

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 20th day of OCTOBER, 1992 there was conducted a SPECIAL 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:

PRESENT:

1:30 P. M.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

LUCINO ROSENBAUM, JR.
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS
COMMISSIONER, PRECINCT NO. 2

ADOLPH THOMAE, JR.
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Commissioner Lucino Rosenbaum, Precinct No. 1, 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 October 16, 1992, at 3:33 P. M.

(17)

**APPROVAL OF REQUEST BY DAVID SUISSA FOR
REFUND OF MONEY DEPOSITED FOR STREET
REPAIRS IN THE EL NORTE SUBDIVISION**

Commissioner Thomaе explained that Mr. David Suissa had deposited the amount of \$6,700.00 for Road repairs in August 1990, and since the Project had not been undertaken, he was recommending the refund and the Release of Lien.

Mr. Victor Bañales, Assistant County Engineer, explained that the plans and specifications for the Project were complete and that the next step would be to go out for bids.

Mr. Suissa stated that he would not have a problem depositing the money again whenever the Road Repair Project resumed.

Commissioner Thomaе moved that the money deposited for Street Repairs in the El Norte Subdivision by Mr. David Suissa be refunded.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(11)

AUTHORIZATION TO INCREASE SALARIES OF COUNTY COURT AT LAW JUDGES AS REQUIRED BY H. B. 66 DECLARED CONSTITUTIONAL BY A DECLARATORY JUDGMENT ISSUED IN AUGUST 1992

Mr. Doug Wright, Cameron County Counsel, explained that according to the statutory requirements of Section 51.702 of the Government Code, Commissioners Court would have no discretion as to the amount of compensation for the County Court-At-Law Judges. He said that the only issue was whether or not the County would be able to receive the State's share retroactively because of the changes in the Attorney General's Opinion and the Declaratory Judgment issued later. Mr. Wright explained that he had prepared a Resolution, for the Court's consideration, to authorize the County Clerk to assess the Fees for the Criminal and Civil cases as provided by the Statutes.

Commissioner Valencia moved that the salary increase for the County Court-At-Law Judges be authorized, as required by House Bill (H.B.) 66, which was declared Constitutional by a Declaratory Judgment issued in August 1992, and that the Resolution for the Assessment of Fees by the County Clerk be adopted.

At this time, Commissioner Cascos inquired as to the increase of \$7,500.00 recently approved by the Court, and the response was that the compensation for the Judges would be dictated by the Statute and would not be in addition to the \$7,500.00.

The motion was seconded by Commissioner Thomae and carried unanimously.

The Resolution is as follows:

(1) APPROVAL OF COUNTY CLAIMS

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

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

AYE: Commissioners Rosenbaum, Thomae and Valencia

NAY: None

ABSTAIN: Commissioner Cascos as to the claims of Landair Travels, Inc., Warrant No. 66905 in the amount of \$414.00 and Warrant No. 66906 in the amount of \$4,536.00; and Waters Implement Company, Inc., Warrant No. 66971 in the amount of \$2,672.21.

The Affidavit is as follows:

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

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the 1992/1993 Budget Amendment No. 1 and the Salary Schedules for the following Departments were approved:

Veterans Service Department, Department No. 10-405,

Justice of the Peace, Precinct No. 2, Place 2, Department No. 10-455,

Justice of the Peace, Precinct No. 7, Department No. 10-462,

Sheriff's Department, Department No. 10-560,

Financial Disruption Task Force, Department No. 22-474,

Pre-Trial Release Fund, Department No. 42-576,

Cameron/Willacy County Probation, Department No. 48-530,

District Attorney, Department No. 49-473 and No. 49-474, and

Fifth Administrative Region, Department No. 57-436.

The Budget Amendment and Salary Schedules are as follows:

(3) **APPROVAL OF MINUTES OF OCTOBER 12, 1992**

Commissioner Cascos moved that the Minutes of the Regular Meeting held October 12, 1992, at 1:30 P. M. be approved.

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

AYE: Commissioners Rosenbaum, Cascos and Thomae

NAY: None

ABSTAIN: Commissioner Valencia.

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(4) **APPROVAL OF REQUEST TO FORMALLY
NAME THE NEW INTERNATIONAL BRIDGE IN
LOS INDIOS, TEXAS, THE "FREE TRADE
BRIDGE AT LOS INDIOS" AS PER REQUEST OF
STATE OF TAMAULIPAS GOVERNOR
AMERICO VILLARREAL AND BRIDGE
MARKETING COMMITTEE MEMBERS**

At this time, Mr. David O'Brien, Bridge Marketing Committee Member, explained that in assuming the responsibilities of marketing and implementing the Los Indios Bridge, the Committee wrongly assumed that one (1) of the responsibilities would be to name the Bridge. He stated that the name of "Free Trade Bridge" had been used since the original Marketing Plan of Action was presented and that they had continued the use and included the name on the Brochures promoting the Bridge. He added that the name would be very appropriate for the International Bridge, in view of the fact that both Countries support the Free Trade Agreement.

Judge Garza stated that the Marketing Committee was designated to lead the promotion of the Bridge over a year ago and that members of the Court have had opportunities to meet with them. He added that there were some legitimate concerns with respect to the history of the Project and that one (1) suggestion made was that the name of "Free Trade Bridge at Los Indios" would denote the size of the Bridge and the historical Free Trade Agreement.

Commissioner Valencia remarked that the Community always believed that the Bridge would be named "Los Indios Bridge" and added that he had received many calls from people expressing their objections to the change. He added that he was the Commissioner for that area and that he was never informed of the change in name. He said that he would compromise and would favor the name of "Los Indios Free Trade Bridge" because of the historical significance.

Commissioner Cascos moved that the new International Bridge in Los Indios, Texas, be formally named the "Free Trade Bridge at Los Indios" as per the request by the State of Tamaulipas Governor, Americo Villarreal, and the Bridge Marketing Committee Members.

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

AYE: Commissioners Rosenbaum, Cascos and Judge Garza

NAY: Commissioners Thomae and Valencia.

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(5) AUTHORIZATION TO ADVERTISE FOR BIDS FOR ONE (1) 15-PASSENGER VAN FOR ADULT PROBATION - RESTITUTION CENTER

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the advertisement for bids on one (1) fifteen - passenger van for the Adult Probation - Restitution Center was approved.

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(6) AUTHORIZATION TO AWARD BIDS FOR ONE (1) FOUR-WHEEL DRIVE VEHICLE FOR THE SHERIFF'S DEPARTMENT

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the low bid of Tip-o-Tex Chevrolet, Brownsville, Texas, in the amount of \$11,066.50, with trade, was accepted for one (1) four-wheel drive vehicle for the Sheriff's Department.

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(7) AUTHORIZATION TO AWARD FISCAL YEAR 1992-1993 ANNUAL BIDS FOR RADIO EQUIPMENT MAINTENANCE

Commissioner Thomae moved that the low bid of Valley Communication Corporation, Harlingen, Texas, be accepted for the Radio Equipment Maintenance for Fiscal Year 192-1993.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(10) CONSIDERATION, REVIEW AND POSSIBLE ACTION REGARDING AUTO THEFT DETAIL PROPOSALS

At this time, Chief Carlos Tapia, Sheriff's Department, and Chief Victor Rodriguez, Brownsville Police Department, highlighted their respective Auto Theft Security Detail Proposals for the Gateway Bridge which are as follows:

Judge Garza stated that the advantages of contracting the Services with the City would be that: 1) the County was sub-contracting a portion of its responsibilities, 2) the money set-aside was a "supplement" and was not subsidizing the City's effort one hundred percent (100%), and 3) the County would be sub-contracting the Workers' Compensation cost and the potential liability for the County. He added that the Contract with the City provided a reduction of losses without assuming any additional liabilities for the County. Judge Garza stated that the County would not be sub-contracting any of the "termination rights" or the potential liability for the County by creating a Task Force or "Grant" with the Sheriff's Department.

Commissioner Cascos expressed his gratitude to the City for the services provided but pointed out that there were no Security Patrols currently at either Bridge. He stated that the money allocated in 1991 was to supplement, not subsidize the City, and that the primary goal was to provide protection at the Gateway Bridge. He remarked that the expiration of the Contract with the County should not have anything to do with the Security Patrol at the B & M Bridge. Commissioner Cascos inquired as to the assurances by the City for twenty-four (24) hour protection should the Contract with the City be renewed.

Chief Rodriguez stated that the County monies would go toward the Gateway Bridge and that they could provide twenty-four (24) hour protection. He stated that if the County wanted to maximize the effectiveness of the Contract, then the Security operations would be up to his Department.

Judge Garza stated that contracting with the City was a very good investment because the County was not just buying an "Auto Theft Detail" for Gateway Bridge but also buying an "Insurance Policy" on the activity of the Officers at the Gateway Bridge.

Commissioner Cascos moved that the Contract with the Sheriff's Department for the provision of an Auto Theft Detail at Gateway Bridge be approved.

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

AYE: Commissioners Rosenbaum, Cascos, Thomae and Valencia

NAY: Judge Garza.

The Service Contract is as follows:

(12) APPROVAL OF LEAVE OF ABSENCE FOR PRE-TRIAL RELEASE EMPLOYEE

Upon motion by Commissioner Cascos, seconded by Commissioner Thomaе and carried unanimously, the leave of absence for a Pre-Trial Release employee was approved.

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(13) APPROVAL OF INTERLOCAL AGREEMENTS BY AND BETWEEN CAMERON COUNTY FINANCIAL DISRUPTION TASK FORCE AND THE CITIES OF BROWNSVILLE, PORT ISABEL, SAN BENITO, LOS FRESNOS, LA FERIA, AND TOWN OF SOUTH PADRE ISLAND

Commissioner Thomaе moved that the Interlocal Agreements by and between Cameron County Financial Disruption Task Force and the Cities of Brownsville, Port Isabel, San Benito, Los Fresnos, La Feria and the Town of South Padre Island be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Interlocal Agreement is as follows:

**(14) APPROVAL OF TDH CONTRACT NO. C3000282,
CHANGE ORDER NO. 3 TO ADD NEW
ATTACHMENT FOR COUNSELING, TESTING,
REFERRAL, AND PARTNER NOTIFICATION FOR
HIV GENERAL HEALTH CARE SERVICES**

Mr. Rolando Martinez, Health Administrator, explained that the change would add an additional position for Counseling Services to be funded by the State.

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, the Texas Department of Health (TDH) Contract No. C3000282, Change Order No. 3 was approved in order to add a new position for Counseling, Testing Referral and Partner Notification for HIV General Health Care Services.

The Contract No. C3000282, Change Order No. 3 is as follow:

(15)

**CONSIDERATION AND ADOPTION OF SAFETY
POLICY**

Mr. Lee Thompson, Safety and Risk Coordinator, explained that the Safety Policy was prepared to increase Safety awareness among the employees and would be revised as needed.

Upon motion by Commissioner Thomae, seconded by Commissioner Thomae and carried unanimously, the Safety Policy was adopted.

The Safety Policy is as follows:

(16) AUTHORIZATION TO ALLOW SAFETY /RISK COORDINATOR TO BECOME A PART OF NEW EMPLOYEE ENROLLMENT

Mr. Lee Thompson, Safety and Risk Coordinator, explained that in order to be in compliance with the Hazard Communications Standards, he had prepared a fifteen (15) minute video on "safety orientation" for new employees. He said that a new employee would complete the Personnel and Insurance Enrollment process and then proceed to his Department to view the video, and added that the process would eliminate having to provide safety training orientation at a later date.

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Safety/Risk Coordinator was authorized to become part of the "New Employee Enrollment" process.

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(18) AUTHORIZATION FOR THE COUNTY JUDGE TO EXECUTE DRAINAGE EASEMENTS TO THE PUBLIC AND TO CAMERON COUNTY DRAINAGE DISTRICT NO. 3 FOR DRAINAGE IMPROVEMENTS CONSTRUCTED AND THE LOS INDIOS INTERNATIONAL BRIDGE

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the County Judge was authorized to execute the Drainage Easements to the Public and to Cameron County Drainage District No. 3 for drainage improvements constructed at the Los Indios International Bridge.

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(20) IN THE MATTER OF REQUEST FOR PRELIMINARY APPROVAL (TABLED)

- a) Garden Acres Subdivision - being an 11.14 acre subdivision of Block 177, Monte Grande Subdivision Shares 19 and 15, Espiritu Santo Grant.
- b) Dilworth Estates Subdivision - being a 5.04 acre tract of land out of the South portion of Block 12, Stuart Place Subdivision, Survey 294.
- c) Hondo Acres Subdivision - being the East of twenty (20) acres of Block 413, San Benito Land and Irrigation Company Subdivision.

(21) IN THE MATTER OF REQUEST FOR PRELIMINARY AND FINAL APPROVAL (TABLED)

- a) Falling Branches Subdivision - being a re-subdivision of 2.000 acres of land, more or less, out of Block 5, El Jardin Heights Subdivision, in Share of 19, Espiritu Santo Grant.
- b) Alfredo Frias Subdivision - being a subdivision of 0.638 acre of land out of Block 54, of Briggs and Coleman Subdivision of Survey 271 and the North 400 acres of Survey 272.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, Items No. 20 and No. 21 were TABLED for one (1) week.

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(22) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the following travel and/or travel expenses were approved, subject to availability of funds in their budget:

- a) Ms. Margarita Garcia, Court Clerk for Justice of the Peace Tony Torres, to Houston, Texas, to attend Seminar on November 10-13, 1992;
- b) Three (3) Task Force Officers to attend the TNOA Regional Meeting in Aransas, Texas, on October 28-29, 1992; and
- c) County Judge and Parks Director to attend Texas Parks and Wildlife Advisory Board Meeting in Fort Davis, Texas, on November 6, 1992.

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(23) EXECUTIVE SESSION

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the Court met in Executive Session at 2:18 P. M. to discuss the following matters:

- a) Regarding contemplated litigation involving Arturo and Cindy Cavazos against the Cameron County Sheriff's Department, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Confer with Court regarding Lease of Property to Lemon Ice Concessionaire in Isla Blanca Park, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- c) Discuss, evaluate and review job performance and employment of Computer Center Director Rudy Juarez, pursuant to Section 2(g) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 3:18 P. M.

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(24) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Regarding contemplated litigation involving Arturo and Cindy Cavazos against the Cameron County Sheriff's Department.

Judge Garza reported that the Court received a Status Report from Counsel and after some discussion, it was the consensus of the Court as determined by polling, that Counsel be directed to proceed in the defense of said case along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session regarding the litigation involving Arturo and Cindy Cavazos against the Cameron County Sheriff's Department.

- b) Confer with Court regarding Lease of Property to Lemon Ice Concessionaire in Isla Blanca Park.

Judge Garza reported that after some discussion with Mr. Ken Conway, Parks Director, it was the consensus of the Court as determined by polling, that the Parks Director be directed to negotiate an Amendment to the Lease along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the Parks Director was directed to negotiate an Amendment regarding the Lease of Property to Lemon Ice Concessionaire in Isla Blanca Park along the terms and conditions as outlined in Executive Session.

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(8) AUTHORIZATION TO ADVERTISE FOR A REPORT WRITER THAT INTERFACES WITH VISIMAGE/3000 FOR THE HP-3000/948

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the advertisement for bids for a Report Writer that would interface with the Visimage/3000 for the HP-3000/948 was authorized.

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(9) APPROVAL OF ANNUAL CONTRACT RENEWALS

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the following Annual Contracts were approved:

- a) H.P. - Hardware Support, Software Support, Terminal Support,
- b) D.I.S.C. - Ominex Software Support,
- c) Pantechnic - Textpro Software Support,
- d) Bradmark Technologies - DBGeneral Software Support, and
- e) ESOFTE - MPEX/3000 - Software Support.

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(19) RECEIPT AND ACKNOWLEDGMENT OF DATA PROCESSING FUNCTIONAL ASSESSMENT PROJECT FINAL REPORT BY ARTHUR ANDERSON AND COMPANY (REPORT IS PROVIDED TO MEMBERS OF THE COMMISSION FOR REVIEW PRIOR TO FINAL PRESENTATION BY A REPRESENTATIVE OF THE ARTHUR ANDERSON COMPANY)

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Data Processing Functional Assessment Project Final Report, by the Firm of Arthur Anderson and Company, was acknowledged prior to the final presentation by a Representative of the Arthur Anderson Company.

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(24) ACTION RELATIVE TO EXECUTIVE SESSION

- c) In the matter to discuss, evaluate and review job performance and employment of Computer Center Director Rudy Juarez. (TABLED)

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that no action would be taken for a period of one (1) week to allow the Computer Center Director and the Court the opportunity to review the Data Processing Report provided by the Firm of Arthur Anderson and Company.

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, this Item was TABLED for one (1) week.

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

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APPROVED this **9th** day of **November**, 1992.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

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

