

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 14th day of November, 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

LUPITA RAMIREZ Deputy
COUNTY CLERK

ABSENT:



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 following matters as posted and filed for Record in the Office of the County Clerk on November 9, 1995, at 4:27 P. M.:

(1) APPROVAL OF COUNTY CLAIMS

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

The motion was seconded by Commissioner Cascos and carried unanimously.

(3) IN THE MATTER OF THE MINUTES

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

(4) AUTHORIZATION FOR THE SAN BENITO LIGHTS OF UNIFIED VISION COMMITTEE TO INSTALL CHRISTMAS LIGHTS ON THE COUNTY BUILDING IN SAN BENITO

Commissioner Matz stated that the matter was tabled at the previous Meeting, in order to address some concerns expressed by the County Auditor and added that those issues were resolved, and that the lighting was consistent with the City of San Benito Christmas Lighting Program, and would be at no cost to the County.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the installation of Christmas lights on the San Benito County Building by the Unified Vision Committee was authorized.

(5) IN THE MATTER TO PURCHASE TWO (2) COMPUTERS AND ONE (1) PRINTER FOR JUSTICE OF THE PEACE PRECINCT NO. 2, PLACE NO. 1 (TABLED)

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

(6) APPROVAL OF FISCAL YEAR 1996 EQUIPMENT LIST AS RECOMMENDED BY THE COUNTY AUDITOR

At this time, Mr. Mark Yates, County Auditor, explained that the funding for the Equipment List was derived from the \$2.45 million Bond Issue, of which \$500,000.00 was allocated for two (2) years worth of equipment. He explained that once the two (2) years of funding were exhausted expended, there would be no additional source of funds for equipment. He stated that if a Department wanted to substitute a piece of equipment from one year to the

other, similar in price, that there would be no problem. Mr. Yates noted a change to the Equipment List; that being in the County Judge's Office for the phone equipment, a Personal Computer and a Fax Machine.

Commissioner Cascos questioned the amount of money allocated to the current fiscal year and the County Auditor responded that the allocation was in the amount of \$269,000.00.

There was some discussion concerning the expenditures on the Equipment List and the impact of substitutions made from one year to the other, as well as, the impact of expenditures from the various Departments.

Commissioner Matz questioned the request made by the Election Administrator for a Security System for the Voting Equipment in the amount of \$64,200.00.

Judge Hinojosa clarified that the security system would be for the Elections Administrator's Office and not the voting machines, and added that increased security was needed since the Elections Administrator's Office was designated as the Information Center.

At this time, Ms. Amalia Cano, Elections Administrator, noted that the storage facility for the Elections Equipment needed increased security measures.

Judge Hinojosa suggested that the security system issue should be analyzed, prioritized and the cost determined and discussed at a later time.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Fiscal Year 1996 Equipment List was approved as recommended by the County Auditor.

The List is as follows:

(7) **APPROVAL OF A CONTRACT WITH THE OFFICE OF COURT ADMINISTRATORS FOR THE ADMINISTRATIVE JUDICIAL REGIONS' PROJECT FOR THE PERIOD FROM SEPTEMBER 1, 1995, THROUGH AUGUST 31, 1995**

At this time, Commissioner Cascos noted that the Item should read "from September 1, 1995, through August 31, 1996."

Commissioner Matz moved that the Contract with the Office of Court Administrators for the Administrative Judicial Regions' Project for the period from September 1, 1995, through August 31, 1996, be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Contract is as follows:

(8) AUTHORIZATION TO CHANGE THE PARKS SYSTEM'S VEHICLE FLEET COLOR FROM LIGHT BLUE TO WHITE

Commissioner Matz moved that the Parks System's Vehicle Fleet color be changed from light blue to white.

The motion was seconded by Commissioner Peña and carried unanimously.



(9) APPROVAL OF AMENDMENT NO. ONE (1) TO THE TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 714005 BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS AND AUTHORIZATION FOR THE COUNTY JUDGE TO EXECUTE SAID AMENDMENT

Mr. Frank Bejarano, Program Development and Management Director, explained that the Amendment would provide funds for the "Small Repairs Program" for Cameron Park.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, Amendment No. One (1) to the Texas Community Development Program Contract No. 714005, between Cameron County and the Texas Department of Housing and Community Affairs, was approved and the County Judge was authorized to execute said Amendment.

The Amendment is as follows:

(10) AUTHORIZATION TO HOLD A PUBLIC HEARING TO ABANDON ONE (1) PORTION OF A CERTAIN FORTY (40) FOOT DEDICATED ROAD, KNOWN AS CALLE DE LA TIERRA AND LOCATED IN BLOCKS NO. 11 AND NO. 12, AS SHOWN ON THE MAP OF THE EL JARDIN HEIGHTS, ADDITION, CAMERON COUNTY, TEXAS, RECORDED IN VOLUME 5, PAGE 73, MAP RECORDS, CAMERON COUNTY, TEXAS

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Hearing to Abandon one (1) Portion of a certain forty (40) foot dedicated Road, known as Calle de La Tierra and located in Blocks No. 11 and No. 12, as shown on the Map of the El Jardin Heights Addition, Cameron County, Texas, Recorded in Volume 5, Page 73, Map Records, Cameron County, Texas, was opened for public comments.

At this time, Mr. Michael Martin, County Engineer, explained the location of the Dedicated Road and noted that it had not been used and that proper Notices were given.

NOTE: COMMISSIONER PEÑA LEFT THE COURT ROOM.

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



(11) AUTHORIZATION TO ABANDON ONE (1) PORTION OF A CERTAIN FORTY (40) FOOT DEDICATED ROAD, OUT OF THE EL JARDIN HEIGHTS ADDITION

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, one (1) portion of a certain forty (40) foot dedicated Road, out of the El Jardin Heights Addition, was abandoned.

The Order is as follows:

- (12) **ACCEPTANCE OF A 150' WIDE RIGHT-OF-WAY DONATION WITHIN BLOCKS NOS. 2, 3, AND 4; ACCEPTANCE OF A 30' WIDE ROADWAY RIGHT-OF-WAY ALONG TRAVIS ROAD IN BLOCK NO. 2; ACCEPTANCE OF A 8.794 ACRE TRACT IN BLOCKS NOS. 2 AND 3; AND ACCEPTANCE OF A TEMPORARY ROADWAY EASEMENT WITHIN BLOCK NO. 4; ALL WITHIN THE WENTZ SUBDIVISION**

NOTE: COMMISSIONER PEÑA RETURNED TO THE COURT ROOM.

Mr. Michael Martin, County Engineer, explained the location of the roads and the need for realignment.

Commissioner Rosenbaum moved that the following tracts of land within the Wentz Subdivision be accepted:

150' wide Right-Of-Way donation within Blocks Nos. 2, 3, and 4;

a 30' wide roadway Right-Of-Way along Travis road in Block No. 2;

a 8.794 acre tract in Blocks Nos. 2 and 3; and

a temporary roadway easement within Block No. 4;

The motion was seconded by Commissioner Cascos and carried unanimously.



- (13) **APPROVAL FOR TEXAS DEPARTMENT OF HEALTH DOCUMENT NO. C6000166, CHANGE NO. FIVE (5); ATTACHMENT NO. 02B AND ATTACHMENT NO. 06A**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Texas Department of Health Document No. C6000166, Change No. Five (5); Attachment No. 02b and Attachment No. 06a was approved.

The Document is as follows:

(14) APPROVAL FOR THE TEXAS DEPARTMENT OF HEALTH DOCUMENT NO. C6000166, CHANGE NO. 06, ATTACHMENT NO. 02B AND ATTACHMENT NO. 04A

Commissioner Matz moved that the Texas Department of Health Document No. C6000166, Change No. 06, Attachment No. 02B and Attachment No. 04A be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Document is as follows:

(15) APPROVAL OF TEXAS DEPARTMENT OF HEALTH DOCUMENT NO. C6000166, ATTACHMENT NO. 10, CHANGE NO. 7 ASSOCIATESHIP FOR DISEASE CONTROL AND PREVENTION TO FUND DENGUE FEVER CONTROL MEASURES AND TO COVER PERIOD OF OCTOBER 1, 1995 THROUGH DECEMBER 31, 1995, IN THE AMOUNT OF \$33,871.00

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Texas Department of Health Document No. C6000166, Attachment No. 10, Change No. 7, Associateship for Disease Control and Prevention to fund Dengue Fever Control measures, was approved for the period of October 1, 1995, through December 31, 1995, in the amount of \$33,871.00.

At this time, Ms. Yvette Salinas, Interim Health Director, stated that the Grant funding was for equipment and chemicals.

Commissioner Rosenbaum questioned the time required to obtain the equipment and a discussion followed concerning the need to solicit bids on the equipment.

Ms. Salinas noted that the Agreement with Mexico had been reviewed by the District Attorney's Office and was ready for the Mexican Officials' approval.

The Document is as follows:

**(16) APPROVAL TO PURCHASE MOBILE PHONE
FOR DEPARTMENT OF PUBLIC SAFETY
SERGEANT**

Mr. Mark Yates, County Auditor, questioned the source of funding and added that the County currently paid for eight (8) Department of Public Safety Officer's mobile phones basic service, but not the long distance calls.

Commissioner Rosenbaum moved that a mobile phone for the Department of Public Safety Sergeant be purchased, said funding be allocated from Lapsed Salaries.

The motion was seconded by Commissioner Cascos and carried unanimously.



**(17) AUTHORIZATION TO AWARD CONTRACT FOR
THE CONSTRUCTION OF ATWOOD COUNTY
PARK TO THE LOWEST BIDDER, PEACOCK
CONSTRUCTION COMPANY, PROVIDED THAT
CONTRACT DOES NOT EXCEED GRANT FUNDS
BUDGETED**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Contract for the construction of Atwood County Park was awarded to Peacock Construction Company, providing the Contract not exceed the Grant funds budgeted.

The Contract is as follows:

(18) AUTHORIZATION OF CHANGE ORDER NO. ONE (1) BETWEEN PEACOCK CONSTRUCTION AND CAMERON COUNTY FOR ATWOOD PARK, ESTABLISHING CONTRACT AMOUNT AT \$412,238.00

Mr. Kenneth Conway, Parks System Director, explained that the Change Order concerned reductions made to the Contract, in order to be within Budget, and added that the reduction did not exceed the twenty-five percent (25%) of the total Contract amount, thereby being in compliance with the Statutes.

Commissioner Matz moved that the Change Order No. One (1) between Peacock Construction and Cameron County for Atwood Park, establishing the Contract in the amount of \$412,238.00, be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Change Order is as follows:

**(19) ACTION TO DONATE ONE (1) CELL DOOR
FROM THE OLD CAMERON COUNTY
JUVENILE DETENTION TO THE LOS FRESNOS
POLICE DEPARTMENT**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, one (1) cell door from the old Cameron County Juvenile Detention was donated to the Los Fresnos Police Department.

**(20) ACCEPTANCE OF 911 BOARD MEMBER, MR.
GUY ANDERSON, RESIGNATION**

At this time, Mr. Carlos Acevedo, Jr., Director, stated that the original Board, consisting of five (5) members, was established in 1985. He noted that the Court was entitled to two (2) appointments, two (2) appointments represented the largest City in the area, that being Brownsville, Texas, and one (1) appointment represented the Fire Department Organizations. He stated that the original two (2) appointments by the Court were Mr. Jim Hand, Harlingen, Texas, and Mr. Guy Anderson, Harlingen, Texas, and added that Mr. Anderson had served on the Board for ten (10) years, and Mr. Jim Schoepner, Harlingen Police Chief, was being recommended.

Commissioner Cascos questioned the purpose of the Board, its membership and terms, and Mr. Acevedo responded that the Board presided over the monies that were collected for the 911-System, each member served a two (2) year term. The Board members are as follows:

Mr. Jim Hand, Harlingen, Texas;

Mr. Guy Anderson, Harlingen, Texas;

Brownsville Police Lt. Chuck Hopkins, Brownsville, Texas;

Assistant Fire Chief, Abelardo Sanchez, Brownsville, Texas;

Fire Chief, Mario Prado, La Feria, Texas; and

Mr. Jim Medelin, Southwestern Bell, Brownsville, Texas, who served as a non-voting member.

Commissioner Cascos questioned who audited the Reports presented by the Board, and Mr. Acevedo responded that the Board monitored the monies and a private Accounting Firm audited the Reports.

Mr. Acevedo outlined the eight (8) primary and one (1) secondary locations that contained 911 equipment, those being: South Padre Island, Port Isabel, Los Fresnos, San Benito, La Feria, Harlingen, Cameron County Sheriffs Department, Brownsville Police Department, and the secondary site being the Harlingen Emergency Medical Services.

Judge Hinojosa recommended that the San Benito Fire Department's Chief be appointed as soon as another vacancy occurred and suggested that County Counsel review the statutes of all the Boards.

Commissioner Matz moved that the resignation of Mr. Guy Anderson from the 911 Board Member be accepted, and that Mr. Jim Schoepner, Harlingen, Texas, be appointed to the 911 Board.

The motion was seconded by Commissioner Peña and carried unanimously.

(21) **APPROVAL TO USE PARK AREA WITHIN THE CAMERON PARK COMMUNITY BY THE CAMERON PARK SOCCER LEAGUE**

Mr. Frank Bejarano, Program Development and Management Director, stated that the Soccer League was requesting the use of the land behind the Cameron Park Center, on a temporary basis, subject to the County's need of that land to develop the Park at a later date.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Cameron Park Soccer League was permitted use of the Park areas within Cameron Park Community, subject to the use being on a temporary basis.

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

At this time, Commissioner Peña corrected Item "b" to read: December 6, 1995, instead of November 6, 1995.

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the following travel and/or travel expenses were approved, subject to funds in their Budget:

- a) County Clerk and one (1) Deputy to attend the "Texas State Library Records Management Training Classes Fall-Winter" in Austin, Texas, on December 5 - 6 1995;
- b) Parks System Director to attend the "Texas Recreational and Parks Society Regional Conference Meeting" in Corpus Christi, Texas, on November 6, 1995;
- c) Assistant Administrator to the County Judge to attend the "Pipeline Group Meeting" in Edinburg, Texas, on November 14, 1995;
- d) County Judge and Executive Assistant to the County Judge to attend a Meeting with Mexican Officials on Los Tomates International Bridge in Ciudad Victoria, Mexico, on November 6 - 7, 1995;
- e) County Extension Agent and secretary to attend the "District Computer Training" in Weslaco, Texas, on November 14 - 16, 1995;

- f) County Extension employee to attend the "State and National Conference for Association of Extension Family and Consumer Science Agents" in Dallas, Texas, on October 13 - 19, 1995;
- g) County Extension employee to attend the "Texas AGRI - Women Convention" in McAllen, Texas, on November 9 - 13, 1995;
- h) Chief Deputy to attend the "Bill Blackwood Law Enforcement Institute of Texas Management School" in Huntsville, Texas, on November 13 - 15, 1995;
- l) Program Development and Management Planner/Administrator Assistant to attend the "Criminal Justice Technical Assistance Workshop" in Weslaco, Texas, on November 6, 1995;
- j) Chief Juvenile Officer to meet with Southwest Key Officials on Boot Camp Project for South Texas on December 5, 1995, and to attend the "Conference on Safe School and Juvenile Justice Alternative Education Programs" in Austin, Texas, on December 6 - 8, 1995;
- k) Community Development Coordinator to attend the "Texas Department of Housing and Community Affairs Workshop on Housing" in Arlington, Texas, on November 13 - 17, 1995; and
- l) County Court at Law No. Two (2) to attend the "National Judicial College" in San Antonio, Texas, on December 3 - 8, 1995.

"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 Cascos and carried unanimously, the

"Consent" Agenda Items were approved as follow:

(23) PRELIMINARY APPROVAL:

- a) **Precinct No. 4** - Montenegro Estates Subdivision - being a 9.40 acres of land out of Lot No. 2, Block No. 1, Landrums Reserve, Concepcion De Carricitos Grant.

(24) PRELIMINARY AND FINAL APPROVAL:

- a) **Precinct No. 2** - Alfonso Subdivision - being the West 2.00 acres out of the East 4.06 acres out of the South 19.19 acres of Block No. 85, Los Fresnos Land and Irrigation Company Subdivision, and
- b) **Precinct No. 1** - Seminole Wind Subdivision - being 5.012 acres out of abandoned South point Townsite (66.05 acres), El Jardin Subdivision Share No. 2, Espiritu Santo Grant.

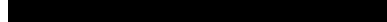
(25) AUTHORIZATION OF FINAL APPROVAL:

- a) **Precinct No. 4** - Pulmosa Estates - being the South 14.965 acres (15.0 acres recorded) of Lot No. 135, Adams Garden Subdivision "C".

**(26) AUTHORIZATION TO ADVERTISE FOR BIDS FOR ONE
(1) COMPACT PICK-UP TRUCK**

(27) AUTHORIZATION OF OPEN BIDS FOR:

- a) **Tractor (lease purchase) for Precinct No. 3;**
- b) **Two (2) Pick-up Truck (lease purchase) Precinct No. 3; and**
- c) **Annual Bid Computer Ribbons - Data Processing.**



The Bids received and opened follow:

(27) AUTHORIZATION TO OPEN BIDS

a) Tractor (lease purchase) for Precinct No. 3:

The Bids received and opened are as follow:

(27) AUTHORIZATION TO OPEN BIDS

- b) Two (2) Pick-up Trucks (lease purchase)
for Precinct No. 3**

The Bids received and opened are as follow:

(21) EXECUTIVE SESSION:

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 2:25 P. M. to discuss the following matters:

- a) Confer with County Counsel concerning the possible litigation involving the Contract between Cameron County and Southwest Key/La Esperanza Home for Boys; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071;
- b) To discuss the status of case and settlement authority on the case styled Rolando Flores vs. Cameron County, Cause No. B-90-223, in the United States District Court of the Southern District of Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(a) and (b);
- c) To confer with County Counsel on condemnation cases concerning FM/1419 for Parcel Nos. 009 and 012 Part I and II; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(a);
- d) To discuss Right-Of-Way Acquisition on FM/1419 for Parcel Nos. 014 A, B, and C, 041, and additional funds on Parcel No. 69; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- e) To discuss financial matters pertaining to the Lease held by Charlie's Paradise Bar; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- f) To confer with County Counsel regarding the Lease/Property Agreement with Business Records Corporation for Criminal Case Imagining; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- g) To discuss Right-Of-Way Acquisition on FM/1419 for Parcel Nos. 041 and 058; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- h) Confer with County Counsel concerning Sea Ranch Property; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071.

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



(22) ACTION RELATIVE TO EXECUTIVE SESSION:

- a) Confer with County Counsel concerning the possible litigation involving the Contract between Cameron County and Southwest Key/La Esperanza Home for Boys.

Commissioner Matz 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.

At this time, Mr. Doug Wright, Cameron County Counsel, noted that Commissioner Peña did not participate in the Executive Session discussions of said matter, and added that he would be available to discuss the possible Contract settlement with the Southwest Key's Representatives.

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 possible litigation involving the Contract between Cameron County and Southwest Key/La Esperanza Home for Boys.

- b) To discuss the status of case and settlement authority on the case styled Rolando Flores vs. Cameron County, Cause No. B-90-223, in the United States District Court of the Southern District of Texas.

Judge Hinojosa reported that after some discussion, it was the consensus of the Court as determined by polling, that the Status Report by County Counsel regarding said matter should be acknowledged.

Upon motion by Commissioner Matz, seconded by Commissioner and carried unanimously, County Counsel's Status Report regarding the settlement authority on the case styled Rolando Flores vs. Cameron County, Cause No. B-90-223, in the United States District Court of the Southern District of Texas, was acknowledged.

- c) To confer with County Counsel on condemnation cases concerning FM/1419 for Parcels Nos. 009 and 012, Part I and II.

Commissioner Matz reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should proceed with the condemnation proceedings as outlined in Executive Session regarding said matter.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, County Counsel was directed to proceed with the condemnation proceedings as outlined in Executive Session regarding FM/1419 for Parcel Nos. 009 and 012, Part I and II.

- d) To discuss Right-Of-Way Acquisition on FM/1419 for Parcel Nos. 014 A, B, and C, 041, and additional funds on Parcel No. 69.

Commissioner Matz 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, and to accept the recommendations by the County Engineer regarding said matters.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session regarding additional funds on Parcel No. 69 and the County Engineer's recommendations were accepted regarding the Right-Of-Way Acquisition on FM/1419 for Parcel Nos. 014 A, B, and C, and 041.

- e) To discuss financial matters pertaining to the Lease held by Charlie's Paradise Bar.

Judge Hinojosa reported that after some discussion, it was the consensus of the Court as determined by polling, that the Status Report presented by the Parks System Director be acknowledged as outlined in Executive Session.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Parks System Director's Report was acknowledged, as outlined in Executive Session regarding the financial matters pertaining to the Lease held by Charlie's Paradise Bar.

- f) To confer with County Counsel regarding Lease/Property Agreement with Business Records Corporation for Criminal case Imagining.

At this time, Mr. Cliff Abbot, Business Records Corporation, stated that he wanted to publicly clarify some of the claims sent to the County Auditor's Office concerning some Accounts Payable issues with the Criminal Courts Imagining System that was installed two (2) years ago. He noted that that he did not have any negotiating or bidding authority from Business Records Corporation, and was only presenting items concerning their case in collecting the Accounts Receivables. He stated that the System in question was installed in 1993 for the purpose of optically imaging the Criminal Records for the County Clerk's Office and added that the first invoice was paid on November 1994. He stated that the County Auditor and the County Counsel are of the opinion that the application of said payment should be to the District Clerk's Account, but that it was Business Record's understanding that the payment was intended for the Criminal Cases Imagining System of the County Clerk's Office and said payment was applied to that account as the

first payment. Mr. Abbot stated that Business Records had a Lease Purchase Contract, signed by the County Clerk for the System, which stated the terms and the conditions of the Lease Purchase during the installation process. He added that the amount now due was the Lease payment on the System for 1995, as well as, the monthly Support Fees for the software and hardware support.

Mr. Doug Wright, Cameron County Counsel, stated that Mr. Abbott had expressed his Company's position, and that one of the specific things that had been agreed upon was that the payment made by the County Auditor's Office was intended for the Criminal Records Department in the District Clerk's Office.

At this time, Mr. Mark Yates, County Auditor, stated that original invoice had been sent to the Elections Administrator's Office, and that the County Auditor's Office knew of the existence of the two (2) Contracts, that being the District Clerk's Lease Purchase and the County Clerk's Land Deed and were not aware of the third Agreement.

Commissioner Cascos questioned whether there was a payment due for the District Clerk's Equipment, since the payment had been applied to the County Clerk's, and Mr. Abbott responded that either one (1) of the Contract would be delinquent, because both payments became due at the same time. He stated that the original invoice was made out to the Elections Administrator's Office, but that the invoice read "Cameron County Criminal, payment one (1) of five (5), in the amount of \$28,424.00."

Mr. Yates stated that the County Auditor's Office interpreted the statement to be for the District Clerk's Criminal Department, not being aware of the County Clerk's Lease Purchase Agreement.

Mr. Wright stated that the Records of the Court did not reflect any approval of a Lease Purchase Agreement between the County Clerk's Office and Business Records Corporation, and added that there were several factual issues that needed to be resolved with the assistance of the County Clerk and the County Auditor.

Mr. Abbott stated that prior to the matter becoming an issue, Business Records was under the assumption that the payment had been applied correctly applied to their account for the Criminal System, and added that in the process of collecting for the 1995 payment for software support, which was in arrears and due, the issue that the Contract had not been approved by the Court and surfaced and it was at this time that Business Records first became aware of the problem.

At this time, Judge Hinojosa reported that after some discussion, it was the consensus of the Court, as determined by polling, that the County Counsel, the County Auditor and the County Clerk should discuss the matter with Business Records, in order to resolve the issues.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the County, County Auditor and County Clerk were directed to meet with Business Records and to resolve the issue regarding the Lease/Property Agreement with Business Records Corporation for the Criminal Case Imagining.

- g) To discuss Right-Of-Way Acquisition on FM/1419 for Parcel Nos. 041 and 058.

Judge Hinojosa reported that after some discussion, it was the consensus of the Court as determined by polling, that the Court should ratify the approval of said matters because the October 31, 1995, Agenda had listed the Items incorrectly.

Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously, the approval regarding the Right-Of-Way Acquisition on FM/1419 for Parcel Nos. 041 and 058 was ratified.

At this time, Mr. Doug Wright, Cameron County Counsel, clarified that the action authorized the payment for Parcel Nos. 041 and 058.

- h) Confer with County Counsel concerning Sea Ranch Property.

Judge Hinojosa reported that after some discussion, it was the consensus of the Court as determined by polling, that the Status Report by County Counsel should be acknowledged as outlined in Executive Session regarding said matter.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the County Counsel's Status Report regarding Sea Ranch Property was acknowledged.

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

Commissioner Matz moved that the Fiscal Year 1995 Budget Amendment No. 96-01 and the Salary Schedules for the M & O Department, Precinct No. 4, Fund No. 15-620, and the County Extension Service Department, Fund No. 10-665, be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Budget Amendment and Salary Schedules 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 **December**, 1995.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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