DETENTION FACILITY

Judge Pro-tem Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that Payment No. 17 to Scoggins Construction should be approved, subject to a written approval by the County Engineer to the County Auditor.

Commissioner Matz moved that the Application and Payment No. 17 to Scoggins Construction on the

Cameron County Juvenile Detention Facility be approved, subject to the written approval by Mr. Michael Martin, County Engineer, to Mr. Mark Yates, County Auditor.

The motion was seconded by Commissioner Peña and carried unanimously.

- a) To confer with Legal Counsel for legal advice on approval of Deputy Constables, Deputy Sheriffs and Reserved Deputy Constables.

At this time, Mr. Doug Wright, County Counsel, reported that after some discussion, it was the consensus of the Court as determined by polling, that he be directed to contact the Sheriff to make sure that the statutes had been complied regarding the appointments of Deputy Sheriffs, including the requirement of the Bonds in the amount of \$20,000.00, for the Reserve Deputy Sheriffs, and to request that the Constables Association submit a form request for Deputy Constables and Reserve Deputy Constable by July, 5, 1995, for the July 11, 1995, Agenda, in order to be in compliance with Section 86.011 and 86.012. He noted that the approval of the Reserve Deputies would be for the remainder of the Fiscal Year.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, County Counsel was directed to proceed along the terms and conditions as agreed to in Executive Session, concerning the compliance of the appointments of Deputy Sheriffs, Reserve Deputy Sheriff, Deputy Constables and Reserve Deputy Constables.

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**.

APPROVED this **18th** day of **JULY 1995**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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