

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 5th day of September, 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

LUPITA RAMIREZ Deputy
COUNTY CLERK

ABSENT:
GILBERTO HINOJOSA

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The meeting was called to order by Judge Pro-tem Carlos H. Cascos. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and Ms. Amalia Cano, Elections Administrator, 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 September 1, 1995, at 11:24 A. M.:

(21) EXECUTIVE SESSION:

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 1:34 P. M. to discuss the following matters:

- a) To discuss the case styled Noel Vasquez vs. Cameron County, et al, Cause No. 94-01-0370-A, in the 107th Judicial District Court; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
- b) To receive advise from County Counsel and for settlement discussion on the case styled Richard Dworak vs. Cameron County Parks System, Cause No. 94-03-1182-C, in the 197th Judicial District Court; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A)(B);
- c) To discuss the Right-Of-Way Acquisitions on Tandy Avenue in Olmito Townsite; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- d) To confer with Legal Counsel on the Contract with Bill Scoggins Construction Company, regarding the Status of the Juvenile Probation Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071; and
- e) To confer with Legal Counsel concerning the Real Estate Title Claims on the following Property: 1) 580 North Sam Houston, San Benito, Texas, and 2) Stuart Place Resort Section No. One (1) Part Reserve; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1) and (2).

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Regular Session at 2:04 P. M.



(22) ACTION RELATIVE TO EXECUTIVE SESSION:

- a) To discuss the case styled Noel Vasquez vs. Cameron County, et. al., Cause No. 94-01-0370-A, in the 107th Judicial District Court.

Judge Pro-tem Cascos reported that County Counsel indicated that a Summary Judgement was granted and that Cameron County was not held liable regarding said case, and after some discussion, it was the consensus of the Court as determined by polling, that the Status Report should be acknowledged.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Status Report presented by County Counsel, was acknowledged, regarding the case styled Noel Vasquez vs. Cameron County, et. al., Cause No. 94-01-0370-A, in the 107th Judicial District Court.

- b) To receive advise from County Counsel and for settlement discussion on the case styled Richard Dworak vs. Cameron County Parks System, Cause No. 94-03-1182-C, in the 197th Judicial District Court.

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 outlined in Executive Session regarding said matter.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session regarding the case styled Richard Dworak vs. Cameron County Parks System, Cause No.94-03-1182-C, in the 197th Judicial District Court.

- c) To discuss the Right-Of-Way Acquisitions on Tandy Avenue in Olmito Townsite.

Judge Pro-tem Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel's and the County Engineer's Reports should be acknowledged and that they should be directed to proceed along the terms and conditions as outlined in Executive Session regarding said matter.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, County Counsel and the County Engineer were directed to proceed along the terms and conditions as outlined in Executive Session regarding the Right-Of-Way Acquisitions on Tandy Avenue in Olmito Townsite.

- d) To confer with County Counsel on the Contract with Bill Scoggins Construction Company, regarding the Status of the Juvenile Probation Building.

Judge Pro-tem Cascos reported that the Court received a Status Report from County Counsel, and after some discussion it was the consensus of the Court as determined by polling, that County Counsel should be directed to continue dialogue with Bill Scoggins Construction Company, in order to correct the problems at the Juvenile Probation Building and to place the Item on the Agenda, for the following week.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel was directed to continue the dialogue with Bill Scoggins Construction Company, in order to correct the problems identified regarding the Juvenile Probation Building and report to the Court in one (1) week.

- e) To confer with County Counsel concerning the Real Estate Title Claims on the following Property: 1) 580 North Sam Houston, San Benito, Texas, and 2) Stuart Place Resort Section No. One (1) Part Reserve.

Judge Pro-tem Cascos reported that the Court received a Status Report from County Counsel and after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should proceed along the terms and conditions as outlined in Executive Session regarding said matters.

Commissioner Rosenbaum moved that the Status Report be acknowledged and that County Counsel be directed to proceed, along the terms and conditions as outlined in Executive Session, regarding the Real Estate Title Claims on the following Property: 1) 580 North Sam Houston, San Benito, Texas, and 2) Stuart Place Resort Section No. One (1) Part Reserve.

The motion was seconded by Commissioner Matz.

At this time, Mr. Doug Wright, Cameron County Counsel, recommended that the Court authorize Judge Pro-tem Cascos to sign the Deeds regarding said properties.

Upon motion duly made by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Status Report was acknowledged and County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session regarding the Real Estate Title Claims on the following Property: 1) 580 North Sam Houston, San Benito, Texas, and 2) Stuart Place Resort Section No. One (1) Part Reserve, and the Judge Pro-tem was authorized to sign said Deeds.



(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, reported that a transfer from the General Fund to Fund No. 55 was necessary because a claim was inadvertently released before the State could reimburse the County, and added that the County should receive the reimbursement from the State within two (2) weeks.

Commissioner Matz moved that the County Claims be approved as presented by the County Auditor.

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

AYE: Commissioners Rosenbaum, Matz, and Peña

NAY: None

ABSTAIN: Judge Pro-tem Cascos as to:

CARLOS H. CASCOS
Warrant No. 124690 - \$8.00.

At this time, Mr. Yates noted that reimbursements to Elected Officials, approved by the Court, did not require an abstention or Affidavit, only when a "Conflict of Interest" existed.

NOTE: COMMISSIONER ROSENBAUM LEFT THE COURT ROOM

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

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

**(3) IN THE MATTER OF THE MINUTES OF
AUGUST 14, 1995 (TABLED)**

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

**(4) AUTHORIZATION TO SELECT A SALARY
GRIEVANCE COMMITTEE**

At this time, Judge Pro-tem Cascos reported that according to the Statute, the Grievance Committee should be composed of six (6) Elected Officials and three (3) members from the public, selected at random from the Grand Jury List. He noted that if an Elected Official in the Grievance Committee filed a grievance there would be enough names selected to serve as Alternates.

Mr. Doug Wright, Cameron County Counsel, stated that according to Section 152.014 of the Vernon Texas Code Annotated (V.T.C.A.), Government Code, "the Salary Grievance Committee should be composed of the County Judge, the Sheriff, the County Tax Assessor - Collector, the County Treasurer, the County Clerk, the District Clerk, the County Attorney or Criminal District Attorney, and the number of public members necessary to provide nine (9) voting members." He added that the County Judge serves as Chairman of the Committee, but was not entitled to vote, and that the public members must be residents of the County. He noted that the public members would not be members of the Committee until a written confirmation was signed indicating their willingness to serve.

At this time, Mr. Joe G. Rivera, County Clerk, presented the names to be selected at random to the Judge Pro-tem.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the following individuals were selected to serve on the Salary Grievance Committee:

SALARY GRIEVANCE COMMITTEE

SEPTEMBER 5, 1995

NAME			
Lisette De La Cerda			
Jose I. Moreno			
Dora Alvear			
Rodolfo Garza			
Jose Rodriguez			
Carolyn Reininger			
Carlos R. Duran			
Daniel De Leon			
Tom Egan			
James A. Settles			
Alma Gloria Rios			
Ruth Stark			
Kenneth Jackson			
Rosalinda De La Fuente			
Mercedes Garcia			
Silvestre Aguirre			
Gregoria Cantu			
Esmeralda Arguelles			
Alfredo Mendoza			
Mario Moreno			
Shirley LaMotte			
Albert McGee			

D. Kent Eaton			
Cindy Hurtado			
Darren Guerrero			
David R. Gutierrez			
Ralph Chiles			
Raul Garcia			
Michael R. Ezell			
Corina Ortiz			
Judy Denson			
Everardo F. Mayans			
Susan Herrera			
Maurice Luke Fahr			
Irene I. Adair			
Rene Rivas			
Jesus Mendiola			
Mark Mullins			
Rosemary Gonzalez			
Kaye Rapp			
Jaime Garcia			
Amelia Ochoa			
Mary Lerma Solis			
Eva Herrera			
Eugenio Camarillo			
Sandy Plier			
Adriana Garza			
David Karr			

**(5) APPROVAL OF AN AGREEMENT BETWEEN
CAMERON COUNTY AND THE PORT OF
HARLINGEN, FOR THE NOVEMBER 7, 1995,
ELECTIONS**

Commissioner Matz moved that the Agreement between Cameron County and the Port of Harlingen be approved for the November 7, 1995, Elections.

The motion was seconded by Commissioner Peña and carried unanimously.

The Agreement is as follows:

(6) APPROVAL TO ESTABLISH THE EARLY VOTING POLLING PLACES FOR THE STATE CONSTITUTIONAL AMENDMENT ELECTION OF NOVEMBER 7, 1995

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the following locations were established as the Early Voting Polling Places for the State Constitutional Amendment Election of November 7, 1995:

- Brownsville Main Courthouse
- Harlingen County Building;
- San Benito Goolsby Building; and
- Port Isabel City Hall.



(7) APPROVAL TO CONSOLIDATE VARIOUS PRECINCTS FOR THE STATE CONSTITUTIONAL AMENDMENT ELECTION OF NOVEMBER 7, 1995

Commissioner Matz moved that the consolidation of various Precincts for the State Constitutional Amendment Election of November 7, 1995, be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Polling Places are as follow:

(8) AUTHORIZATION TO ISSUE BEACH VENDOR PERMIT NO. THREE (3) TO SYLENA GOLLER D/B/A WRECKER SERVICE, FOR OFF-ROAD WRECKER SERVICE TO THE BEACHES OF SOUTH PADRE ISLAND, TEXAS, VEHICLE LICENSE NO. 997-DV7

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Beach Vendor Permit No. Three (3) to Sylena Goller D/B/A Wrecker Service, for Off-Road Wrecker Service to the Beaches of South Padre Island, Texas, Vehicle License No. 997-DV7, was issued.

The Application is as follows:

(9) **AUTHORIZATION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN CAMERON COUNTY AND THE CITY OF PORT ISABEL, TO AUTHORIZE THE PARKS RANGERS TO UTILIZE THE CITY OF PORT ISABEL JAIL FACILITIES, IN COMPLIANCE WITH CITY ORDINANCE NO. 361**

Mr. Kenneth Conway, Parks System Director, stated that County Counsel recommended that the Parks System formalize the Agreement pertaining to the use of the Port Isabel Jail Facilities with the City of Port Isabel.

Commissioner Matz questioned whether anyone remained at the Jail Facilities longer than twenty-four (24) hours and the Parks System Director responded that the most time spent was twelve (12) hours.

Commissioner Matz moved that the Interlocal Cooperation Agreement between Cameron County and the City of Port Isabel be approved, in order for the Parks Rangers to utilize the City of Port Isabel Jail Facilities in compliance with City Ordinance No. 361.

The motion was seconded by Commissioner Peña and carried unanimously.

The Agreement is as follows:

"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:

(10) AUTHORIZATION TO OPEN BIDS:

- a) **ONE (1) WOOD CHIPPER FOR PRECINCT NO. 4**
- b) **ONE (1) COMPACT PICK-UP (IN STOCK) FOR THE ENGINEERING DEPARTMENT**
- c) **ANNUAL BIDS - EMULSION OILS FOR ALL PRECINCTS**

The Bids received and opened follow:

(11) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET:

- a) County Clerk and Two (2) Deputies to attend the "Area VIII County and District Clerks Meeting" in Victoria, Texas, on September 14-15, 1995;
- b) Cameron County Drug Enforcement Task Force Officer to attend the "Texas District and County Attorneys Association" in Corpus Christi, Texas, on September 27-29, 1995;
- c) Commissioner Precinct No. 3 to attend the "Seventh National Urban Forest Conference" in New York City, New York, on September 12-16, 1995;
- d) Juvenile Officer to attend the "Juvenile Criminal Justice Meeting", sponsored by the Department of Public Safety in Austin, Texas, on September 6-7, 1995;
- e) Two (2) Juvenile Officers to attend the "Juvenile Justice Conference regarding the New Laws Enacted by the 74th Legislature" in Austin, Texas, on September 10-13, 1995;
- f) Health Department Employee to attend the "Session of the Implementation of Electronic Benefit Transfer System" in McAllen, Texas, on August 31, 1995;
- g) Elections Administrator to attend the "Secretary of State's Seventh Biannual Election Law Seminar" in Austin, Texas, on September 9, 1995; and
- h) County Judge to attend the "Meeting on the Matamoros Consulate" in Washington, D. C., on September 5-6, 1995.

ITEM NO. (10) AUTHORIZATION TO OPEN BIDS:

- a) **ONE (1) WOOD CHIPPER FOR PRECINCT NO. 4**
- b) **ONE (1) COMPACT PICK-UP (IN STOCK) FOR THE ENGINEERING DEPARTMENT**
- c) **ANNUAL BIDS - EMULSION OILS FOR ALL PRECINCTS**

The Bids received and opened are as follow:

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 **12th** day of **September**, 1995.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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