

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 1st day of JUNE, 1994, there was conducted a SPECIAL 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 Ms. Judy Ybarra, City of Harlingen's Director of Planning and Development, 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 March 27, 1994, at 10:24 A. M.

(29) **EXECUTIVE SESSION**

Upon motion by Commissioner Rosenbaum seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 1:42 P.M. to discuss the following matters:

- a) Discuss with outside legal Counsel matters pertaining to Leticia Ruth Vasquez, et. al. vs. Ailed George and Cameron County 107th District Court, pursuant to the Code of Professional responsibility of the State Bar of Texas to maintain confidential and privileged, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071;
- b) Discuss Levier vs. Cameron County, et. al., Cause No. 94-05-2150-B, 138th District Court, with Attorney and discuss representation of individual defendants, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A), and
- c) Discuss settlement offer in Briones vs. Cameron County, B-93-154, U.S. District Court, Southern District, Texas, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(B).

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 2:20 P.M.

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(30) **ACTION RELATIVE TO EXECUTIVE SESSION**

- a) Action concerning discussion of Leticia Ruth Vasquez, et. al., vs. Eliud George and Cameron County 107th District Court,
- b) Action concerning discussion of Levier vs. Cameron County et. al., Cause No. 94-05-2150, 138th District Court, with Attorney and representation of individual defendants, and
- c) Action concerning discussion of settlement offer in Briones vs. Cameron County, B-93-154, U.S. District Court, Southern District, Texas.

Judge Pro-tem Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that Counsels should proceed along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, Counsels were directed to proceed along the terms and conditions as outlined in Executive Session regarding the cases styled a) Leticia Ruth Vasquez, et. al., vs. Ailed George and Cameron County 107th District Court, b) Levier vs. Cameron County, et. al., Cause No. 94-05-2150, 138th District Court, and c) Briones vs. Cameron County, B-93-154, U.S. District Court, Southern District, Texas.

"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 follow, exclusive of Item No. 14 and Item No. 21:

- (10) AUTHORIZATION TO APPROVE CHANGE ORDER NO. 2 FOR THE JAIL EXPANSION PROJECT

The Change Order follows:

- (11) AUTHORIZATION TO ADOPT RESOLUTION HONORING MR. SANTOS MOLINA FOR HIS PARTICIPATION WITH THE U.S. ARMY INVASION AT NORMANDY BEACH ON JUNE 6, 1944, AND DECLARING JUNE 6, 1994, AS "MR. SANTOS MOLINA DAY" IN CAMERON COUNTY

The Resolution follows:

- (12) AUTHORIZATION TO APPROVE CONTRACT FOR JUVENILE LEGAL SERVICES WITH JUAN JOSE MARTINEZ

The Contract follows:

- (13) APPROVAL OF PROPOSAL FROM AAA TELEPHONE AND COMMUNICATIONS INCORPORATED TO RECONFIGURE TELEPHONE SERVICES AT THE SAM HOUSTON AND GOOLSBY BUILDINGS, IN ORDER TO PROVIDE SAVINGS AND SERVICES TO THE COUNTY

The Proposal follows:

- (15) AUTHORIZATION FOR THE AMERICAN LEGION POST NO. 43, TO HOLD THE THIRD (3RD) ANNUAL FISHING TOURNAMENT ON AUGUST 14, 1994, AT THE BOCA CHICA BEACH
- (16) AUTHORIZATION FOR ACCEPTANCE OF ROAD IN STUART PLACE SUBDIVISION, UNIT 5, PRECINCT NO. 4, INTO THE COUNTY ROAD SYSTEM
- (17) ADOPTION OF A RESOLUTION SUPPORTING THE CITY OF HARLINGEN'S ENTERPRISE COMMUNITY APPLICATION

The Resolution follows:

- (18) AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE COLONIA PLANNING GRANT NO. 703025 WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

The Resolution follows:

- (19) AUTHORIZATION FOR THE PROJECT ARCHITECT TO REMOVE A PORTION OF THE OLD COURTHOUSE CORNICE FOR EVALUATION AND RESTORATION DESIGN
- (20) APPROVAL OF CONTRACT AMENDMENT WITH RICHARD MYCUE, ARCHITECT, FOR THE WORKING DRAWING AND CONSTRUCTION OBSERVATION PHASE OF THE OLD COURTHOUSE RESTORATION PROJECT

The Contract Amendment follows:

- (22) APPROVAL OF CHANGE TO MOBILE BEACH PERMIT NO. 2581 FOR JUAN TORRES, JR., DBA SUPER CORN II

The Application follows:

- (23) APPROVAL OF CHANGE TO MOBILE BEACH PERMIT NO. 2528 FOR JUAN TORRES, JR., DBA SUPER CORN

The Application follows:

- (24) AUTHORIZATION TO APPROVE THE ANNUAL MEMBERSHIP DUES IN THE AMOUNT OF \$3,500.00 TO THE AMIGOS DEL VALLE, INCORPORATED
- (25) AUTHORIZATION TO AWARD BIDS FOR FIFTEEN (15) PASSENGER VAN - QUANTITY IN STOCK FOR SHERIFF'S DEPARTMENT

Tip-o-Tex Chevrolet, Brownsville, Texas

a) 1-2:Van - \$14,223.94

- (26) AUTHORIZATION TO ADVERTISE FOR ONE (1) JEEP - IN STOCK - FOR PARKS DEPARTMENT
- (27) AUTHORIZATION TO OPEN BIDS FOR CASH OR LEASE PURCHASE OF ONE (1) CHIP SPREADER FOR PRECINCT NO. 2

The Bids are as follow:

- (28) AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSES FOR THE FOLLOWING SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGET:
- a) Two (2) Drug Enforcement Task Force Officers to attend "Raid Scene and Specialized Surveillance Photography Seminar" in McAllen, Texas, on June 15, 1994;
 - b) Constable Precinct No. 8 and Deputy to attend the "Highway Interdiction/Street Level Narcotics Techniques" in Houston, Texas, on July 18-21, 1994;
 - c) Two (2) Health Department employees to attend the "Nursing Practice Update" in Corpus Christi, Texas, on June 28-29, 1994;
 - d) Assistant Auditor to attend an "Indigent Health Care Meeting" in Corpus Christi, Texas, on July 7-8, 1994; and
 - e) Commissioner Precinct No. 4, to attend the "South Texas Judges' and Commissioners' Annual Conference " in Victoria, Texas, on July 27-30, 1994.

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ITEM NO. 10

**AUTHORIZATION TO APPROVE CHANGE ORDER NO. 2
FOR THE JAIL EXPANSION PROJECT**

The Change Order follows:

ITEM NO. 11

**AUTHORIZATION TO ADOPT RESOLUTION HONORING
MR. SANTOS MOLINA FOR HIS PARTICIPATION WITH
THE U.S. ARMY INVASION AT NORMANDY BEACH ON
JUNE 6, 1944, AND DECLARING JUNE 6, 1994, AS "MR.
SANTOS MOLINA DAY" IN CAMERON COUNTY**

The Resolution follows:

ITEM NO. 12

**AUTHORIZATION TO APPROVE CONTRACT FOR
JUVENILE LEGAL SERVICES WITH JUAN JOSE
MARTINEZ**

The Contract follows:

ITEM NO. 13

**APPROVAL OF PROPOSAL FROM AAA TELEPHONE
AND COMMUNICATIONS INCORPORATED TO
RECONFIGURE TELEPHONE SERVICES AT THE SAM
HOUSTON AND GOOLSBY BUILDINGS, IN ORDER TO
PROVIDE SAVINGS AND SERVICES TO THE COUNTY**

The Proposal follows:

ITEM NO. 17

**ADOPTION OF A RESOLUTION SUPPORTING THE CITY
OF HARLINGEN'S ENTERPRISE COMMUNITY
APPLICATION**

The Resolution follows:

ITEM NO. 18

**AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE
COLONIA PLANNING GRANT NO. 703025 WITH THE
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY
AFFAIRS**

The Resolution follows:

ITEM NO. 20

**APPROVAL OF CONTRACT AMENDMENT WITH
RICHARD MYCUE, ARCHITECT, FOR THE WORKING
DRAWING AND CONSTRUCTION OBSERVATION PHASE
OF THE OLD COURTHOUSE RESTORATION PROJECT**

The Contract Amendment follows:

**ITEM NO. 22 APPROVAL OF CHANGE TO MOBILE BEACH PERMIT
NO. 2581 FOR JUAN TORRES, JR., DBA SUPER CORN II**

**ITEM NO. 23 APPROVAL OF CHANGE TO MOBILE BEACH PERMIT
NO. 2528 FOR JUAN TORRES, JR., DBA SUPER CORN**

The Applications follow:

ITEM NO. 27

**AUTHORIZATION TO OPEN BIDS FOR CASH OR LEASE
PURCHASE OF ONE (1) CHIP SPREADER FOR PRECINCT
NO. 2**

The Bids are as follow:

**(14) IN THE MATTER OF A PROCLAMATION
DECLARING JUNE 4, 1994, AS THE
"ABSTINENCE DAY" IN CAMERON COUNTY
(NO ACTION TAKEN)**

At this time, Mr. Bob Clark, Deacon, expressed his support for an "Abstinence" Program in Cameron County.

Judge Pro-tem Cascos remarked that "not only an "Abstinence" Program, but an Educational Program" was needed.

There was NO ACTION taken by the Court on said Matter.

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(1) APPROVAL OF COUNTY CLAIMS

Commissioner Valencia moved that the County Claims be approved as presented and as recommended by the County Auditor.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 94-24 and the Salary Schedules for the Health Department, Fund No. 27-637, the District Attorney's Office, Fund Nos. 477 and 478, and the Drug Task Force, Fund Nos. 474 and 50-476, were approved.

The Budget Amendment and Salary Schedules are as follow:

(3) **APPROVAL OF MINUTES FOR MAY 17, 1994 AND
MAY 24, 1994 (TABLED)**

MAY 17, 1994

Commissioner Valencia moved that the Minutes of the Regular Meeting held May 17, 1994, at 1:30 P.M. be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

MAY 24, 1994 (TABLED)

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Minutes of the Regular Meeting held May 24, 1994, were TABLED for one (1) week.

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(4) **IN THE MATTER OF BUDGETARY CONCERNS
AND POLICY ISSUES RELATING TO THE
PROVISION OF LIABILITY INSURANCE FOR A
VEHICLE TO BE USED BY DEPUTY CONSTABLE
RESERVES (TABLED)**

Mr. Mark Yates, County Auditor, explained that the Sheriff's Department had transferred two (2) seized vehicles to a Constable for use by a Deputy Reserve. He stated that the Constables receive car allowances, but that the Deputy Reserves do not receive car allowances. He added that the vehicles were Cameron County property, but the Auditor's Office could not provide license plates because there was no proof of insurance.

Mr. Yates requested the Court's direction as to whether the Court wanted to provide the liability insurance for the vehicles under the County's Umbrella Liability Policy, at approximately \$550.00 a year per vehicle, and have the Deputy Reserves provide the maintenance and gasoline.

There was some discussion concerning the issues to be resolved, including whether seized vehicles were to remain in the Sheriff's Department or whether they could be placed in a "pool" to be sold and the options available and the suggestion was made to table said item.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, this Item was TABLED for two (2) weeks.

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(5) **AUTHORIZATION TO ADOPT A POLICY FOR
THE FUTURE PRESENTATION OF THE FREE
TRADE BRIDGE - LOS INDIOS
COMMEMORATIVE MEDALLIONS**

Mr. Joe Galvan, Bridge Systems Director, explained that 500 medallions were issued to commemorate the opening of the Free Trade Bridge at Los Indios and that the County had a total of 190 medallions remaining. He added that since the medallions cost approximately \$40.00 each, that a policy should be adopted that defined the criteria for presentations. He recommended that the County Judge be authorized the discretion to present the Medallions based on the following criteria:

- 1)"Recipients should be attending a scheduled meeting/tour of the facilities at Free Trade Bridge-Los Indios,
and

2)Recipients should be in a position where they have assisted or can assist Free Trade Bridge-Los Indios in the expansion of economic development, infrastructure or traffic."

Commissioner Matz moved that the Policy for the future presentation of Free Trade Bridge - Los Indios Commemorative Medallions be adopted as outlined.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(21) AUTHORIZATION TO ACCEPT OR DECLINE OFFER FROM THOMAS HOWELL GROUP (USA) INCORPORATED, TO PAY FOR DAMAGES TO A TOLL BOOTH AT GATEWAY BRIDGE

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the offer from Thomas Howell Group (USA) Incorporated, to pay for damages to a toll booth at the Gateway Bridge, was accepted.

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(9) AUTHORIZATION TO ALLOW VALLEY FEDERAL CREDIT UNION SPACE AT THE COURTHOUSE COMPLEX TO PROVIDE BANKING SERVICES TO COUNTY EMPLOYEES

At this time, Mr. Mike Maltos, General Manager, explained that Valley Federal Credit Union was initiating the Valley's first full-service "Mobile Financial Services", in order to provide convenient Credit Union services to County employees.

Commissioner Rosenbaum moved that Valley Federal Credit Union be allowed space at the Courthouse Complex, in order to provide on-site Banking Services to County employees.

The motion was seconded by Commissioner Matz and carried unanimously.

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(6) PUBLIC HEARING ON THE INCORPORATION OF THE COMMUNITY OF LOS INDIOS

Ms. Dylbia Jeffries, County Counsel, explained that several weeks ago, Judge Garza suggested that several determinations be made on the Application, in order to call for the Incorporation Election. She stated that the finding presented last week indicated that the required number of qualified voters signed the Application, and that the population was between 201 and 9,999. She added that the boundary requirements had not been met, because the incorporators had used an outdated Map which included an area of Mexico. She recommended that the Court request that the Application be withdrawn and that an Application with the correct boundaries and the proper signatures be re-submitted.

At this time, Mr. Rick Bennett, resident, expressed the Committee's gratitude to Cameron County and the Engineering Department and the Cities of San Benito and Harlingen for their cooperation and support in their efforts to incorporate. He acknowledged the problems encountered and stated that they would start over and re-submit a correct Application.

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

Commissioner Valencia moved that the Application for the Incorporation of the Community of Los Indios be re-submitted.

The motion was seconded by Commissioner Matz and carried unanimously.

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(7) **IN THE MATTER OF POSSIBLE SETTING OF DATE AND PLACE FOR AN INCORPORATION ELECTION FOR THE COMMUNITY OF LOS INDIOS (NO ACTION TAKEN)**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, NO ACTION was taken on said matter.

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(8) **AUTHORIZATION FOR COUNTY ENGINEER'S OFFICE TO COMMENCE RELOCATION PLANS AND PREPARATIONS TO THE DANCY BUILDING, FIRST FLOOR**

Mr. Andy Cueto, County Engineer, explained that it was determined that an "800" phone number for the Engineering Department would not be cost effective and suggested that the "399 San Benito" exchange be continued.

He added that the relocation of the County Engineering Department would have no impact on the recommendations received from the Architect's and added that the proposed Budget of \$33,000.00 had been trimmed to less than \$12,000.00.

Judge Pro-tem Cascos explained that members of the Court received a request from the County Clerk to utilize a section of the Office space being vacated by the County Engineer.

At this time, Mr. Joe G. Rivera, County Clerk, explained that the space could provide an area for Records Management and would alleviate the overcrowding in the Administration Building and in the Courts Department. He stated that the matter was discussed with Mr. Doug Wright, County Counsel, and added that they were both in agreement concerning the space requirements for their respective Offices.

Mr. Douglas Wright, County Counsel, stated that they did not anticipate any major structural changes, other than a wall on one (1) office space.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the relocation plans and preparations to the Dancy Building, First Floor, were authorized.

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**NOT ON IN THE MATTER OF RESOLUTION OF
AGENDA COASTAL MANAGEMENT PROGRAM
(NO ACTION TAKEN)**

At this time, Ms. Rosemary Martinez, Budget Officer, explained that a request for adoption of a Resolution on Coastal Management was received, to be ratified at the next Meeting.

Commissioner Valencia moved that the Resolution be approved.

Commissioner Matz expressed his objection to the approval and added that the Resolution should go before the Parks Board for their recommendation.

There was some discussion concerning the June 2, 1994, deadline and some changes recommended by the General Land Office and the suggestion was made to present the Resolution through the appropriate channels.

At this time, Commissioner Valencia withdrew his motion for approval.

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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 7th day of **June**, 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