

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 26TH day of MAY, 1992 there was conducted a REGULAR 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

COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS
COMMISSIONER, PRECINCT NO. 2

ADOLPH THOMAE, JR.
COMMISSIONER, PRECINCT NO. 3

COMMISSIONER, PRECINCT NO. 4

INELDA T. GARCIA, Deputy
COUNTY CLERK

ABSENT:

LUCINO ROSENBAUM, JR.

NATIVIDAD VALENCIA

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Mr. Jesse Robles, newly-elected City Commissioner, Harlingen, Texas, 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 County Clerk's Office on May 22, 1992, at 8:31 A. M.

(1) APPROVAL OF COUNTY CLAIMS

Commissioner Thomae moved to approve the County Claims as presented by the County Auditor.

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

AYE: Commissioners Cascos and Thomae

NAY: None

ABSTAIN: Commissioner Cascos as to the claims of Landair Travels, Inc., Warrant No. 59518 in the amount of \$1,987.00 and Warrant No. 59519 in the amount of \$1,055.00; and Commissioner Thomae as to the claim of Thomae-Garza Funeral Directors, Warrant No. 59668 in the amount of \$500.00.

The Affidavits are as follows:

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

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the 1990/1991 Budget Amendment No. 27 was approved.

The Budget Amendment is as follows:

(3) **IN THE MATTER OF MINUTES OF MAY 18, 1992
(TABLED)**

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

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(4) **PRESENTATION OF RESOLUTION HONORING DORA
GARZA, RETIRING NURSE FROM THE HEALTH
DEPARTMENT**

At this time, Judge Garza presented a Resolution, previously approved by the Court, honoring Ms. Dora Garza, County Nurse, on the occasion of her retirement after thirty-seven (37) years of service at the Health Department.

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Presentation of the Resolution honoring Ms. Dora Garza, retiring nurse from the Health Department, was acknowledged.

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(5) **AUTHORIZATION TO OPEN RFP NO. 92-05-01 FOR
PHONE SYSTEM FOR SHERIFF'S DEPARTMENT**

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, approval was given to open the Request for Proposals (RFP) as received for the telephone system for Sheriff's Department.

The Proposals received and opened are as follows:

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Proposals were referred to the Sheriff's Department and the Purchasing Agent for tabulation and recommendation to the Court of the best Proposal.

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(6) **APPROVAL TO APPOINT MIKE GUAJARDO TO THE CAMERON COUNTY DRAINAGE DISTRICT NO. 4 (AS REPLACEMENT FOR EZEQUIEL CRUZ, RECENTLY DECEASED)**

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, Mr. Mike Guajardo, Los Fresnos, Texas, was appointed to the Cameron County Drainage District No. 4, as the replacement for the recently deceased Mr. Ezequiel Cruz.

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(7) **CONSIDERATION AND ACTION TO APPROVE CONTRACT AMENDMENT FOR THE TDH DOCUMENT NO. C2000348, CHANGE NO. 7**

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Contract Amendment for the Texas Department of Health (TDH) Document No. C2000348, Change No. 7 was approved, as recommended by the Health Administrator.

The Contract Amendment is as follows:

(8) AUTHORIZATION FOR THE HEALTH DEPARTMENT ADMINISTRATOR TO SIGN FOR CREMATION OF INDIGENTS UNDER THE INDIGENT BURIAL PROGRAM

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Health Department Administrator was authorized to sign for the cremation of indigents under the Indigent Burial Program.

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(9) APPROVAL TO FUND TWO BARRELS OF MALATHION FOR THE COUNTY HEALTH DEPARTMENT

Commissioner Cascos moved to approve the funding for two (2) barrels of Malathion for the County Health Department, said funds to be allocated from Lapsed Salaries.

The motion was seconded by Commissioner Thomae and carried unanimously.

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(10) APPROVAL TO FUND ONE ADDITIONAL INSPECTOR FOR THE HEALTH DEPARTMENT

Mr. Ray Rodriguez, Health Department Chief Sanitarian, justified the request for one (1) additional Inspector for the Health Department by citing the problems with the cholera threat and the Africanized Bees, in addition to the routine work, that had increased the work load of the Inspectors to the limit.

Judge Garza questioned whether the position could be part-time, under 900 hours for the balance of the Fiscal Year, and to consider a full time position at Budget time.

Commissioner Thomae moved to approve the funding for one (1) part-time Inspector for the Health Department, not to exceed 900 hours or three (30) months and that a Budget Amendment be prepared, said funds to be allocated from Lapsed Salaries.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(11) **RATIFICATION OF "BEE CONTROL" CONTRACT WITH
ESPARZA PEST CONTROL**

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the approval given to "Bee Control" Contract with Esparza Pest Control, Brownsville, Texas, was ratified.

(12) **AUTHORIZATION TO DESIGNATE JUAN JOSE
MARTINEZ AS THE COURT APPOINTED ATTORNEY FOR
INDIGENT DEFENDANTS IN THE 107TH DISTRICT
COURT**

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the appointment of Mr. Juan Jose Martinez, Attorney-At-Law, as the "Court Appointed Attorney" for indigent defendants in the 107th District Court, was approved.

(13) **CONSIDERATION AND POSSIBLE ACTION REGARDING
CITIZEN CONCERN WITH LOW WATER BRIDGE
LOCATED BETWEEN HIGHWAY 106 AND FARM TO
MARKET ROAD**

Ms. JuaNita Brodecky, Rio Hondo resident, appeared before the Court "demanding" that the Bridge between Highway 106 and Farm to Market Road 1846 be closed to vehicular traffic and that both of the approaches be permanently blocked to prohibit all but pedestrian foot travel, for safety reasons as stated on the following Memorandum dated May 26, 1992 to the Court, and illustrated by a newspaper clipping published the same date:

She stated that the Bridge was not "posted" as being narrow, was not maintained and was used as a fishing pier which increased the liability to the County because of hazards due to unsupervised children. She added that this matter had been presented to the different Agencies, such as the Sheriff's Department, Department of Public Safety and Fish and Wildlife Departments, but had not received the protection needed and she "demanded" that the Court take the proper action before a tragedy occurred.

Commissioner Thomae stated that this problem had been discussed with Ms. Brodecky many times, and added that the signs on the Bridge, concerning load limits and speed limits, do not remain for very long and that the Sheriff's Department had recently informed him not to post signs until they had someone to issue citations.

At this time, the following individuals expressed their concerns and favored Cameron County as being the first government entity to take care of existing rural Bridges:

Ms. Josephine McLean, Brownsville resident
Ms. Frances Verner, Brownsville resident, and
Mr. John Brodecky, Rio Hondo resident.

Commissioner Cascos also expressed his concern regarding the integrity and safety of the rural Bridges in the County.

Mr. Andy Cueto, County Engineer, stated that the structure of the Bridge was sound and capable of handling the posted weight limits but that the fishing problem was another matter. He added that it appeared to him that closing the Bridge would require that the County provide an alternate route for the residents.

Commissioner Cascos questioned Chief Carlos Tapia, Sheriff's Department, whether the Sheriff's Department could enforce and issue citations if "No Fishing From The Bridge" signs were posted, and Chief Tapia responded that they would whenever they could afford to assign personnel in that area and added that they would coordinate their efforts with the area Constable and Deputy.

After a lengthy discussion, Ms. Brodecky requested that the Bridge be closed on an "Emergency Basis" until something definite could be done.

Commissioner Thomaе moved to "post" (notices on the Bridge) and to acknowledge the citizen's complaint filed by Ms. JuaNita Brodecky, Rio Hondo resident, and her comments.

The motion died for lack of a second.

Commissioner Cascos moved to acknowledge the citizen's Report and to close the Bridge temporarily in order to explore other options, subject to legal review.

The motion died for lack of a second.

Judge Garza remarked that perhaps the Bridge could be closed for a reasonable time, such as seventy two (72) hours, that Notices be "posted" within that time period, and that the assurances be obtained from the Sheriff's Department and the Parks and Wildlife Department that they would patrol and cite those individuals fishing from the Bridge.

Commissioner Thomaе moved to "post" the Bridge between Highway 106 and Farm to Market Road 1846 within forty-eight (48) hours, to encourage citations to individuals fishing from the Bridge, to have the Item placed on the Agenda for review on Monday, June 1, 1992, and to encourage as much public awareness on this matter as possible.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(18) **AUTHORIZATION TO RECEIVE AND FILE A PETITION FROM CAMERON COUNTY QUALIFIED VOTERS OWNING PROPERTY WITHIN THE NORTH MAIN DRAIN WATERSHED REQUESTING CREATION OF CAMERON COUNTY DRAINAGE DISTRICT NO. 5 AND CONSIDER SETTING A DATE FOR A PUBLIC HEARING ON THE PETITION**

At this time, Mayor Bill Card, City of Harlingen, presented a Petition for the creation of the Cameron County Drainage District No. 5. He said that the Petition was signed by over eighty (80) residents from an area that experienced serious flooding during the heavy rains of April 5, 1991.

Mayor Card explained that the time-frame schedule included a Public Hearing on June 29, 1992 and should the results of the Public Hearing be favorable, then the Commissioners Court would authorize that a Civil Engineer be retained to study the issues and make recommendations. He added that January 6, 1993 is the tentative date for an election to determine if the citizens desire the creation of the Drainage District.

Mayor Card explained that there was no other way known to adequately drain the area of excessive waters unless a major project was undertaken. He said that the Corps of Engineers had been studying the problems for a number of years and had a sixty-five (65) million dollar project planned, but because of budget constraints, the project had never received approval. He said that the City staff, with the assistance from the County Engineer's Office, developed an alternative approach as a solution to the problem, in the amount of 12.5 million dollars.

Commissioner Thomaе moved to acknowledge the Petition from the Cameron County qualified voters owning property within the North Main Drain Watershed, to that set in motion the procedures necessary in the creation of Cameron County Drainage District No. 5 and to set the proposed date of June 29, 1992 for a Public Hearing on the Petition.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Petition and Schedule are as follows:

(14) **IN THE MATTER OF PAYING ON A MONTH-TO-MONTH BASIS A STORAGE LOT FOR SEIZED VEHICLE BY CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE (TABLED)**

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

(20) **AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE CONSULTANT AGREEMENT WITH ISTHMUS CORPORATION REGARDING SERVICES TO BE PERFORMED RELATIVE TO LOS INDIOS BRIDGE**

Mayor Bill Card, City of Harlingen, explained that the operation of the Los Indios International Bridge would substantially alter the traffic patterns between the two (2) countries including the transportation of hazardous material. He stated that there were a number of contacts that needed to be made in Mexico in this regard, and he recommended that the Isthmus Corporation, Rio Grande City, Texas, be retained under the provisions of the Interlocal Agreement to handle the specific activities as outlined the following Proposal:

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the County Judge was authorized to execute a Consultant Agreement with Isthmus Corporation, Rio Grande City, Texas, regarding services to be performed relative to Los Indios International Bridge.

(23) **AUTHORIZATION FOR THE CAMERON COUNTY DISTRICT ATTORNEY'S OFFICE TO ADVERTISE FOR BIDS FOR A TELEPHONE SYSTEM FOR SAID OFFICE**

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the advertisement for bids for a telephone system for the Cameron County District Attorney's Office was approved.

(15) **APPROVAL TO RENEW THE LEASE AT BOCA CHICA TOWER (JUNE 1, 1992 THROUGH MAY 31, 1993) FOR DRUG ENFORCEMENT TASK FORCE**

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the renewal of the Lease Agreement at Boca Chica Tower for the Drug Enforcement Task Force for the period of June 1, 1992 through May 31, 1993, was approved.

The Lease Agreement is as follows:

(16) **IN THE MATTER OF INTERLOCAL AGREEMENT FOR THE NEWLY AWARDED GRANT FROM TEXAS NARCOTIC CONTROL PROGRAM FOR FISCAL YEAR (TABLED)**

Commissioner Thomaе moved that the Interlocal Agreement for the newly awarded Grant from Texas Narcotic Control Program for Fiscal year be approved.

The motion died for lack of a second.

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

(17) **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF THE CONCRETE FLOOR SLAB AT THE CAMERON COMMUNITY CENTER**

Commissioner Cascos moved that the advertisement for bids for the construction of the concrete floor slab at the Cameron Park Community Center be approved.

The motion was seconded by Judge Garza and carried unanimously.

At this time, Mr. Andy Cueto, County Engineer, requested authorization to advertise for bids for the building materials for the Cameron Park Community Center, to be ratified at the next Meeting; however, County Counsel suggested that the Item be placed on the Agenda at the next Meeting.

(19) **AUTHORIZATION FOR COUNTY ENGINEER TO RE-BID FOR EL NORTE SUBDIVISION PROJECT IN THE LAGUNA HEIGHTS, PRECINCT NO. 3 AREA**

Commissioner Thomaе moved that the County Engineer be directed to re-bid for El Norte Subdivision Project in the Laguna Heights, Precinct No. 3 area.

The motion was seconded by Commissioner Cascos and carried unanimously.

(21) **APPROVAL OF QUARTERLY BEACH ACCESS PASS FOR ANDY BOWIE PARK BEACH ACCESS ROAD: 90-DAY PASS FOR \$7.50**

Mr. Kenneth Conway, Parks Director, explained that the "Quarterly Beach Access Pass" was designed to accommodate the frequent users of the County Parks, as requested during the Public Hearings regarding the Beach Management Plans and User Fees. He reported that 5500 vehicles entered the Second Access Road at Andy Bowie Park during the "Memorial Day week-end" and a total of six (6) tons of litter was collected at the Litter Deposit Booth.

At this time, Judge Garza explained that the fifty (50) cent fee with a fifty (50) cent reimbursement had been in effect for several years, and that the additional fifty (50) cent fee increase was approved in September, 1991, to be effective May 1, 1992. The fifty (50) cent fee was still reimbursed and the "Quarterly Pass" for all three (3) Parks was an effort to accommodate those individuals wishing a three (3) month pass, much like the \$20.00 Annual Pass. He said that it was not the intention that everyone obtain a "90-Day Pass" in order to use the Beach or the County Parks.

At this time, the following individuals spoke against the "Beach User Fees" in Cameron County:

Ms. Josephine McLean, Brownsville resident

Ms. Frances Verner, Brownsville resident

Mr. Malcolm Brown, Brownsville resident, and

An Unidentified resident.

Commissioner Cascos commented that the tax rate for Cameron County was considerably lower than any other taxing entity and that it would be easier to eliminate all the Park fees and increase the tax rate; however, then all the people that do not use the Parks would complain. He added that the "user fee" would be the most equitable way to accommodate as many people as possible.

Commissioner Thomaе moved that the "Quarterly Beach Access Pass" for the Andy Bowie Park Beach Access Road and all Parks in the County System be approved, that being a 90-Day Pass for \$7.50.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(22) ACTION REGARDING POSSIBLE APPROPRIATION OF FUNDS FOR TRAVEL FOR SALLY GONZALEZ, J.P. LONGORIA'S SECRETARY

Ms. Sally Gonzalez, secretary for Justice of the Peace Leo Longoria, appeared before the Court requesting additional travel monies in order to attend the Annual State Convention where she is scheduled to receive an award for serving on a Committee at the State level.

Commissioner Thomae moved that the appropriation of \$600.00 from Lapsed Salaries for Ms. Sally Gonzalez, Secretary, to attend the State Convention be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(24) APPROVAL OF TRAVEL EXPENSES

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

- a) Mr. Rudy Juarez, Computer Department Director, to attend GHRUG Meeting in Houston on June 9, 1992;
- b) Constable Juan Sanchez to attend Seminar in Waco on June 5, 1992;
- c) County Clerk to IACREOT Conference in New Orleans, June 8-11, 1992; and
- d) Constable Robert Martinez to attend Seminar in Waco on June 9, 1992.

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the travel expenses for Ms. Aurora de la Garza, District Clerk, to Austin, Texas, on May 28-29, 1992, were approved, subject to ratification.

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(25) EXECUTIVE SESSION

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Court met in Executive Session at 3:15 P. M. to discuss the following matters:

- a) Confer with Counsel regarding contemplated litigation on financial matters relative to Sea Ranch Enterprises, Incorporated, leasehold in Isla Blanca County Park, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- b) Consult with Legal Counsel concerning Contract for Residential Services with La Esperanza, Incorporated, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Court reconvened in Regular Session at 3:50 P. M.

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(26) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with Counsel regarding contemplated litigation on financial matters relative to Sea Ranch Enterprises, Incorporated, leasehold in Isla Blanca County Park.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that legal action not be initiated at this time, and County Counsel should be directed to prepare a Promissory Note along the terms and conditions as outlined in Executive Session, that being that the Note amount carry interest of 10% and that the County be made "whole" in sixty (60) days.

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, County Counsel was directed to prepare a Promissory Note along the terms and conditions as outlined in Executive Session, that being that the Note amount be penalized by 10% Interest and that the County be made "whole" in sixty (60) days.

The Promissory Note and Agreement are as follows:

- b) Consult with Legal Counsel concerning contract for residential services with La Esperanza, Incorporated.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that a "Memorandum of Understanding" be executed, along the terms and conditions as outlined in Executive Session, with the additional provision related to "acceleration" included in the Contract.

Commissioner Cascos moved that the County Judge be authorized to execute a "Memorandum of Understanding" along the terms and conditions as outlined in Executive Session, with the additional provision related to "acceleration" included in the Contract.

The motion was seconded by Commissioner Thomae and carried unanimously.

The Memorandum of Understanding is as follows:

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

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APPROVED this 8th day of JUNE, 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