

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 26TH day of April, 1994, 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

NATIVIDAD VALENCIA
COMMISSIONER, PRECINCT NO. 4

INELDA T. GARCIA, DEPUTY
COUNTY CLERK

ABSENT:

ANTONIO O. GARZA, JR.

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The meeting was called to order by Judge Pro-tem Carlos H. Cascos. He then asked the members of the Disabled American Veterans present, to lead the Court and 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 April 22, 1994, at 10:04 A. M.:

At this time, Judge Pro-tem Cascos requested a moment of silence in remembrance of Mr. Richard M. Nixon, 37th President of the United States of America, who passed away and noted that the Cameron County Courthouse would be closed on Wednesday, April 27, 1994, in observance of his funeral.

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(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, thanked the Court and the Department Heads for their cooperation and participation in the Employee Health Enrollment process which was just completed.

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

The motion was seconded by Commissioner Rosenbaum and carried the following vote:

AYE: Commissioners Rosenbaum and Valencia

NAY: None

ABSTAIN: Judge Pro-tem Cascos as to the claim of:

LANDAIR TRAVEL

Warrant No. 96824 - \$457.21.

The Affidavit is as follow:

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

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 94-20 and the following Salary Schedules were approved:

M & O Courthouse, Fund No. 10-514,

M & O Precinct No. 1, Fund No. 15-617,

Engineering and Right-of-Way Department, Fund No. 15-622,

Health Department, Fund No. 24-631,

Parks System, Fund No. 83-660, and

District Attorney's Office, Fund No. 90-475.

The Budget Amendment and Salary Schedules are as follow:

(3) APPROVAL OF MINUTES OF APRIL 12, 1994

Commissioner Matz moved that the Minutes for the Regular Meeting held April 12, 1994 at 1:30 P. M. be approved.

The motion was seconded by Commissioner Rosenbaum and carried the following vote:

AYE: Commissioners Rosenbaum, Matz, and Valencia

NAY: None

ABSTAIN: Judge Pro-tem Cascos.

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"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 Valencia and carried unanimously, the "Consent" Agenda Items were approved as follows, exclusive of Items No. 5, No. 7, and No. 14a.

(4) CONSIDERATION OF VOTING MACHINE LEASE AGREEMENTS FOR THE MAY 7, 1994, ELECTIONS FOR THE FOLLOWING:

HARLINGEN C I S D,
LA FERIA I S D,
CITY OF LA FERIA,
CITY OF LOS FRESNOS,
SAN BENITO C I S D,
CITY OF SAN BENITO,
SANTA ROSA I S D,
POINT ISABEL I S D,
CAMERON COUNTY FRESH WATER DISTRICT NO 1,
CITY OF SANTA ROSA,
RIO HONDO I S D,
TOWN OF COMBES, and
LOS FRESNOS C I S D.

The Lease Agreements follow:

(6) APPROVAL OF ANNUAL FEES FOR 1994 TO THE CONFERENCE OF URBAN COUNTIES IN THE AMOUNT OF \$1,125.00

(8) AUTHORIZATION TO PURCHASE TWO (2) NEW PICKUP TRUCKS - PRECINCT NO. 2

(9) ACTION TO EXECUTE CHANGE ORDER NO. 13 FOR THE CLINIC ON IOWA STREET

The Change Order follows:

(10) AUTHORIZATION TO RELEASE MAINTENANCE BOND AND ACCEPT NEW ROAD, CALLE LATINO 24' X 840', INTO THE COUNTY ROAD SYSTEM, SAID PROPOSED ROAD LOCATED IN LATINA SUBDIVISION

(11) AUTHORIZATION TO RELEASE MAINTENANCE BOND AND ACCEPT NEW ROADS, SAGE CIRCLE 24' X 950' AND LANTANA CIRCLE 24' X 870', INTO THE COUNTY ROAD SYSTEM, SAID PROPOSED ROADS LOCATED IN RIVER ROAD SUBDIVISION, SECTION II

(12) AUTHORIZATION TO ACKNOWLEDGE HAVENWAY ROAD AS A PRESCRIPTIVE USE OF EASEMENT

(13) FINAL APPROVAL

a) Precinct No. 4:

Dilworth Estates Subdivision, being a 5.04 acre tract of land out of the South portion of Block 12, Stuart Place Subdivision

(14) PRELIMINARY AND FINAL APPROVAL

a) In the matter of Precinct No. 1:

Alcala No. 1 Subdivision, being a resubdivision of a 20.00 acre tract of land being all of Lot 1, Wentz Subdivision (**TABLED**); and

b) Precinct No. 4:

Del Valle No. 6 Subdivision, being a subdivision of a 21.82 acre tract of land out of Block 66, San Benito Land and Water Company Subdivision.

(15) AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGETS:

a) Tax Department employee attended "T.A.A.O. Courses" on November 10, 1993, January 17, 1994 and will attend on March 21, 1994 and May 9-12, 1994, in San Benito, Texas;

b) County Court-at-Law No. 1 Judge to attend the "Texas College of Probate Judges" in El Paso, Texas, on April 28-30, 1994;

c) Veteran's Officer to attend "Spring 1994 County Service Officer Conference" in Dallas, Texas, on May 1-6, 1994;

d) Health Administrator to attend the "Annual Directors' Meeting" in Austin, Texas, on May 2-5, 1994;

e) Four (4) Drug Enforcement Task Force Officers to attend the T.N.O.A. sponsored "Training Session for the Texas Narcotics South Regions Conference" in Victoria, Texas, on May 2-4, 1994;

f) Cameron County Drug Enforcement Director to attend "Mandatory Training" at the Department of Public Safety Academy in Austin, Texas, on May 23-26, 1994;

g) One (1) County Engineer employee to attend the "Eagle Point Engineering Software Training Course" in Houston, Texas, on May 3-6, 1994;

h) One (1) County Engineer employee to attend the "Management Skills for Assistance Seminar" in Harlingen, Texas, on May 25, 1994; and

i) County Judge to attend the "Border Trade Alliance" on May 7-10, 1994 in Washington D. C.

ITEM NO. 4

**CONSIDERATION OF VOTING MACHINE LEASE AGREEMENTS FOR THE
MAY 7, 1994, ELECTIONS FOR THE FOLLOWING:
HARLINGEN C I S D,
LA FERIA I S D,
CITY OF LA FERIA,
CITY OF LOS FRESNOS,
SAN BENITO C I S D,
CITY OF SAN BENITO,
SANTA ROSA I S D,
POINT ISABEL I S D,
CAMERON COUNTY FRESH WATER DISTRICT NO 1,
CITY OF SANTA ROSA,
RIO HONDO I S D,
TOWN OF COMBES, and
LOS FRESNOS C I S D.**

The Lease Agreements follow:

**ITEM NO. 9 ACTION TO EXECUTE CHANGE
ORDER NO. 13 FOR THE CLINIC ON
IOWA STREET**

The Change Order follows:

(5) **APPROVAL OF RESOLUTION
SUPPORTING THE ESTABLISHMENT
OF A U. S. ENVIRONMENTAL
PROTECTION BORDER SATELLITE
OFFICE IN BROWNSVILLE**

Commissioner Matz stated that the Lower Rio Grande Valley Development Council had adopted a similar Resolution on the recommendation of the Environmental Resource Committee, and credited Ms. Jackie Lockett, Brownsville City Commissioner, for taking the initiative for the Resolution supporting the need for the establishment of a Satellite E. P. A. Office in Brownsville.

Commissioner Matz noted the long distance between Brownsville and other E. P. A. Offices in El Paso or Dallas, and the need "for someone in the area who would better understand what was going on and hopefully provide us with the advocacy to access more Federal funds to solve some of the problems."

At this time, Mr. Lou Torrez, Rancho Viejo resident, and member of the Local Emergency Planning Commission (L.E.P.C.), stated that the establishment of a Satellite Office in Brownsville would benefit both Matamoros and Brownsville, and added that international problems would be avoided if there was an Office in Brownsville.

Commissioner Matz moved that the Resolution supporting the establishment of a U. S. Environmental Protection Border Satellite Office in Brownsville be adopted.

The motion was seconded by Commissioner Rosenbaum, and carried unanimously

The Resolution is as follows:

**(7) APPROVAL OF RESOLUTION
SUPPORTING THE DISABLED AMERICAN
VETERANS FOR THEIR CONTINUING
EFFORTS TO PROVIDE ASSISTANCE TO OUR
VALLEY VETERANS**

At this time, Mr. Robert Garcia, Disabled Veteran, addressed the Court regarding the needs of the Disabled Veterans in the County and requested assistance for the medical care of Veterans.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the Resolution supporting the Disabled American Veterans, for their continuing efforts to provide assistance to our Valley Veterans, was adopted.

The Resolution follows:

(16) EXECUTIVE SESSION

Upon motion by Commissioner Matz seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 1:55 P. M. to discuss the following matters:

- a) Discuss settlement and receive information from Counsel regarding Moly vs. Morris, et. al., Case No. B-92-047, U.S. District Court, South District of Texas, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A) and (B);
- b) In the matter to discuss settlement offer received in threatened litigation on Natalia Flores vs. Cameron County and other (unfiled case - allegations of assault, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A) and (B); **(DID NOT DISCUSS)**
- c) Discuss Longoria vs. Cameron County, et. al. with attorney, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A) and (B); and
- d) Discuss status of Castillo vs. Cameron County, U.S. District Court, Southern District of Texas, Case No. B-93-260, and proposal of temporary housing as possible settlement alternative, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A) and (B).

Upon motion by Commissioner Rosenbaum seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 2:40 P. M.

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(17) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Action regarding settlement of Case No. B-92-047, Moly vs. Morris, et. al.;
- b) In the matter regarding settlement offer. **(NO ACTION TAKEN, ITEM WAS NOT DISCUSSED);**
- c) Action regarding hiring attorney for individual defendants and/or County; and
- d) In the matter regarding authorization for necessary action to initiate construction of temporary Adult Detention Center. **(NO ACTION TAKEN).**

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 outlined in Executive Session regarding said matters.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel was directed to proceed with the (a) settlement offer and (c) hiring attorney for individual defendants and/or County, along the terms and conditions as outlined in Executive Session.

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There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the meeting was adjourned.

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APPROVED this **12th** day of **May**, 1994.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

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