

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented the late claims as to Reyna Construction Company, Warrant No. 107369, in the amount of \$12,863.10 and Deere Credit Corporation, West Des Moines, Iowa, Warrant No. 107404, in the amount of \$13,486.69 for approval.

At this time, Commissioner Cascos requested that the County Auditor confirm that the subcontractors were paid prior to the release of Warrant No. 107369, and the County Auditor responded that the release of liens had been received from all the subcontractors and would confirm again prior to the release of Warrant No. 107369.

Commissioner Matz requested clarification as to Warrant No. 107330 in the amount of \$32.00.

Commissioner Cascos moved that the County Claims be approved as recommended by the County Auditor, excluding Warrant No. 107330 in the amount of \$32.00, pending clarification.

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

AYE: Commissioners Rosenbaum, Cascos, Matz and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claim of:

E. DE LA GARZA

Warrant No. 107026 - \$168.48.

The Affidavit is as follows:

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

Judge Garza questioned whether the County Auditor would prepare the Budget Amendments on an "interim" basis or until such time as the Court appointed a Budget Officer, and the County Auditor replied that his Office would do so for a period not to exceed three (3) months.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 94-36, the Fiscal Year 1995 Budget Amendment No. 95-03, Salary Schedules for the County Clerk Department, Fund No. 10-403, Maintenance and Operations Department, Fund No. 10-507, and Park System Department, Fund No. 83-660 were approved; and Mr. Mark Yates, County Auditor, was designated to prepare the Budget Amendments and Salary Schedules on an interim period not to exceed three (3) months.

The Budget Amendments and Salary Schedules are as follow:

(3) **IN THE MATTER OF MINUTES OF OCTOBER 11 ,
1994 [TABLED]**

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

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(4) **ESTABLISHMENT OF A SCHEDULE FOR ANNUAL
PERFORMANCE REVIEWS FOR ALL COUNTY
DEPARTMENT HEADS WHO REPORT TO OR
WHOSE SALARIES ARE DIRECTLY
ESTABLISHED BY THE COMMISSIONERS'
COURT**

At this time, Judge Garza recommended to incorporate evaluations of the Department Heads based on the last evaluation and on those individuals that have no evaluations, schedule based on the date of employment.

Commissioner Matz moved that the Schedule for Annual Performance Reviews for all County Department Heads who report to or whose salaries are directly established by the Commissioners' Court, be established based on an annual date based on the last evaluation or if there were no evaluations, on an "annual" date based on the date of hire.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Schedule is as follows:

**(5) APPROVAL OF MR. MICHAEL MARTIN,
ASSISTANT COUNTY ENGINEER, TO SERVE IN
THE CAPACITY OF ACTING COUNTY ENGINEER**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, Mr. Michael Martin, Assistant County Engineer, was designated to serve as "Acting County Engineer".

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**(6) APPROVAL OF SITUATION CREATED BY THE
TRUCKS PARKED ON THE SIDE OF THE ROAD
AT THE TRANSMIGRANTES OFFICE ON
HIGHWAY 281**

Judge Garza explained that the San Benito Independent Consolidated School District had expressed concerns regarding the trucks parked on the side of the road at the Transmigrant Office on Highway 281, as reflected in the following letter dated October 18, 1994:

Mr. Joe Galvan, Bridge Systems Director, reported that the Free Trade Bridge was one (1) of two (2) Bridges designated as a "transmigrantes" crossing. He stated that there were an average of five thousand (5,000) transmigrants crossing per month and added that it was anticipated that the numbers would double during the peak months of November, December, March and June.

At this time, Mr Galvan reviewed some of the problems experienced by the Mexican Brokers in processing the paperwork required for the transmigrants. He stated that the Bridge Policy was that if the "transmigrants" did not have the paperwork required, or were accompanied by a Broker, that they could not Park or should show up at the Bridge, because there was no space to accommodate them. He added that some complaints were received concerning the transmigrants blocking businesses and restaurants which also created potential hazards.

Mr. Galvan suggested the Court's approval to prepare recommendations in order to have some control on the expansion of the Brokerage Firms.

At this time, Judge Garza remarked that the School was experiencing a problem with parking, and suggested "No Parking Sign" within seventy (75) feet on both sides of the Loop, to give them some relief.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the County Engineer and the Bridge Systems Director were directed to prepare recommendations regarding the Transmigrant Traffic and to report to the Court within two (2) weeks.

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(7) **AUTHORIZATION TO EXECUTE INTERLOCAL AGREEMENT BETWEEN THE CITY OF HARLINGEN AND CAMERON COUNTY FOR THE CITY OF HARLINGEN TO PERFORM BUILDING INSPECTIONS SERVICES AT THE HARLINGEN INDUSTRIAL AIRPARK AND HARLINGEN INDUSTRIAL PARKS II AND III**

Commissioner Matz reported that the Harlingen Industrial Parks No. II and No. III were anticipating increased activity, and the City of Harlingen was proposing an Agreement with the County, to allow the City of Harlingen Inspectors to conduct the Inspections and issue Permits, instead of the County Engineer's Office.

At this time, Judge Garza stated that if the County was going to Contract out any of the Inspection Services, that there should be an "indemnity" and "hold harmless" clause for any cause of action that might be pursued by virtue of a faulty inspection, and that it would include the cost of defense for the County.

Mr. Michael Martin, Assistant County Engineer, stated that the concern was that the City of Harlingen adhere to the Flood Ordinance requirements.

Commissioner Matz moved that the Interlocal Agreement between the City of Harlingen and Cameron County, for the City of Harlingen to perform Building Inspections Services at the Harlingen Industrial Airpark and Harlingen Industrial Parks No. II and No. III, be authorized, subject to legal review and the inclusion of the "indemnity and hold harmless" clause as suggested by the Court.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Agreement is as follows:

"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 Cascos and carried unanimously, the "Consent" Agenda Items were approved as follow, with the Amendment to Item 17"d" to include the Parks Department and any member of the Court that would like to designate a foreman to attend the Federal Surplus Property Office in San Antonio, Texas:

- (8) AUTHORIZATION TO ENTER INTO CONTRACT WITH SOUTHWESTERN BELL MOBILE FOR THE USE OF ONE (1) CELLULAR TELEPHONE FOR THE BUILDING MAINTENANCE DIRECTOR

The Contract follows:

- (9) FILE FOR RECORD THE CONTINUING EDUCATION CERTIFICATE OF COUNTY TREASURER IN ACCORDANCE WITH LOCAL GOVERNMENT CODE 83-003, VERNON TEXAS CODE ANNOTATED (V.T.C.A.)

The Certificate follows:

- (10) FINAL APPROVAL:

- a) **Precinct No. 4:**
Country Acres Estates - being 42.55 acres of land comprised of 7.92 acres of Block No. 6, Alva Bryan Tract and all of Block No. 8, Hicks Reserve Subdivision No. 1, Concepcion de Carricitos Grant; and
- b) **Precinct No. 2:**
Cardoza Subdivision - being 7.754 acres in Lot No. 10, Block No. 18, Barreda Gardens Subdivision No. 5.

- (11) PRELIMINARY APPROVAL:

- a) **Precinct No. 2:**
R and S Subdivision - being 21.27 acres out of Block No. 22 and No. 24 of Olmito Gardens, Tract No. 1;
- b) **Precinct No. 2:**
Sunset Lake Subdivision No. 1 - being 15.285 acres out of a 64.37 acre tract and 13.069 acres out of a 94.65 acre tract, Share No. 15, Espiritu Santo Grant;
- c) **Precinct No. 2:**
Rio Bravo Subdivision Section No. 4 - being a 4.113 acres of a re-subdivision of Lot No. 1, Block No. 15, Rio Bravo Section No. 1; and
- d) **Precinct No. 4:**
Timberland Subdivision - being 19.386 acres out of Tracts No. 2 and No. 3, Dishman Survey No. 22.

- (12) PRELIMINARY AND FINAL APPROVAL:

- a) **Precinct No. 3:**
Tanberg Subdivision - being a subdivision of a 5.629 acre tract of land, out of Block No. 68, Wilson Tract Subdivision.

- (13) AUTHORIZATION TO ADVERTISE FOR BIDS:
- a) To replace two (2) 4-Wheel Drive Patrol Vehicles and one (1) compact pick-up truck for Cameron County Parks System; and
 - b) To replace Isla Blanca Park entrance gate equipment.
- (14) AUTHORIZATION TO AWARD BIDS:
KELLOGG CHEVROLET, San Benito, Texas
- | | | | |
|----|-----------------|---|--------------|
| A) | Patrol Cars -26 | - | \$198,347.00 |
| B) | Vans -2 | - | \$ 29,424.60 |
- (15) AUTHORIZATION TO AWARD BIDS:
CLOSNER EQUIPMENT, San Antonio, Texas
- | | | | |
|----|----------------|---|--------------|
| A) | Sweeper - Used | - | \$ 16,502.00 |
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- (16) AUTHORIZATION TO REJECT BIDS FOR ONE (1) PICK-UP TRUCK FOR PRECINCT NO. 2
- (17) AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGETS:
- a) County Clerk to attend the 1994 "Texas Association of Counties (TAC) Pre-Legislative Conference" in Austin, Texas, on October 26-27, 1994;
 - b) County Building Official and the Building Inspector to attend the "Southern Building Code Congress International Examinations" in Corpus Christi, Texas, on November 5, 1994;
 - c) Two (2) Deputies for Constable, Precinct No. 1, to attend the "Civil Process School" in Houston, Texas, on November 1-4, 1994; and
 - d) Commissioner Precinct No. 3 Staff, Purchasing Director, Emergency Preparedness Director, Parks Department, and any member of the Court that would like to designate a foreman to attend the "Federal Surplus Property Office" in San Antonio, Texas, in late October or early November, 1994.

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ITEM NO. 8

**AUTHORIZATION TO ENTER INTO CONTRACT WITH
SOUTHWESTERN BELL MOBILE FOR THE USE OF ONE
(1) CELLULAR TELEPHONE FOR THE BUILDING
MAINTENANCE DIRECTOR**

The Contract follows:

Item No. 9

**FILE FOR RECORD THE CONTINUING EDUCATION
CERTIFICATE OF COUNTY TREASURER IN
ACCORDANCE WITH LOCAL GOVERNMENT CODE 83-
003, VERNON TEXAS CODE ANNOTATED (V.T.C.A.)**

The Certificate follows:

(18) EXECUTIVE SESSION

Upon motion by Commissioner Matz seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 2:00 P. M. to discuss the following matters:

- a) In the matter of the evaluation of the Vehicle Maintenance Director, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074 (A)(1); **(TABLED)**
- b) Discuss settlement offer in the case styled Garcia vs. Cameron County, Cause No. 93-07-2953-C, 197th District Court, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(B); and
- c) Confer with County Counsel on status and settlement offer on the case styled Dolores Rojano vs. Cameron County, Cause No. B-94-48, in the United States District Court, Southern District, Brownsville Division, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A & B);
- d) Confer with County Counsel concerning cases with Juan Castillo as defendant, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
- e) Discuss Right-of-Way (R-O-W) acquisition for FM/509, Parcel 6-020A, 6-020B, 6-020C, 6-011, 7-020, 7-021, 7-025, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- f) Discuss the case styled Tamayo vs. Cameron County, et. al., U.S. District Court, Southern District of Texas, Case No. B-94-282, to discuss new case with Commissioners' Court, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A); and
- g) Confer with County Counsel the cases styled as follow:
 - 1) Patricia Cortez vs. Cameron County, et. al., B-94-264;
 - 2) Bernadino Olvera vs. Cameron County, et. al., B-94-265;
 - 3) Francisco Concho vs. Cameron County, et. at., B-94-271;
 - 4) Juan Aragues Gonzalez vs. Cameron County, et. al., B-94-276; and
 - 5) David Guevara, et. al. vs. Cameron County, et. al., B-94-279 pursuant to

Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section

551.071 (1)(A).

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 3:40 P. M.

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(19) ACTION RELATIVE TO EXECUTIVE SESSION

- c) In the matter of action regarding status and settlement offer on the case styled Dolores Rojano vs. Cameron County, Cause No. B-94-48, in the United States District Court, Southern District, Brownsville Division; **(TABLED)**
- b) Action regarding settlement offer in the case styled Garcia vs. Cameron County, Cause No. 93-07-2953-C, 197th District Court;
- d) Action concerning cases with Juan Castillo as defendant;
- e) Action regarding Right-of-Way (R-O-W) acquisition for FM/509, Parcel 6-020A, 6-020B, 6-020C, 6-011, 7-020, 7-021, 7-025;
- f) Action regarding discussion about new case with Commissioners Court on the case styled Tamayo vs. Cameron County, et. al., U.S. District Court, Southern District of Texas, Case No. B-94-282; and
- g) Action regarding the cases styled as follow:
 - 1) Patricia Cortez vs. Cameron County, et. al., B-94-264;
 - 2) Bernadino Olvera vs. Cameron County, et. al., B-94-265;
 - 3) Francisco Concho vs. Cameron County, et. at., B-94-271;
 - 4) Juan Aragues Gonzalez vs. Cameron County, et. al., B-94-276; and
 - 5) David Guevara, et. al. vs. Cameron County, et. al., B-94-279.

Judge Garza 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 matters, noting that Commissioner Valencia recused himself from the discussions concerning Item 18"b".

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 following matters, noting Commissioner Valencia's absence from the discussions:

- b) Action regarding settlement offer in the case styled Garcia vs. Cameron County, Cause No. 93-07-2953-C, 197th District Court;
- d) Action concerning cases with Juan Castillo as defendant;
- e) Action regarding Right-of-Way (R-O-W) acquisition for FM/509, Parcel 6-020A, 6-020B, 6-020C, 6-011, 7-020, 7-021, 7-025;
- f) Action regarding discussion about new case with Commissioners Court on the case styled Tamayo vs. Cameron County, et. al., U.S. District Court, Southern District of Texas, Case No. B-94-282; and
- g) Action regarding the cases styled as follow:
 - 1) Patricia Cortez vs. Cameron County, et. al., B-94-264;
 - 2) Bernadino Olvera vs. Cameron County, et. al., B-94-265;
 - 3) Francisco Concho vs. Cameron County, et. at., B-94-271;
 - 4) Juan Aragues Gonzalez vs. Cameron County, et. al., B-94-276; and
 - 5) David Guevara, et. al. vs. Cameron County, et. al., B-94-279.

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(4) ESTABLISHMENT OF A SCHEDULE FOR ANNUAL PERFORMANCE REVIEWS FOR ALL COUNTY DEPARTMENT HEADS WHO REPORT TO OR WHOSE SALARIES ARE DIRECTLY ESTABLISHED BY THE COMMISSIONERS' COURT

At this time Mr. Frank Bejarano, Program Development and Management Director, requested clarification as to the Evaluation Schedule for the Department Heads.

Commissioner Cascos explained that if the Department Head had not been evaluated in the last twelve (12) months, then the date should be scheduled to coincide with their date of hire, or their last evaluation.

Commissioner Matz suggested that the Department Heads who had not been evaluated be scheduled for an evaluation as soon as possible and to schedule the others on their anniversary dates.

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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 **14th** day of **NOVEMBER, 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