

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 1st day of AUGUST, 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

INELDA T. GARCIA Deputy
COUNTY CLERK

ABSENT:

=====

The meeting was called to order by Judge Gilberto Hinojosa. He then asked Rev. Juan Morales, Assembly of God 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 July 28, 1995, at 8:25 A. M.:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented a late claim as to Dr. Jay Martinez, Warrant No. 123064, in the amount of \$500.00, as per the Court Order in the case styled State vs. Reyna, Cause No. 94-CR-2244, for approval.

Commissioner Matz moved that the County Claims be approved, inclusive of the late claim as to Dr. Jay Martinez, Warrant No. 123064, in the amount of \$500.00, as recommended by the County Auditor.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**(2) IN THE MATTER OF BUDGET AMENDMENTS
AND/OR SALARY SCHEDULES (NO ACTION
TAKEN)**

The County Auditor reported that there were no Budget Amendments or Salary Schedules for approval at this time.

(3) APPROVAL OF MINUTES OF JULY 11, 1995

Commissioner Matz moved that the Minutes of the Regular Meeting held on July 11, 1995, at 1:30 P.M. be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**(4) ADOPTION OF THE "RESOLUTION
ENCOURAGING THE CONSERVATION OF
WATER IN THE LOWER RIO GRANDE
VALLEY"**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Resolution to Encourage the Conservation of Water in the Lower Rio Grande Valley was adopted.

The Resolution is as follows:

**(5) ADOPTION OF A RESOLUTION REGARDING
THE NEW MEDICAID PROGRAM REFORM-
INTERGOVERNMENTAL INITIATE (IGA)
OPTION**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Resolution regarding the new Medicaid Program Reform-Intergovernmental Initiate (IGA) Option was adopted.

At this time, Judge Hinojosa reported that he had met with Dr. Lionel Vela regarding the completion of the First Phase of the Assessment and Audit of the Health Department and recommended that a Workshop be scheduled to review the documents prepared. Judge Hinojosa noted that Dr. Vela indicated that the County had a dedicated staff working for the County Health Department and he extended his congratulations to them.

The Resolution is as follows:.

**(6) APPROVAL TO APPOINT MR. CARLOS PEREZ,
HARLINGEN, TEXAS, TO THE CAMERON
COUNTY HOUSING AUTHORITY**

Commissioner Cascos moved that Mr. Carlos Perez, Harlingen, Texas, be appointed to serve on the Cameron County Housing Authority.

The motion was seconded by Commissioner Matz and carried unanimously.

**(7) PRESENTATION BY MR. WOODIE PEABLES,
DIRECTOR OF CAMERON VICTIMS
ASSOCIATION**

At this time, Mr. Woodie Peables, Director of the Cameron Victims Association, expressed his gratitude to the Court for their support during the past eight (8) years of service and announced that the Brownsville Office would close at the end of business today and that they would be working out of their homes. He highlighted the services provided and requested that the County donate the office equipment that was being used, in order to continue helping the Victims of Crime.

Commissioner Matz moved that the presentation by Mr. Woodie Peables, Director of the Cameron Victims Association, be acknowledged and that a Resolution be adopted to allow the use of office equipment, subject to legal review.

The motion was seconded by Commissioner Rosenbaum.

At this time, Mr. Roger Hughes, Attorney at Law, explained that the funding efforts attempted by the Organization were not successful and extended his gratitude to the Court for their support.

Upon motion duly made by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the presentation by Mr. Woodie Peables, Director of the Cameron Victims Association, was acknowledged and that a Resolution to allow the use of office equipment, be adopted, subject to legal review.

**(25) IN THE MATTER TO RESCIND AND UTILIZE SECOND
LOWEST BIDDER FOR ANNUAL FUEL BID (TABLED)**

At this time, State Representative Robert Gutierrez, McAllen, Texas, and President of Rio Oils and Fuels, referred to the following letter dated July 26, 1995, mailed by the County Auditor's Office, and responded to the Items as noted in said letter:

Mr. Gutierrez stated that Item No. One (1) was not part of the Contract, and added that this was the first year the Company was serving Cameron County and they were not equipped to deliver to all four (4) Precincts on the same day. He requested that the Court reconsider and to discuss the matter in order to resolve the issues of concern.

Mr. Mark Yates, County Auditor, explained that the matter before the Court was an action of "last resort" and added that the County had had numerous contacts with the Company to try to resolve the problems. He indicated that the "customary and usual" procedures were identified at the time of the Bid and are necessary for the proper operations of the County.

Judge Hinojosa suggested that the matter be tabled in order to resolve the problems as outlined by the County Auditor's Office.

Commissioner Cascos suggested that the County Auditor meet with the vendor to attempt to resolve the problems identified and Report to the Court.

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



(9) **APPROVAL TO ADVERTISE FOR PROPOSALS/BIDS FOR A PERSONAL COMPUTER (P.C.) DRIVEN "GUEST RESERVATION/REGISTRATION SYSTEM" FOR THE CAMERON COUNTY PARKS SYSTEM**

Mr. Kenneth L. Conway, Parks System Director, explained that there were funds available in the current Budget for a "Pilot" Hardware and Software Program for a "Guest Reservation and Registration System" to be installed at Thomae Park. He indicated that the conversion to a personal computer system from the current mainframe would save the amount of \$5,000.00 a year on phone line charges, reduce the System's down time, and would speed up the data entry and retrieval.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the advertisement for Proposals/Bids for a Personal Computer Driven "Guest Reservation/Registration System" for the Cameron County Parks System was approved.



**(8) APPROVAL OF THE THIRD QUARTER
REVENUE REPORT FOR CAMERON COUNTY
PARKS SYSTEM**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Third Quarter Revenue Report for the Cameron County Parks System was acknowledged.

The Report is as follows:

- (10) **APPROVAL OF INTERLOCAL AGREEMENT WITH THE CITY OF LOS INDIOS FOR ROUTINE MAINTENANCE OF ITS ROADS**

- (11) **APPROVAL OF INTERLOCAL AGREEMENT WITH THE CITY OF RANGERVILLE TO PROVIDE ROUTINE MAINTENANCE OF ITS ROADS**

Commissioner Peña moved that the Interlocal Agreements with the Cities of Los Indios and Rangerville be approved in order to provide routine maintenance of their roads.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Agreements are as follow:

(12) IN THE MATTER OF THE INTERLOCAL AGREEMENT WITH SANTA ROSA INDEPENDENT SCHOOL DISTRICT (I.S.D.) TO ALLOW THEM TO USE THE SWIMMING POOL FOR RECREATIONAL PURPOSES (TABLED)

Mr. Mark Yates, County Auditor, recommended that a "Lease Agreement" should be executed instead of an Interlocal Agreement with Santa Rosa Independent School District for the use of the swimming pool.

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



(13) APPROVAL TO ADOPT POLICY BIDS FOR CONSTRUCTION PROJECTS UTILIZING FEDERAL AND STATE FUNDS. THE BONDING INSURANCE COMPANIES MUST BE LISTED WITH THE FEDERAL REGISTER OF THE DEPARTMENT OF TREASURY

Commissioner Matz moved that the Policy bids for Construction Projects utilizing Federal and State Funds be adopted.

The motion was seconded by Commissioner Peña.

At this time, Commissioner Cascos suggested that the Local Funds should have the same requirements as the Federal and State Funds.

Upon motion duly made by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Policy bids for Construction Projects utilizing Local, Federal and State Funds was adopted.

The Policy is as follows:

**(14) APPROVAL OF POLICY FOR COUNTY
EMPLOYEES STEEL TOE SAFETY SHOES**

Commissioner Cascos moved that the Policy for County Employees' "steel toe safety shoes" be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.



**(15) APPROVAL OF THE REVISED PHONE
QUOTATION PROCEDURES**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the revised Phone Quotation Procedures were approved.

The Procedures are as follow:

(16) APPROVAL OF THE REAL ESTATE MANAGEMENT CONTRACT WITH PRICE REALTORS (ALICIA VALDEZ) FOR LAND PROPERTY AT THE FREE TRADE BRIDGE AT LOS INDIOS

Commissioner Matz moved that the Real Estate Management Contract with Price Realtors for Land Property at the Free Trade Bridge at Los Indios be approved.

The motion was seconded by Commissioner Cascos.

Mr. Doug Wright, County Counsel, explained that the County was retaining a "Property Manager" and suggested that perhaps that individual might be able to coordinate all the activities.

Commissioner Matz concurred with the principle as outlined by the County Counsel and added that the foreclosed properties would not allow the Property manager to give this issue the immediate attention it required.

There was some discussion concerning the terms of the Agreement and the need to review the Agreement on a yearly basis.

Upon motion duly made by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Real Estate Management Contract with Price Realtors for Land Property at the Free Trade Bridge at Los Indios was approved, subject to legal review.

The Contract is as follows:

(17) **APPROVAL OF DEPUTY CONSTABLES AND
RESERVE DEPUTY CONSTABLES FOR
PRECINCTS NO. ONE (1) THROUGH NO. EIGHT
(8)**

Commissioner Cascos reported that the matter was previously considered and the terms of the Deputies were extended until the end of the Elected Officials' term. He stated that after discussing the matter with the County Auditor regarding the ratios between the paid Deputies and Reserve Deputies the suggestion was made to have no more than three (3) Reserved Deputies for every paid Deputy, with the terms ending on September 30, 1995.

Judge Hinojosa reported that the Reserve Deputy issue was still being discussed and the need to have additional law enforcement in the small communities, and suggested that the "ratio" issue would need to be developed to accommodate said needs.

Commissioner Cascos moved that the Deputy Constables and Reserve Deputy Constables for Precincts No. One through No. Eight be approved as outlined.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The List is as follows:

(18) APPROVAL TO DESIGNATE THE COUNTY PERSONNEL DIRECTOR AS THE COUNTY'S AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR AND PERSONNEL COMMITTEE CHAIRMAN

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the County Personnel Director was designated as the County's Americans with Disabilities Act (ADA) Coordinator and Personnel Committee Chairman.

(19) APPROVAL TO CONTRACT WITH ESPEY, HOUSTON AND ASSOCIATES TO PERFORM GEOMORPHICAL SURVEYS FOR THE LOS TOMATES BRIDGE PROJECT

Commissioner Cascos questioned why the County Engineer did not seek proposals on the matter and the County Engineer responded that it was "critical" to get the job done quickly, the Project manager interviewed several Firms and they were not available to perform the work, and the Texas Historical Commission and the Texas Department of Transportation highly recommended Espey, Houston and Associates from Austin, Texas, to do the work. He reported that the bid estimate was in the amount of \$41,460.00 and he recommended that the Court authorized the amount not to exceed \$45,000.00, subject to legal review.

Mr. Mark Yates, County Auditor, agreed that the work was now on the "critical" schedule and added that it was not on the critical time schedule two (2) months ago when proposals could have been obtained, and suggested the need for better planning.

Commissioner Cascos questioned the status of the City of Brownsville's commitment to the fifty percent (50%) reimbursement and whether the City had been contacted regarding the amount of money that they were about to owe the County.

Mr. Yates stated that the Court needed to give specific directions and added that there was an Interlocal Agreement with the City regarding the terms of reimbursement.

Judge Hinojosa stated that he had not reviewed the Interlocal Agreement, but that it was his understanding that the County would front the cost of the Project and once the process was completed, the City would reimburse the fifty percent (50%) share of the cost that would not be covered by the Revenue Bonds.

Commissioner Cascos expressed his concerns with having the City of Brownsville incurring costs and placing them in an awkward position of having to pay an amount that they do not have, and added that he favored changing the Agreement to a "pay as you go" basis.

At this time, Mr. Joe Galvan, Bridge System Director, stated that it was important to "visit" with the City of Brownsville and added that the City was aware of the Project costs. He concurred with the County Engineer that the time line was on a "critical path" because the construction of the Bridge could not begin until the Levee was relocated and the geographical tests were necessary before the work could proceed.

Mr. Galvan added that the geographical testing was very specialized work, in demand, and that the Firms worked at the sites for several months in order to complete the tasks.

Commissioner Cascos moved that the Contract with Espey, Houston and Associates, Austin, Texas, be approved in order, to perform the Geomorphical Surveys for the Los Tomates Bridge Project, subject to legal review.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

At this time, Judge Hinojosa suggested that Commissioner Cascos, the County Auditor, the County Counsel, and the County Judge meet with the City of Brownsville, in order to review the terms of the Interlocal Agreement.

The Contract is as follows:

(20) ADOPTION OF A CERTIFIED COPY OF THE RESOLUTION FOR FM/1419 AND LOS TOMATES AUTHORIZING THE COUNTY JUDGE OR THE JUDGE PRO-TEM TO SIGN ACQUISITION DEEDS

Mr. Michael Martin, County Engineer, reported that the Title Company required that the County Judge sign the Closing Statements regarding the FM/1419 and Los Tomates Right-of-Way Acquisitions.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Certified Copy of the Resolution for FM/1419 and of Los Tomates Bridge authorizing the County Judge or the Judge Pro-tem to sign the Acquisition Deeds was adopted.

The Resolution is as follows:

**(21) APPROVAL TO ACCEPT DEL VALLE AVENUE
WITHIN DEL VALLE NO. 4 SUBDIVISION AS A
COUNTY DEDICATED ROAD**

Commissioner Rosenbaum moved that the Del Valle Avenue, within Del Valle No. 4 Subdivision, be accepted as a County Dedicated Road.

The motion was seconded by Commissioner Matz and carried unanimously.

**(22) APPROVAL TO ACCEPT EL CAMPO ROAD AND
LOS RANCHITOS ROAD, WITHIN LOS
RANCHITOS SUBDIVISION SECTIONS NO. ONE
(1) AND NO. THREE (3) AS COUNTY
DEDICATED ROADS**

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, El Campo Road and Los Ranchitos Road, within Los Ranchitos Subdivision Section No.1 and No. 3, were accepted as County Dedicated Roads.

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

**(23) AUTHORIZATION TO RESCIND AND READVERTISE FOR
ANNUAL BIDS FOR EMULSION OILS**

**(24) AUTHORIZATION TO AWARD BIDS FOR LASER PRINTING
OF 1995 TAX STATEMENTS-TAX DEPARTMENT**

HAMMER ENTERPRISES, McAllen, Texas

a)	Tax Statements (130-15 M)	\$92.50
b)	Laser Tax Roll	\$ 0.07
c)	Tax Roll Microfiche	\$ 1.00
d)	Microfiche Duplicates	\$ 0.10
e)	January 2nd Notices (50-60 M)	\$40.00
f)	33.07 Mailing in May (30-35)	\$92.50

**(26) AUTHORIZATION TO OPEN PROPOSALS FOR AUDIT
SERVICES**

The Proposals follow:

- (27) **AUTHORIZATION TO ADVERTISE FOR BIDS FOR ONE (1) WOOD CHIPPER-FOR PRECINCT NO. 4**
- (28) **AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET:**
- a) Computer Director and Staff to attend "The Secretary of State's 13th Annual Election Law Seminar" in Austin, Texas, on August 8-11, 1995;
 - b) Constable Precinct No. 8 and Deputy to attend the "Meeting on Forensics" in McAllen, Texas, on August 14-18, 1995;
 - c) Program Development and Management (P D & M) Director and Community Development Coordinator to meet with the Texas Community Development Program Staff in Austin, Texas, on August 15, 1995;
 - d) Infirmary Supervisor to attend the "American Correctional Health Services Association Annual Meeting" in Austin, Texas, on August 11-12, 1995;
 - e) Juvenile Probation Officer to attend the "Planning of the 1996 Texas Corrections Association (TCA) Annual Conference" in Corpus Christi, Texas, on August 1, 1995; and
 - f) Personnel/Safety Risk Director to attend the "Equal Employment Opportunity Plan (EEOP) Technical Workshop for Texas Governmental Entities" in Austin, Texas, on August 9-11, 1995.
-
-

(26) AUTHORIZATION TO OPEN PROPOSALS FOR AUDIT SERVICES

The Proposals are as follow:

(29) EXECUTIVE SESSION:

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Court met in Executive Session at 2:50 P.M. to discuss the following matters:

- a) To discuss the Right-of-Way acquisition on FM/1419 for Parcel No. 068, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- b) To discuss Milton Newton vs. Benjamin Fry vs. Cameron County, Cause No. 94-02-842-D, in the 103rd Judicial District Court, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A).

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court reconvened in regular Session at 3:00 P.M.



NOTE: COMMISSIONER ROSENBAUM DID NOT RETURN TO THE COURT ROOM AT THIS TIME.



(29) ACTION RELATIVE TO EXECUTIVE SESSION:

- a) To discuss the Right-of-Way Acquisition on FM/1419 for Parcel No. 068.

Commissioner Matz reported that after some discussion, it was the consensus of the Court as determined by polling, that the Court should accept the County Engineer's recommendation regarding the Right-of-Way Acquisition on FM/1419 for Parcel No. 068.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the recommendation by the County Engineer was accepted regarding the Right-of-Way Acquisition on FM/1419 for Parcel No. 068.

- b) To discuss Milton Newton vs. Benjamin Fry vs. Cameron County, Cause No. 94-02-842-D, in the 103rd Judicial District Court.

Commissioner Matz reported that after some discussion, it was the consensus of the Court as determined by polling, that the status report presented by the County Counsel regarding said matter be acknowledged.

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the status report concerning the case styled Milton Newton vs. Benjamin Fry vs. Cameron County, Cause No. 94-02-842-D, in the 103rd Judicial District Court was acknowledged.



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 22nd day of **August**, 1995.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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