

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 28th day of September, 1995, there was RECONVENED the REGULAR PUBLIC of the 26th day of September, 1995, 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

LUPITA RAMIREZ Deputy  
COUNTY CLERK

ABSENT:  
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The meeting was called to order by Judge Gilberto Hinojosa. He then asked Mr. Bob Clark, Brownsville resident, 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 previous Regular Agenda and the following matters as posted and filed for Record in the Office of the County Clerk on September 25, 1995, at 2:17 P. M.:

**(25) APPROVAL TO APPOINT MR. BARNDT R. JOHNSON TO THE BROWNSVILLE, CAMERON COUNTY CHILD WELFARE BOARD**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, Mr. Barndt R. Johnson, Brownsville, was appointed to serve on the Cameron County Child Welfare Board.

At this time, Judge Hinojosa requested staff to prepare a listing of all Board Appointments approved by the Court, in order to clarify the status of said appointments..



**(1) APPROVAL OF COUNTY CLAIMS**

At this time, Mr. Mark Yates, County Auditor, stated that the County Auditor's Office implemented a procedure to attempt to eliminate "Purchases Without Purchase Orders" and that the following Form would be attached to the Purchases, in order to inform the Department Head and/or Supervisor of the improper procedure:

Commissioner Cascos questioned how tolerant the "Procedure" would be before any action would be taken and who would be penalized, and the County Auditor responded that the Vendor should not be penalized for providing the services, but the Department Head could be placed on "Notice" of the improper procedure utilized.

At this time, Mr. Yates presented a late claim as to the Firm of Church and Nix, Law Offices, Warrant No. 126177, in the amount of \$1,940.00, for approval.

Judge Hinojosa stated that the late claim concerned "Item No. 7" and would be considered at that time.

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

The motion was seconded by Commissioner Peña and carried unanimously.

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

Commissioner Rosenbaum moved that the Fiscal Year 1995 Budget Amendment No. 95-28 and the Salary Schedules for the following Departments be approved:

County Judge's Department, Fund No. 10-401;

County Attorney's Department, Fund No. 10-475;

TB/PC-LHS Department, Fund No. 27-635;

IMM/OPTS - LHS Department, Fund No. 24-634;

Sheriff's Department, Fund No. 90-561;

M & O Precinct No. 4 Department, Fund No. 15-620;

Drug Forfeiture County - Attorney's Department, Fund No. 90-475; and

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

The motion was seconded by Commissioner Peña and carried unanimously.

**The Budget Amendment and Salary Schedules are as follow:**

**(3) IN THE MATTER OF MINUTES**

The Deputy County Clerk reported that there were no Minutes for approval at this time.

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**(5) RATIFICATION OF THE RESOLUTION  
HONORING "MR. STEPHEN R. GIBSON"**

**(6) RATIFICATION OF THE RESOLUTION  
PROCLAIMING THE WEEK OF SEPTEMBER  
17, 1995, AS "CONSTITUTION WEEK"**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the adopted Resolution honoring "Mr. Stephen R. Gibson" and the Resolution proclaiming the Week of September 17, 1995, as "Constitution Week", were ratified.

**The Resolutions are as follows:**

**(7) AUTHORIZATION OF PAYMENT FOR TITLE  
WORK ON COUNTY REAL ESTATE BY MS.  
ANGELA NIX, ATTORNEY AT LAW**

At this time, Mr. Mark Yates, County Auditor, recommended approval of the claim concerning the Title work on the County Real Estate Properties and added that the Property Management Fund currently contained the amount of \$11,200.00, with and a weekly Payroll in the amount of \$2,540.00, and suggested that properties needed to be sold, in order to increase the working capital.

Mr. Doug Wright, Cameron County Counsel, stated that the only sale conducted was the Amber Hotel Motel, which was sold for an amount of \$27,000.00.

Commissioner Rosenbaum moved that the payment for the Title Work on the County's Real Estate properties, by Ms. Angela Nix, Attorney At Law, be approved.

The motion was seconded by Commissioner Matz and carried unanimously.



**(8) APPROVAL OF A LEASE AGREEMENT WITH  
PROSTAR TO LEASE A PORTION OF THE  
TAXIWAY AT THE CAMERON COUNTY  
AIRPORT FOR AIRCRAFT MANUFACTURING  
BUSINESS**

At this time, Commissioner Matz reviewed the "commercial" terms of the Lease Agreement with the Firm of Prostar and highlighted the Memorandum to the Court dated September 27, 1995.

There was some discussion as to whether the Property Manager had reviewed the Lease and if he had any recommendations and the suggestion was made to approve the Lease, subject to review by the Property Manager.

Mr. Doug Wright, Cameron County Counsel, suggested that all situations dealing with property should be referred to the Property Manager for review and recommendations.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Lease Agreement with Prostar, in order to lease a portion of the Taxiway at the Cameron County Airport for Aircraft Manufacturing Business was approved, subject to review by the Property Manager.



**(9) APPROVAL OF LEASE AGREEMENT WITH  
TIGER SALES TO LEASE COUNTY  
PROPERTY IN PORT ISABEL, TEXAS**

At this time, Commissioner Matz reviewed the Lease Agreement and added that the rental would be in the amount of \$250.00 per month, for the first six (6) months, and that the rate for the following six (6) months would be \$300.00, with a "discount" in the amount of \$250.00 for the Appraisal Fee, effective October 1, 1995.

Mr. Doug Wright, Cameron County Counsel, stated that the Agreement was reviewed and was in compliance concerning the Right-Of-Way property, the Appraisal had been conducted, and recommended approval.

Judge Hinojosa questioned whether the Lease was reviewed by the Property Manager, and County Counsel responded that everything that needed to be done had previously been done.

Commissioner Rosenbaum moved that the Lease Agreement with Tiger Sales, Port Isabel, Texas, to lease County Property in Port Isabel, Texas, be approved.

The motion was seconded by Commissioner Matz.

There was some discussion concerning the repairs to the building and the requirement of a Deposit, and the suggestion was made to require a deposit in the amount of \$125.00.

Upon motion duly made by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Lease Agreement with Tiger Sales, Port Isabel, Texas, was approved, in order to lease County Property in Port Isabel, Texas, subject to the requirement of a deposit in the amount of \$125.00.

**(10) APPROVAL OF A COOPERATIVE  
AGREEMENT FOR CHILD SUPPORT  
ENFORCEMENT SERVICES BETWEEN THE  
OFFICES OF THE ATTORNEY GENERAL OF  
TEXAS AND COUNTY OF CAMERON, TEXAS,  
AND THE OFFICE OF THE DISTRICT CLERK  
OF CAMERON COUNTY, TEXAS**

Commissioner Peña moved that the Cooperative Agreement for Child Support Enforcement Services between the Offices of the Attorney General of Texas and County of Cameron County, Texas, and the Office of the District Clerk of Cameron County, Texas, be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Agreement is as follows:**

**(11) APPROVAL OF AN AGREEMENT FOR PROFESSIONAL COMPUTER PROGRAMMING SERVICES WITH MR. DANIEL RUSSELL TO DEVELOP PROGRAMS FOR THE PROPERTY MANAGEMENT COORDINATION'S OFFICE**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Agreement with Mr. Daniel Russell, Harlingen, Texas, for Professional Computer Programming Services to develop Computer Programs for the Property Management Coordination's Office, was approved.

**The Agreement is as follows:**

(12) **APPROVAL OF A DEPOSITORY CONTRACT  
WITH INTERNATIONAL BANK OF  
COMMERCE, BROWNSVILLE**

Commissioner Cascos moved that the Depository Contract with International Bank of Commerce, Brownsville, be approved.

The motion was seconded by Commissioner Rosenbaum.

At this time, Mr. Doug Wright, Cameron County Counsel, stated that the signature cards and any other changes would require Court approval.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Depository Contract with International Bank of Commerce, Brownsville, was approved.

**The Agreement is as follows:**



**(13) ACTION ON THE CONTRACT WITH TRAFFIC ENGINEERS, INC., FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE PROJECT MANAGEMENT FOR THE LOS TOMATES BRIDGE PROJECT**

Mr. Joe Galvan, Bridge System Director, stated that the Professional Engineering Services Contract was for the overall Project Manager for the Los Tomates Bridge.

At this time, Mr. John W. Hudson, Chairman of Traffic Engineers, Inc., reviewed the Project Flow Chart terms, the Contract and explained that the Contract was for a Project Manager, with a set fee on an hourly basis, and the maximum fee set at 3.7% of the estimated construction cost of the Project. He stated that the average fee for a Project Manager was between three to five percent (3-5%) of the Project cost.

Judge Hinojosa questioned whether the County Engineer had reviewed the Contract and the County Engineer responded that the Contract was reasonable.

Mr. Hudson explained that "Phase One (1) - Preconstruction" had been accomplished and that they were in the "Phase Two (2) - Design and Construction" and added that "Special Services" dealt with Special Consultants that would need to be hired concerning Endangered Species, Archaeological, and Historical Surveys.

There was some discussion concerning the "Special Services," the hourly rates involved, the terms of the Contract, and the additional cost to the County.

Commissioner Matz expressed his objections to the procedure used to develop the Billing Rates, and other costs as outlined in the Contract and suggested some changes, in order to reduce the Project costs.

Judge Hinojosa stated that the County had been receiving quality services from Mr. Hudson and that he would like to continue to use their services and added that the work by Mr. Hudson was reviewed by the County Engineer, the County Auditor and the Bridge System Director.

Judge Hinojosa stated that the issue of "financing" was still pending and directed the Bridge System Director to coordinate a Meeting with the City Commissioners and the Mayor of Brownsville to discuss the matter. He added that the Geotechnical Fees, the Geomorphical Fees, and the Architectural and Design Fees, were services required for the Project and the money being expended would come from the Project Bond Issue. He noted that they were faced with making a decision within sixty (60) days regarding the levee re-location without exchanging diplomatic notes; otherwise the Project would not begin until 1997.

Mr. Mark Yates, County Auditor, stated that Mr. Hudson had helped to determine the financing requirements for the Project. He explained the two (2) phase issue that needed to be resolved, in order to recuperate the additional "soft" costs and the money needed for the levee relocation.

Judge Hinojosa questioned as to when the decision to approve the issuance of bonds was needed for the construction of the levee, if construction was to begin at the end of the year.

Mr. Yates responded that the approval was needed by the end of October. He added that if financing was not secured in a timely manner, the County would be depleting the Capital Fund Balance, which included the reserves for the entire County. He expressed his concerns regarding the economic conditions and the future Bridge Revenues, and other uncertainties concerning with the Project; and reviewed the monies expended to date on the Los Tomates Bridge Construction Report.

Commissioner Cascos stated that the City of Brownsville had approved their Budget for the year, and it would be very difficult for the City to provide the amount of money necessary if it was not within their Budget.

Mr. Yates responded that the City Manager and Mayor of Brownsville had been involved in the Meetings concerning the Bridge and that they should be fairly aware of the investments that were being made.

Judge Hinojosa stated that the City of Brownsville was tied into a Contract and they were dependent upon that Contract whether or not they had encumbered that money into their Budget.

Mr. Hudson stated that the City of Brownsville did not provide the initial funds, but they had provided 477 acres of land for the Project that was purchased in 1977, and that there had never been a monetary credit placed on it.

Commissioner Cascos suggested that a monetary value be determined for the 477 acres provided by the City and added that it might be in excess of what the County was providing in terms of money.

Commissioner Matz questioned as to the value of the 477 acres, and Mr. Hudson responded that there were 176 acres inside the flood plane for the Levee relocation, and 80 acres to be used by the College, leaving a total of approximately 221 acres to be used for the Los Tomates Bridge Project, and added that the City paid \$1,000.00 per acre.

Commissioner Cascos remarked that if the Bridge was not built on the land, then the land would not have much value, but that if the Bridge was built it would be worth more than \$1,000.00 per acre.

Commissioner Matz reminded the Court of the problems experienced with the he City of San Benito not having money to pay the County for the costs associated with the Los Indios Bridge Project and the need to renegotiate the Contract.

**NOTE: COMMISSIONER PEÑA LEFT THE COURT ROOM AT THIS TIME.**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Contract with Traffic Engineers, Inc., for Professional Engineering Services in connections with

the Project Management for the Los Tomates Bridge Project, subject to the lesser of the five percent (5%) or the CPI, was approved.

**The Contract, the Flow Chart, and the Report are as follow:**

**NOTE: COMMISSIONER PEÑA RETURNED TO THE COURT ROOM**

(14) **AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS (RFP) AND ARCHITECTURAL DESIGN SERVICES FOR LOS TOMATOES TOLL FACILITIES AND OFFICE BUILDING**

Commissioner Cascos moved that the Request For Proposals (RFP) for Professional and Architectural Design Services for Los Tomatoes Toll Facilities and Office Building, be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.



(15) **IN THE MATTER OF A PROPERTY LEASE AGREEMENT WITH AGENCIA ADUANALES (TABLED)**

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



(16) **APPROVAL OF AN AMENDMENT TO THE CAMERON COUNTY FINANCIAL DISRUPTION TASK FORCE LEASE OF OFFICE BUILDING, ON BOCA CHICA BOULEVARD**

Ms. Dylbia Jefferies, Attorney At Law, stated that the Amendment to the Lease was in order to add Janitorial Services.

Commissioner Peña moved that the Amendment to the Cameron County Financial Disruption Task Force Lease of Office Building on Boca Chica Boulevard be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**The Amendment is as follows:**

**(17) AUTHORIZATION TO HOLD A PUBLIC HEARING TO ABANDON ONE (1) PORTION OF A CERTAIN 30 FOOT DEDICATED ROAD OUT OF THE CAPISALLO DISTRICT SUBDIVISION OF THE LA FERIA GRANT CAMERON COUNTY, TEXAS, RECORDED IN VOLUME S, PAGE 54, DEED RECORDS, CAMERON COUNTY**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Hearing to abandon one (1) portion of a certain 30 foot dedicated road out of the Capisallo District Subdivision of the La Feria Grant, Cameron County, Texas, recorded in Volume S, page 54, Deed Records in Cameron County, was opened for public comments.

At this time, Mr. Michael Martin, County Engineer, stated that a request was received from the property owners in the area to abandon a section of roadway in the area of FM 2556 because the road was being used by people who did not live in that area, for activities that were contrary to normal residential areas, and recommended that the road be abandoned. He added that the Notices had been posted twice, and the property owners were notified by Certified Return Receipt Requested Mail, and that they were in agreement to abandon the road, and not to re-open it.

At this time, Judge Hinojosa solicited public comments and there were none.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Public Hearing was closed.



**(18) AUTHORIZATION TO ABANDON A CERTAIN 30 FOOT DEDICATED ROAD OUT OF THE CAPISALLO DISTRICT SUBDIVISION**

Commissioner Cascos moved that the 30 Foot Dedicated Road out of the Capisallo District Subdivision be abandon.

The motion was seconded by Commissioner Peña and carried unanimously.



Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Court recessed the Regular Meeting until 3:00 P. M.



Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Court convened the Special Meeting of September 28, 1995.

**(1) ACTION ON A SALARY GRIEVANCE  
COMMITTEE REPORT**

Judge Hinojosa stated that the Salary Grievance Committee convened on September 25, 1995 at 1:30 p.m., and recommended a three percent (3%) Salary increase to the following Elected Official that submitted a Grievance Letter, by a vote of eight (8) For and one (1) Against the increase:

Judge Hinojosa reported that he served as a non-voting member of the Grievance Committee and that the following were not considered for salary increases:

Five members of the Commissioners' Court;

Mr. Luis Saenz, District Attorney;

Mr. Eddie Gonzalez, County Treasurer;

Judge Eloy Cano, Justice of the Peace; and

Constable Javier Loreda, Precinct No. 5.

He reported that the Salary Grievance Committee voted nine to zero (9-0) to increase the salary the following Elected Officials:

Judge Hinojosa reported that the unanimous increase in Salaries for Elected Officials mandated the Commissioners' Court to order an increase to the 1996 Fiscal Year Budget.

Commissioner Cascos questioned whether the Department Budgets needed to be increased or whether the increase would be allocated from within their Budget and whether the Court had discretion on the matter.

Mr. Mark Yates, County Auditor, stated that if some of the Salary increases were taken from the Department's Budget, such as the Justices of the Peace Budgets and the Constable Budgets, they would not have money left for operating costs, and added that some of the larger Department Budgets might be able absorb the Salary increases. He stated that the mandatory Grievance Committee Salary increases would cost the County the additional amount of \$25,831.00, and noted that the issue was whether it "came from within Budget, or the money was allocated from the Toll Bridge Fund."

Commissioner Cascos suggested that the funding for the Salary increase, should be allocated from the Departments that had enough money in their Budget to absorb the cost, such as the District Clerk, Tax Assessor-Collector, and Sheriff's Departments, and question the County Auditor whether those Departments would be able to absorb the costs.

Mr. Yates responded that the three (3) Budgets mentioned were the biggest but that the issue of whether those Budgets could absorb the cost was something that needed to be addressed by the respective Departments.

There was some discussion concerning the three (3) Departments whose Budgets could absorb the cost, and the source of funding for the smaller Departments and Commissioner Matz noted that based on his calculations, the Constables and Justice of the Peace increase total approximately \$8,200.00.

Commissioner Cascos noted that during the Budget process, a three percent (3) salary decrease for the Elected Officials was suggested, and added that at the end of the process, there were no Salary increases or decreases. He stated that his position was the same and he did not think it would be appropriate to give an "across the board" Salary increase to the Elected Official of two or three percent (2-3%), in lieu of the fact that they needed the mandated \$25,000.00.

Judge Hinojosa clarified that the amount of the increase was \$8,000.00 instead of \$25,00.00.

Commissioner Cascos stated that the Court advocated no increase in taxes, and had the Budget remained as proposed and everyone received what they wanted, that were looking at a significant tax increase which "nobody on this Court wanted to do." He added that the objective was to have the Departments come back to justify the expenditures to the Court, if they need additional funding.

Judge Hinojosa stated that the Budget was a "bare bone Budget" and that the Court approved a five percent (5%) increase to all clerical employees and a three percent (3%) increase for all supervisory employees,



and added that if the Court rejected the three percent (3%) Salary increase recommended by the Grievance Committee, the Elected Officials would accept a two percent (2%) increase.

Mr. Doug Wright, County Counsel, stated that in his legal opinion, the Commissioners' Court had the discretion to give the grieving parties what they had asked for or less, but added that the Office of the Attorney General disagreed, but that neither had any documents to support their respective opinions.

There was a lengthy discussion concerning the additional costs associated with a two percent (2%) increase to the Elected Officials, the matter of having the District Clerk's Office, the Tax Assessor-Collector's Office, and the Sheriff's Office incur the cost of the mandated increase, and the need for Commissioners' Court to designate the funding source for the other mandatory increases, and the increase to the Elected Officials that did not receive a mandatory increase from the Grievance Committee.

**NOTE: COMMISSIONER MATZ LEFT THE COURT ROOM AT THIS TIME.**

Commissioner Peña moved that a two percent (2%) Salary increase be given to the Elected Officials that submitted a Grievance and that received an eight to one (8-1) vote by the Grievance Committee.

The motion was seconded by Commissioner Rosenbaum.

At this time, Commissioner Cascos questioned whether the Elected Officials that received the mandated increases were also included in the motion to receive a two percent (2%) increase.

Commissioner Peña stated that the motion was for the Elected Official that submitted a Grievance and did not receive a nine to zero (9-0) vote from the Grievance Committee.

Commissioner Cascos questioned whether the Elected Officials that did not submit a Grievance were included in Commissioner Peña motion for a two percent (2%) increase.

Judge Hinojosa stated that every Elected Official in the County was notified of the Grievance process, and that the Officials that did not submit a Grievance would not receive a two percent (2%) increase in their Salaries, and that included the five (5) members of the County Commissioners' Court.

Mr. Wright expressed some concerns regarding the issue of the "across the board" increases for Elected Officials, and the conflict, in his opinion, and that of the Attorney General's.

Judge Hinojosa remarked that it was not an "across the board" increase, since it applied to the Elected Officials that submitted a Grievance and were so named by the Grievance Committee.

At this time, Mr. Joe G. Rivera, County Clerk, stated that he did not participate and did not vote on the Grievance Committee for any salary increases, and requested that the Court consider the Elected Officials that did not receive a nine to zero (9-0) vote from the Grievance Committee, and to authorize a three percent (3%) salary increase and suggested that the funding should come from Lapse Salaries.

Commissioner Cascos stated that the Lapse Salaries Fund had been committed to reimburse the Toll Bridge Fund, which had already been utilized.

Upon motion duly made by Commissioner Peña that a two percent (2%) increase be given to the Elected Officials that submitted a Grievance and received an eight to one (8-1) vote.

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

**AYE:** Commissioner Rosenbaum, Peña, and Judge Hinojosa

**NAY:** Commissioner Cascos.

At this time, Judge Hinojosa stated that Commissioner Matz left a written statement that read: "I oppose any percentage increase for any Elected Officials."

Judge Hinojosa noted that Constable Precinct No. 1 request a \$1,200.00 salary increase, and the Grievance Committee's recommendation was on a seven to two (7-2) vote.

At this time, Mr. Mike M. Barbarena, Constable Precinct No. 1, withdrew his request for the \$1,200.00 increase, and added that he would accept the two percent (2%) increase.

**The Reports are as follows:**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 3:10 P. M.

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(34) **EXECUTIVE SESSION:**

Upon motion by Commissioner Rosenbaum seconded, by Commissioner Peña and carried unanimously, the Court met in Executive Session at 3:10 P. M. to discuss the following matters:

- a) To discuss case and authority for representation on the case styled Luis Villarreal vs. Cameron County, et. al., Cause No. 95-08-4110-D, in the 103rd Judicial District; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(a);
- b) To confer with County Counsel concerning the disposition of certain Tax Foreclosed Property in the Cameron Park Subdivision; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1) and (2);
- c) To confer with County Counsel regarding representation for Individual Defendants in case styled No. B-94-328, in the U.S. District Court;
- d) To discuss settlement offer in the case styled Rolando Flores vs. Cameron County, et. al., Cause No. B-90-223, in the U.S. District Court, Southern District, Brownsville Division; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(b);
- e) To discuss the case styled Christina Hinojosa vs. Cameron County, et. al., Cause No. 95-08-4047-E, in the 357th Judicial District Court; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(a);
- f) To confer with County Counsel on condemnation cases concerning FM/1419 for Parcels Nos. 005 and 009; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(a); and
- g) To confer with County 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.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 3:45 P. M.

**NOTE: COMMISSIONER PEÑA DID NOT RETURN TO THE COURT ROOM.**

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(19) **AUTHORIZATION TO HOLD A PUBLIC HEARING ON PROPOSED TRUCK WEIGHT LIMITS, TRAFFIC CONTROLS, AND ALTERNATIVE ROUTES FOR TRAFFIC ON A SEGMENT OF FLOR DE MAYO ROAD, SOUTHWEST OF US HIGHWAY 281**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Hearing was opened for public comments concerning proposed truck weight limits, traffic control, and alternative routes for traffic on a segment of Flor de Mayo Road, Southwest of US Highway 281.

Mr. Michael Martin, County Engineer, stated that the property owners along the Flor de Mayo Road were concerned with the safety issues relating to the eighteen (18) wheeler trucks going through that route. He stated that the residents have complained about the dust blowing, and the deterioration of the road and were concerned for the safety of children with the trucks speeding, and requested direction from the Court as to posting truck weight limits or suggesting an alternate route. He noted that the property owners and the owner of the sand pit were properly notified, and that they had negotiated and agreed to develop an alternate route that would run parallel to Flor de Mayo Road, and allow the weight limit to remain the same on Flor de Mayo.

At this time, Judge Hinojosa solicited public comments and Mr. Leonel Garza, property owner, expressed his objections and concerns.

At this time, Mr. Martin recommend that all "non-agriculture trucks" be designated to the alternate private route, and a lengthy discussion followed concerning the actual location of the route, the enforcement procedures to be utilized, the jurisdictional authority, and the suggestion was made to have the Sheriff's Department handle the enforcement.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Public Hearing was closed.



(20) **IN THE MATTER TO SET TRUCK WEIGHT LIMITS, TRAFFIC CONTROL AND ALTERNATIVE ROUTES ON FLOR DE MAYO ROAD (TABLED)**

At this time, Commissioner Cascos noted that the issues concerning the truck weight limits and traffic controls were not addressed during the Public Hearing, and added that the Court might not have jurisdiction on said matter, and suggested that the matter be tabled.

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

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(21) **DISCUSSION OF ACQUISITION ON FM/1419,  
PARCEL 5**

Mr. Arturo T. Galvez, Brownsville resident, expressed his objections regarding the offer for the Right-Of-Way Acquisition and the appraised value of \$1.85 per square foot for his property, as detailed in the following Letters:

Mr. Galvez stated that he was offered the amount of \$65,000.00, but the amount would not cover the moving expenses and added that the amount of \$150,000.00, was as a reasonable amount, as indicated in the Letters.

At this time, Mr. Joseph Ardito, Property Manager Coordinator, explained that a Market Analysis was conducted on property that was similar to the property in question and that the results were to offer the amount of \$47,000.00. He indicated that the property was worth what the market was willing to pay, and not what the property owner would like to receive and added that the final counter offer was \$17.10 per square foot, which was higher than the fair market value.

Mr. Doug Wright, Cameron County Counsel, stated that part of the problem was that the County was allowed to pay only certain damages, and that the County relied on professional appraisers to provide that information. He noted that the County was bound by certain processes that needed to be followed, and added that a good faith offer was made and that the next step was for staff to recommend condemnation proceedings. He stated that if an agreement was not reached, then the other alternative was to have the Court make a decision as to the value of the land.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the discussion on acquisition on FM/1419, Parcel No. 5, was acknowledged and County Counsel was directed to explain the process to the property owner.



**(22) DISCUSSION ON ACQUISITION ON FM/1419 - PARCEL NO. 17**

Mr. Michael Martin, County Engineer, stated that an offer was made to the property owner and that the situation was similar to Item No. 21, and staff would be recommending to initiate condemnation proceedings.

Commissioner Cascos moved that the discussion on Acquisition on FM/1419, Parcel No. 17 be acknowledged.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.



**(23) APPROVAL TO REPLACE THE HARLINGEN OFFICE TELEPHONE LINES WITH CELLULAR HOOKUP**

Mr. Mark Yates, County Auditor, explained that the Harlingen Sheriff's Office after-hour calls were forwarded to the Brownsville Office, and that the cost was approximately \$300.00 a month, and added that a switch to the Cellular hookup would reduce the cost by one half (1/2).

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Harlingen Office was authorized to replaced the telephone lines with Cellular hook-up.



**(24) APPROVAL OF A "DATA ACCESS" AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF HUMAN SERVICES AND THE CAMERON COUNTY HEALTH DEPARTMENT, FOR THE CLIENT ELIGIBILITY INQUIRY (CEI) UCN: 7452008**

Commissioner Rosenbaum moved that the "Data Access" Agreement between the Texas Department of Human Services and the Cameron County Health Department, regarding the Client Eligibility Inquiry (CEI) UCN: 7452008, be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.



**(26) AUTHORIZATION TO LEND ONE (1) VOTING MACHINE TO DEL CASTILLO ELEMENTARY SCHOOL TO CONDUCT THE STUDENT COUNCIL ELECTION ON OCTOBER 3, 1995**

Commissioner Cascos moved that Del Castillo Elementary School be authorized the use one (1) Voting Machine, in order to conduct the Student Council Election on October 3, 1995.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.



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

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the following Travel and/or Travel Expenses were approved, subject to funds in their Budget.

- a) Sheriff and Major to attend the "26th Annual Jail Management Conference" in Huntsville, Texas, on October 3-6, 1995;
- b) County Clerk and two (2) Deputies, to attend the "Texas College of Probate Judges Annual Seminar" in Fort Worth, Texas, on November 2-4, 1995;

- c) Cameron County Drug Enforcement Task Force Commander and the Cameron County Financial Disruption Task Force Coordinator to attend the "Commanders Meeting for the Texas Narcotics Control Program and the Governor's Drug Policy Advisory Board" in Austin, Texas, on October 11, 1995;
- d) Constable Precinct No. 5, to attend the "50th Texas Institution on Children and Youth Conference" in Hunts, Texas, on September 10-14, 1995;
- e) Woman Infant and Children (WIC) Director and one (1) employee to attend the "Competent Professional Authorities for Win Computer Systems" in Austin, Texas, on October 30-31, 1995;
- f) Woman Infant and Children (WIC) Director to attend the "Texas Association of Local WIC Directors (TALWD) Eighth Annual Conference" in El Paso, Texas, on October 17-20, 1995;
- g) Health Department employee to attend the "Competent Professional Authorities Training for Woman Infant and Children (WIC) Information Network (WIN) Computer System" in Austin, Texas, on September 28-29, 1995;
- h) Health Department employee to attend the "Texas Perinatal Association Planning Committee Meeting" in Weslaco, Texas, on September 26, 1995;
- I) Chief Juvenile Officer to attend the "West Texas Juvenile Chiefs' Association" in Kerrville, Texas, on October 10-11, 1995;
- j) Computer employee to attend "Computer Training Classes" in Corpus Christi, Texas, on October 25-27, 1995;
- k) Computer Director and two (2) employees to attend the "Texas 1995 Communications and Criminal Justice Information Conference" in Houston, Texas, on October 30, 1995, - November 2, 1995;
- l) Personnel/Safety Risk Director and Workers' Compensation Clerk to attend the "5th Annual Texas Workers' Compensation Educational Conference" in Austin, Texas, on September 27 - 29, 1995; and
- m) County Engineer to attend the "American Society of Civil Engineers (ASCE) Texas Section Meeting" in Austin, Texas, on October 5-6, 1995.

At this time, Judge Hinojosa stated all Departments' Travel Budgets were reduced by fifty percent (50%) and that the Auditor would be monitoring the Budget and would notify the Court if fifty percent (50%) of last year's Budget was expended.





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

**(28) PRELIMINARY AND FINAL APPROVAL:**

- a) **Precinct No. 4 - Barrera's Farm Subdivision** - being a subdivision of 7.87 acres of land situated out of Lot No. 69 of the Adams Gardens Subdivision "B".

**(29) AUTHORIZATION TO AWARD THE BID FOR THE CONSTRUCTION OF THE VILLA PANCHO SUBDIVISION WASTE WATER PROJECT**

**CLOSNER & SONS, Mercedes, Texas**  
**\$ 450,235.00**

**(30) AUTHORIZATION TO REJECT AND READVERTISE FOR ANNUAL BIDS FOR SOLID WASTE DISPOSAL AND COLLECTION - PARKS SYSTEMS**

**(31) AUTHORIZATION TO OPEN ANNUAL BIDS FOR RECYCLED STOCK PAPER, COMPUTER PAPER AND ENVELOPES**

**(32) AUTHORIZATION TO OPEN BIDS FOR CONSTRUCTION OF ATWOOD PARK - PARKS SYSTEM**

**(33) AUTHORIZATION TO AWARD BIDS:**

a) **EMULSION OILS - ANNUAL BIDS:**

**KOCH MATERIALS, Austin, Texas**

Anionic Emulsion Type RS-2	\$ 0.70
Anionic Emulsion Type MS 2	\$ 0.70
Anionic Emulsion Type MS-1	\$ 0.70
Anionic Emulsion Type SS-1	\$ 0.70
High Float Emulsion Type AES-300	\$ 0.72
Anionic Emulsion Type AE-P	\$ 0.79

b) **SAFETY SHOES - ANNUAL BIDS:**

**REDWING SHOES, McAllen, Texas**

Redwing #2231 - OE Equivalent	\$107.25
Redwing #2233 - OE Equivalent	\$ 99.75
Redwing #2251 - OE Equivalent	\$111.00
Redwing #1118/1117-OR Equivalent	\$102.00
Redwing #1106/1105-OR Equivalent	\$ 95.25
Redwing #2370 - OE Equivalent	\$ 87.00

c) **RADIO TOWER SPACE RENTAL - SHERIFF ANNUAL BID:**

**RIO RADIO SUPPLY, Brownsville, Texas**  
**Rental of both towers per month \$1,450.00**

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**(NOT ON APPROVAL OF CAMERON  
AGENDA) COUNTY CLERK'S SCHEDULE OF  
FEES**

At this time, Mr. Joe G. Rivera, Cameron County Clerk, requested approval for the Schedule of Fees for the County Clerk's Office.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Cameron County Clerk's Schedule of Fees were approved, subject to ratification.

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**(35) ACTION RELATIVE TO EXECUTIVE SESSION:**

- a) To discuss case and authority for representation on the case styled Luis Villarreal vs. Cameron County, et. al., Cause No. 95-08-4110-D, in the 103rd Judicial District;
- b) To confer with County Counsel concerning the disposition of certain Tax Foreclosed Property in the Cameron Park Subdivision;
- c) To confer with County Counsel regarding representation for Individual Defendants in case styled no. B-94-328, in the U.S. District Court;
- d) To discuss settlement offer in the case styled Rolando Flores vs. Cameron County, et. al., case styled No. B-90-223, in the U.S. District Court, Southern District, Brownsville Division;
- e) To discuss the case styled Christina Hinojosa vs. Cameron County, et al, Cause No. 95-08-4047-E, in the 357th Judicial District Court; and
- f) To confer with County Counsel on condemnation cases concerning FM/1419 for Parcel Nos. 005 and 009.

Judge Hinojosa reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel and/or the County Engineer should proceed along the terms and conditions as outlined in Executive Session regarding said matters.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel and/or the County Engineer were directed to proceed along the terms and conditions as outlined in Executive Session regarding a) the case styled Luis Villarreal vs. Cameron County, et. al., Cause No. 95-08-4110-D, in the 103rd Judicial District; b) the disposition of certain Tax Foreclosed Property in the Cameron Park Subdivision; c) case styled no. B-94-328, in the U.S. District Court; d) the case styled Rolando Flores vs. Cameron County, et. al., Cause No. B-90-223, in the U.S. District Court, Southern District, Brownsville Division; e) the case styled Christina Hinojosa vs. Cameron County, et. al., Cause No. 95-08-4047-E, in the 357th Judicial District Court; and f) the condemnation cases concerning FM/1419 for Parcels Nos. 005 and 009.

- g) In the matter of the contract with Bill Scoggins Construction Company regarding the status of the Juvenile Probation Building

**(TABLED)**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, Item 35 "g" was **tabled** for one (1) week.



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

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Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Court reconvened the Special Meeting.

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(2) **APPROVAL OF LEASE AGREEMENT TO RENT  
OFFICE SPACE FOR CONSTABLE PRECINCT NO.  
4, RIO HONDO**

Mr. Doug Wright, Cameron County Counsel, stated that the Lease had been reviewed and recommended approval.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Lease Agreement for Office Space for Constable Precinct No. 4, Rio Hondo, was approved.

**The Lease is as follows:**

**(3) APPROVAL OF AN APPLICATION TO SET UP AN EDUCATIONAL STAND FOR BREAST CANCER AT VALLE VISTA MALL**

Commissioner Cascos moved that the Application to set up an Educational Stand for Breast Cancer at Valle Vista Mall be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.



**(4) APPROVAL TO CONTRACT FOR PEST CONTROL OPERATOR FOR CONTROL OF AFRICANIZED BEES IN CAMERON COUNTY**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Contract for Pest Control Operator for control of the Africanized Bees in Cameron County, was approved.

**The Contact is as follows:**

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

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**APPROVED** this **31ST** of **OCTOBER** 1995.

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**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**ATTEST:**

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