

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 23rd day of AUGUST, 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:  
ANTONIO O. GARZA, JR.  
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

NELLIE GARCIA Deputy  
COUNTY CLERK

ABSENT:  
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The meeting was called to order by Judge Antonio O. Garza Jr. He then asked Mr. Douglas Wright, County Counsel, 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 August 19, 1994, at 12:40 P. M.:

**(1) APPROVAL OF COUNTY CLAIMS**

Mr. Mark Yates, County Auditor, presented the late claim as to Ms. Imelda Gracia, Juvenile Probation Department, Warrant No. 103706, in the amount of \$400.00, for approval.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the County Claims were approved as recommended by the County Auditor, inclusive of the late claim as to Warrant No. 103706, in the amount of \$400.00.

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

Commissioner Matz moved that the Fiscal Year 1994 Budget Amendment No. 94-33 be approved as recommended by the Budget Officer.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Budget Amendment is as follows:

(3) **IN THE MATTER OF MINUTES' OF AUGUST 9  
AND 16, 1994 (TABLED) AND AUGUST 18, 1994  
(APPROVED)**

**AUGUST 18, 1994**

Commissioner Matz moved that the Minutes of the Special Meeting held August 18, 1994, at 11:00 A. M. be approved.

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

**AYE:** Commissioners Rosenbaum, Matz and Valencia

**NAY:** None

**ABSTAIN:** Commissioner Cascos.

**AUGUST 9 AND AUGUST 16, 1994 (TABLED)**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Minutes of August 9, and August 16, 1994, were tabled.

(4) **AUTHORIZATION TO HOLD A PUBLIC  
HEARING TO ADOPT AN ORDER FOR FLOOD  
CONTROL**

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

At this time, Mr. Javier Mendez, County Building Official, stated that the local Flood Control Order had been amended to comply with the Federal Emergency Management Agency (FEMA) Regulations.

Mr. Andy Cueto, County Engineer, stated that the Amendments created uniform procedures, comparable to the major Cities in the County, and added that the County would now be able to enforce the Southern Building Codes.

Hearing and sensing no further comments, upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Public Hearing was closed.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Order for Flood Control was adopted, on the recommendation of the County Counsel and the County Engineer.

The Order and Regulations are as follow:

(5) **AUTHORIZATION FOR THE COUNTY AUDITOR TO LOAN FUND NO. 6, 1991 CERTIFICATES OF OBLIGATION, IN THE AMOUNT OF \$52,128.00, TO COVER CASH SHORTAGE**

Mr. Mark Yates, County Auditor, explained that the Court approved Certificates of Obligation in 1991, in the amount of \$2,500,000.00, intended for Road Improvements, the Health Clinic and Right-of-Way acquisitions. He stated that Fund No. 6 utilized \$955,000.00 for Right-Of-Way acquisitions, \$250,000.00 over budget, with the intention of having the Cities of Harlingen and San Benito reimburse the County for the cost of acquisitions.

Mr. Yates explained that the Interlocal Agreement with the City of Harlingen, executed in 1990, and the San Benito Interlocal Agreement, executed in April, 1991, had receivables in the amount of \$141,000.00. He indicated that the receivables were not cash, and cash was needed to pay the vendors for the Projects for Commissioner Precinct No. 4, and requested the loan until the issue of the receivables was resolved.

Commissioner Cascos questioned why the Road Improvement Funds were combined with the Right-of-Way acquisitions and Mr. Yates responded that the Budgets were distinctive and separate, but that the cash was used as the Projects proceeded.

Commissioner Valencia stated that there were no time limitations on the Projects funded by the Certificates of Obligation and he was shocked to learn that there was no money available, and he requested the loan in order to complete his Projects.

Mr. Yates remarked that the initial request was in the amount of \$52,000.00, but requested consideration to have the loan extended to cover the amount of the receivables in order to complete the funded Projects.

Commissioner Cascos questioned the likelihood of the collection of the receivables, and Judge Garza responded that the likelihood of collection was "high" but that it was a matter of "timing".

Mayor Chuck Weekly, San Benito, Texas, assured the Court that the City of San Benito would pay all of the amount due. He indicated that they were not aware of the expenditures until the invoice, in the amount of \$131,000.00, was received in July, 1994, and the amount was not budgeted. He added that the items on the invoice would be verified and payment submitted.

Ms. Rosemary Martinez, Budget Officer, stated that the 1991 Bond Issues were for Road Improvements for the Precincts, the Health Clinic and Right-Of-Way acquisitions, and added that some of the Projects were beyond the scope of the original Bond Issue and required that the Interlocal Agreements be executed.

Commissioner Cascos questioned what steps were being taken by the County Auditor's Office to ensure that similar situations not occur again because the County and the entities that executed the Interlocal Agreements had to budget for those expenditures.

Mr. Yates responded that the Auditor's Office was verifying the balances of the receivables and requiring the "back-up" for the receivables.

At this time, Commissioner Matz presented a check in the amount of \$10,077.00 from the City of Harlingen.

Commissioner Cascos questioned the amount needed to cover the Projects and Commissioner Valencia

responded that the amount of \$68,000.00 was needed in order to finish the Projects.

Commissioner Matz moved that the loan to Fund No. 6, 1991 Certificates of Obligation, in the amount of \$52,128.00 be authorized to cover the cash shortage and that the County Auditor be directed to meet with the City of San Benito to determine a time schedule.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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

(6) IN THE MATTER TO OPEN BIDS FOR CONSTRUCTION OF SEWER FACILITIES IN LAS PALMAS SECTIONS NO. 1, NO. 2 AND NO. 3, TEXAS COMMUNITY DEVELOPMENT PROGRAM (TCDP) NO. 702025 AND LAS PALMAS SECTION NO. 4 TCDP NO. 702021 AND FOR CONSULTING ENGINEER TO EVALUATE BIDS (TABLED)

(7) APPROVAL OF VENDING CONTRACT WITH ST. FRANCIS DISTRIBUTING COMPANY FOR SOFT DRINK VENDING MACHINES

**The Contract follows:**

(8) AUTHORIZATION FOR THE LOS FRESNOS HIGH SCHOOL TO USE VOTING MACHINES FOR STUDENT COUNCIL CONSTITUTION ELECTION ON SEPTEMBER 2, 1994

(9) APPROVAL OF COUNTY TREASURER'S QUARTERLY REPORTS ENDING JUNE 30, 1994

**The Report follows:**

(10) AUTHORIZATION TO TRANSFER THE D-620 SECURITY SYSTEM TO DEPARTMENT NO. 15-619, CAMERON COUNTY PRECINCT NO. 3

(11) AUTHORIZATION FOR ACCEPTANCE OF PRESCRIPTIVE EASEMENTS FOR RUIZ ROAD AND CORONADO ROAD, WITHIN EL JARDIN SUBDIVISION, ON THE COUNTY ENGINEER'S CONCURRENCE

(12) APPROVAL OF APPLICATION FOR MOBILE VENDING PERMIT FOR FRANCISCO TORRES HERNANDEZ, D/B/A, EL REY DEL ELOTE NO. 2

**The Application follows:**

(13) APPROVAL OF APPLICATION FOR MOBILE VENDING PERMIT FOR FRANCISCO TORRES HERNANDEZ, D/B/A, EL REY DEL ELOTE NO. 1

**The Application follows:**

(14) APPROVAL OF APPLICATION FOR RENEWAL OF BEACH VENDING PERMIT TO JUAN TORRES, D/B/A, SUPER CORN

**The Application follows:**

(15) AUTHORIZATION TO EXECUTE 1994-1995 MENTAL HEALTH

DEPUTY CONTRACT BETWEEN CAMERON COUNTY AND  
TROPICAL CENTER FOR MENTAL HEALTH AND MENTAL  
RETARDATION (MHMR), SUBJECT TO LEGAL REVIEW

**The Contract follows:**

- (16) AUTHORIZATION TO AWARD ANNUAL BIDS FOR FURNITURE  
FOR VARIOUS DEPARTMENTS

**DICK OFFICE SUPPLY, McAllen, Texas**

- G) Executive Chair - one (1)-\$ 344.82  
K) Stacking Chairs - six (6)-\$ 161.22  
P) Guest Chairs - eight (8)-\$ 823.20  
S) File Cabinet 4d Legal-two (2)-\$ 327.60  
Y) Training Table - one (1)-\$ 55.92  
Z) Typing Stand - one (1)-\$ 94.25  
AB) Printer Stand - one (1)-\$ 255.58

**COOK, Harlingen, Texas**

- A) Desks - three (3)-\$ 869.04
- F) Guest Chairs - ten (10)-\$1,981.60
- J) Operator Chairs - three (3)-\$ 409.29
- M) Executive Chairs - nine (9)-\$1,297.89
- N) Task Chair - one (1)-\$ 115.68
- O) Clerical Chairs - four (4)-\$ 439.92
- Q) Guest Chairs - two (2)-\$ 266.62
- R) File Cabinet 2D Legal-one (1)-\$ 111.37
- W) File Cabinet 4D Letter-five (5)-\$ 717.25

**JOYCE, Brownsville, Texas**

- B) Secretary Desk - one (1)-\$ 398.64
- C) Computer Desk - one (1)-\$ 247.20
- D) Executive Desks - three (3)-\$ 800.61
- E) Desks - five (5)-\$1,844.15
- H) Guest Chairs - three (3)-\$ 408.69
- I) Executive Chairs - one (1)-\$ 194.15
- L) Swivel Chairs - three (3)-\$ 680.52
- U) File Cabinet 4D Legal FP-(1)-\$1,009.12
- V) File Cabinet 4D Legal-one (1)-\$ 216.66
- X) Book Shelves - two (2)-\$ 354.94
- AA) Typing Stand - one (1)-\$ 116.79

- (17) AUTHORIZATION TO AWARD BIDS FOR ONE (1) PICK-UP TRUCK AND ONE (1) TON DUMP TRUCK FOR PRECINCT NO. 1

**L. T. BOSWELL, San Benito, Texas**

- A) Compact Pick-up - Cash without trade - \$9,404.10

**KELLOGG CHEVROLET, San Benito, Texas**

- B) One (1) ton dump truck - Cash with trade - \$13,565.00

- (18) AUTHORIZATION TO OPEN ANNUAL BIDS FOR LASER PRINTING TONER RECYCLING

**The Bids received and opened follow:**

- (19) AUTHORIZATION TO OPEN ANNUAL BIDS FOR VOTING SUPPLIES

The Bids received and opened follow:

- (20) AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGETS:

- a) Election Administrator and Deputy to attend the "Elections Center Annual Conference" in New Orleans, Louisiana, on August 24-26, 1994;
- b) Parks Director to attend the "Annual Public Meeting and Hearing" on statewide issues at the Texas Parks and Wildlife Department in Austin, Texas, on August 24, 1994;
- c) Constable Precinct No. 6 to attend the "Security and Your Court Conference" in Galveston, Texas, on August 16-19, 1994;
- d) Precinct No. 1 Commissioner and Foreman and Purchasing Agent to evaluate road machinery in San Antonio, Texas, on August 24-26, 1994;
- e) Chief Juvenile Officer to attend the "49th Annual Workshop of Texas Institute on Children and Youth" and Board Meetings in Hunt, Texas, on September 11-15, 1994;
- f) County Treasurer to attend the "46th Annual Treasurers' Conference" in Beaumont, Texas, on September 19-22, 1994;
- g) Justice of the Peace Precinct No. 6, Place No. 2, to attend the

"Current Inquest Issues" in San Antonio, Texas, on August 22-24, 1994;

- h) International Bridge Systems Director to attend the "Texas Senate Committee on International Relations Trade and Technology Hearing on Coordinated Infrastructure Planning and Alternative Financing" in Corpus Christi, Texas, on August 24-25, 1994;
- i) Commissioner's Precinct No. 4 Administrative Assistant to attend the "Texas Notary Law and Procedure Seminar" in Harlingen, Texas, on September 8, 1994;
- j) Commissioner Precinct No. 4 to attend the "Advanced County Government Series" in Austin, Texas, on August 24-26, 1994;
- k) Financial Disruption Task Force Coordinator to attend a mandatory meeting on "High Intensity Drug Trafficking Area (HIDTA) Commander/Coordinators" in Baytown, Texas, on August 8, 1994; and
- l) County Judge to attend the "Bridges and Border Crossing Meeting" in San Diego, California, on September 20-22, 1994.

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**ITEM NO. 7**

**APPROVAL OF VENDING CONTRACT WITH ST.  
FRANCIS DISTRIBUTING COMPANY FOR SOFT DRINK  
VENDING MACHINES**

**The Contract follows:**

**ITEM NO. 9**

**APPROVAL OF COUNTY TREASURER'S QUARTERLY  
REPORTS ENDING JUNE 30, 1994**

**The Report follows:**

- ITEM NO. 12**                    **APPROVAL OF APPLICATION FOR MOBILE VENDING PERMIT FOR FRANCISCO TORRES HERNANDEZ, D/B/A, EL REY DEL ELOTE NO. 2**
- ITEM NO. 13**                    **APPROVAL OF APPLICATION FOR MOBILE VENDING PERMIT FOR FRANCISCO TORRES HERNANDEZ, D/B/A, EL REY DEL ELOTE NO. 1**
- ITEM NO. 14**                    **APPROVAL OF APPLICATION FOR RENEWAL OF BEACH VENDING PERMIT TO JUAN TORRES, D/B/A, SUPER CORN**

**The Applications follow:**

**ITEM NO. 15**

**AUTHORIZATION TO EXECUTE 1994-1995 MENTAL  
HEALTH DEPUTY CONTRACT BETWEEN CAMERON  
COUNTY AND TROPICAL CENTER FOR MENTAL  
HEALTH AND MENTAL RETARDATION (MHMR),  
SUBJECT TO LEGAL REVIEW**

**The Contract follows:**

**ITEM NO. 18**

**AUTHORIZATION TO OPEN ANNUAL BIDS FOR LASER  
PRINTING TONER RECYCLING**

**The Bids received and opened follow:**

**ITEM NO. 19**

**AUTHORIZATION TO OPEN ANNUAL BIDS FOR VOTING  
SUPPLIES**

**The Bids received and opened follow:**

**(21) EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the

Court met in Executive Session at 2:05 P. M. to discuss the following matters:

- a) Discuss Castillo vs. Cameron County, B-93-260, U.S. District Court, Southern District of Texas, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 and 551.071(1)(A);
- b) Discuss the Texas Tort Claims Act Notice of Claim on Luis Villarreal vs. Mike Bargarena and discuss potential litigation with Commissioners' Court, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
- c) Discuss Dakota Avenue South, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- d) Discuss with Counsel the contractual requirements for compliance regarding the "Testing Phase" of the "Easy Tax" Tax Collection Software as defined in the Contract with Hamer Enterprises, Incorporated; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2).

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 3:25 P.M.

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

- a) In the matter of action regarding Castillo vs. Cameron County, B-93-260, U.S. District Court, Southern District of Texas; **(NO ACTION TAKEN)**
- b) Action regarding discussion of Texas Tort Claims Act Notice of Claim on Luis Villarreal vs. Mike Bargarena and potential litigation with Commissioners' Court;
- c) Action regarding discussion on Dakota Avenue South; and
- d) Action regarding discussion of matters pertaining to the "Testing Phase" of the "Easy Tax" Tax Collection Software as defined in the Contract with Hamer Enterprises, Incorporated.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that no action be taken on Item 22 "a" and to proceed along the terms and conditions as outlined in Executive Session concerning the other matters discussed.

Commissioner Matz moved that no action be taken on the matter concerning Castillo vs. Cameron County, B-93-260; that Counsel proceed with the defense on the matter concerning Luis Villarreal vs. Mike Bargarena and that matters concerning the Dakota Avenue South and the "Easy Tax" Tax Collection Software as defined in the Contract with Hamer Enterprises, proceed along the terms and conditions as outlined in Executive Session.

The motion was seconded by Commissioner Cascos and carried unanimously.

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

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**APPROVED** this 30th day of **AUGUST, 1994**.

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**ANTONIO O. GARZA, JR.**  
**COUNTY JUDGE**

**ATTEST:**

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