

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 9TH day of JULY, 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:
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

ADOLPH THOMAE, JR.
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA
COMMISSIONER, PRECINCT NO. 4

INELDA T. 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. Mario Garcia, intern reporter with the Valley Morning Newspaper, 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 Cameron County Clerk on July 6, 1992, at 11:12 A. M.

(1) APPROVAL OF COUNTY CLAIMS

Commissioner Rosenbaum moved that all the County Claims as presented by the County Auditor's Office be approved.

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

AYE: Commissioners Rosenbaum, Thomae and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claim of E. de la Garza, Warrant No. 61710 in the amount of \$34.07, and Commissioner Cascos as to the claim of Landair Travel, Inc., Warrant No. 61800 in the amount of \$414.00.

At this time, Ms. Lynda Irvine, Assistant County Auditor, presented a late claim concerning a tax refund to Mr. Ramon Cisneros, Warrant No. 61977 in the amount of \$1,438.00 for approval.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Thomae and carried unanimously, the late claim as to a tax refund for Mr. Ramon Cisneros, Warrant No. 61977 in the amount of \$1,438.00 was approved.

The Affidavits are as follows:

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

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the 1991/1992 Budget Amendment No. 32, and the Salary Schedule for the M & O Precinct No. 1, Department No. 15-617 were approved.

The Budget Amendment and Salary Schedule are as follows:

(3) **IN THE MATTER OF MINUTES OF JUNE 29, 1992
(TABLED)**

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

(4) **AUTHORIZATION FOR CAMERON COUNTY PARKS
SYSTEM TO PREPAY THE LOAN TO THE GENERAL
FUND AND SET POLICY FOR ANY PREPAYMENTS OF
SAID LOAN**

Judge Garza explained that this Item related to the \$400,000.00 loan made by the County to the Parks System about a year ago, and that although no standard loan documents were prepared at that time, it was agreed that the transaction would be approached in a "business" setting. Judge Garza reported that after visiting with bank officials, the standard bank documents were prepared, that being that the Parks System retained the right to prepay all or part of the Principal Note prior to maturity without penalty or interest and without interrupting the regular payments.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Cameron County Parks System was authorized to prepay the loan to the General Fund and to set the policy for any prepayments of said loan.

The Prepayment Schedule is as follows:

**(5) AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE
SUPPLEMENTAL AGREEMENT NO. 3 FOR
ENGINEERING SERVICES RELATING TO PROJECT
COORDINATION AND ENVIRONMENTAL ANALYSIS
FOR THE LOS TOMATES BRIDGE PROJECT**

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the County Judge was authorized to execute the Supplemental Agreement No. 3 for the Engineering Services relating to Project Coordination and Environmental Analysis for the Los Tomates Bridge Project.

The Supplemental Agreement is as follows:

(6) **APPROVAL OF LEASE AGREEMENT FOR OFFICE SPACE BETWEEN 1212 ASSOCIATES, L. P. AND CAMERON COUNTY**

Mr. Richard Santellana, Adult Probation Department Director, explained that the Harlingen Office, staffed by three (3) Investigators, a Counselor and a Secretary would be funded by the Performance Reward Program Fund.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Lease Agreement for office space for the Probation Department between 1212 Associates, L. P., Harlingen, Texas, and Cameron County was approved.

The Lease Agreement is as follows:

(7) **IN THE MATTER OF APPOINTMENT OF ELECTION
OFFICIALS FOR THE PERIOD FROM AUGUST 1, 1992
THROUGH JULY 31, 1993 (TABLED)**

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

(8) **APPROVAL TO RENEW THE ON-THE-JOB TRAINING
PROGRAM CONTRACT WITH THE CAMERON COUNTY
PRIVATE INDUSTRY COUNCIL**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the On-the-Job Training Program Contract with the Cameron County Private Industry Council was renewed.

(9) **CONSIDERATION AND ACTION TO ADOPT AN ADA
TRANSITION PLAN FOR CAMERON COUNTY**

Commissioner Thomae moved to adopt the Americans with Disabilities Act (ADA) Transition Plan for Cameron County.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Transition Plan is as follows:

**(10) CONSIDERATION AND DISCUSSION OF THIRD (3RD)
QUARTER RENTAL INCOME ANALYSIS FOR CAMERON
COUNTY**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Third (3rd) Quarter Rental Income Analysis for the Cameron County Park System was acknowledged as presented by the Parks Director.

The Report is as follows:

(11) APPROVAL OF VARIANCE FOR BUILDING PERMIT FOR MR. JIMMY VASQUEZ

Mr. Andy Cueto, County Engineer, stated that Mr. Jimmy Vasquez, resident in Precinct No. 4, initially had intended to reconstruct a house, which was destroyed by the April 1991 Flood, on the property within a year. He stated that it has taken him over a year and that a lapse in service of a year or more was considered a "new" service. Mr. Cueto explained that Mr. Vasquez's original property was not properly subdivided; however, had he approached the County within a year, it would have been "grandfathered". He added that the property was in a flood zone and if a variance was granted, the County would have to provide water and waste water services, and that although he has public water, the septic system needed to be upgraded.

At this time, Mr. Vasquez informed the Court that he had not known that the property was illegally subdivided when it was acquired and that, initially, the intention was to remodel the old house; however, because of the cost of remodeling, they have bought a mobile home and he was willing to upgrade the septic system.

Commissioner Valencia moved that the variance for the building permit for Mr. Jimmy Vasquez be approved, subject to upgrading the water and waste water systems, as recommended by the County Engineer.

At this time, Commissioner Thomaе asked the County Engineer if Mr. Vasquez had approached the County within the year, would he be required to upgrade the septic system, and the County Engineer replied that probably not because a "new service" connection had not been qualified at a year.

Mr. Vasquez added that the water was connected in May 1991 and the utilities in June 1991, and that he approached the County in April, 1992, which was within the year.

Judge Garza asked whether Mr. Vasquez had presented himself within the year, and the County Engineer replied that he had contacted the County concerning the existing house on the property, but that Mr. Vasquez did not now intend to remodel the house.

Commissioner Valencia restated his original motion, that being to grant the variance for the building permit for Mr. Jimmy Vasquez, subject to County Health standards.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(12) IN THE MATTER TO ACCEPT ARROYO DRIVE WITHIN STUART PLACE COUNTRY ESTATES, UNIT 5, AS A COUNTY ROAD FOR COUNTY MAINTENANCE (TABLED)

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

(13) AUTHORIZATION TO PREPARE PLANS AND SPECIFICATIONS FOR ROAD IMPROVEMENTS TO NORTH DAKOTA, HOUSTON, OAKLAND, DEL CASTILLO, ATLANTIC AND CHICAGO ROADS WITHIN PRECINCT NO. 1

At this time, Commissioner Rosenbaum requested that "Beachway" and "De Soto" Roads be added to this Project.

Mr. Andy Cueto, County Engineer, explained that the County Engineer's Office had prepared an estimate but that the Project would have to be contracted because he did not have the staff to direct the Project, and that the Engineering costs would be included in the Project cost.

Commissioner Rosenbaum moved that the Plans and Specifications for Road Improvements to North Dakota, Houston, Oakland, Del Castillo, Atlantic, Chicago, Beachway and De Soto Roads within Precinct No. 1 be approved, said Project to be "contracted".

The motion was seconded by Commissioner Cascos and carried unanimously.

(14) **----- 0 -----**
**IN THE MATTER OF EASEMENT FOR CENTRAL POWER
AND LIGHT COMPANY (C.P.L.) AT LOS INDIOS
(TABLED)**

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

(15) **----- 0 -----**
**AUTHORIZATION TO OPEN BIDS FOR AIR
CONDITIONING FOR JUDICIAL BUILDING**

Upon motion by Commissioner Thomaе, seconded by Commissioner Valencia and carried unanimously, approval was given to open bids as received for the air conditioning for the Judicial Building.

The bids received and opened are as follows:

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the bids were referred to the Purchasing Agent and the Maintenance Superintendent for tabulation and recommendation to the Court of the best bid in one (1) week.

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(16) AUTHORIZATION TO ADVERTISE FOR BIDS FOR SAFETY EQUIPMENT FOR VARIOUS DEPARTMENTS

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the advertisement for bids for Safety Equipment for various departments was authorized.

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(17) APPROVAL OF TRAVEL EXPENSES

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

- a) Mr. Javier Mendez, Building Official, to travel to Austin, Texas, on July 7, 1992, to attend a Dune Protection Meeting;
- b) Judge Tony Torres, to travel to San Antonio, Texas, on July 22-24, 1992, to attend Multi-Death Inquest/Disaster Planning Conference;
- c) Mr. Joe G. Rivera, County Clerk and two (2) Deputies to travel to San Antonio, Texas, on July 23, 1992, to attend the Record Management Program Implementation Workshop;
- d) Mr. Joe G. Rivera, County Clerk, to travel to Austin, Texas, on August 19-21, 1992, to attend the Advance County Government Training Series Conference;
- e) Mr. Crispin Treviño, Task Force Director, to travel to Austin, Texas, on July 7, 1992, to attend the TNCP Regional Directors Meeting;
- f) Two (2) Officers from the Task Force to travel to El Paso, Texas, on July 14-15, 1992, to attend Program Training;
- g) Sergeant George Garcia, to travel to Dallas, Texas, on August 10-14, 1992, to attend Annual Mandatory Training for Contractors with the Bureau of Federal Prisons Conference; and
- h) Cameron County Judge to travel to Nogales, Arizona, on July 15-17, to attend Bi-National Commission Meeting on International Crossings.

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(18) EXECUTIVE SESSION

Upon motion by Commissioner Thomaе, seconded by Commissioner Rosenbaum and carried unanimously, the Court met in Executive Session at 2:05 P. M. to discuss the following matters:

- a) Confer with Counsel concerning the lawsuit styled Cameron County vs. Maximiliano Rodriguez and Dominga Rodriguez, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- b) Confer with Counsel to discuss available legal remedies as related to Cameron County Appraisal District in particular disparate valuations in and around Cameron County, contemplated litigation pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Thomaе, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 2:55 P. M.

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(19) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with Counsel concerning the lawsuit styled Cameron County vs. Maximiliano Rodriguez and Dominga Rodriguez.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that Counsel be directed to proceed with settlement discussions, with settlement offer not to exceed the amount discussed in Executive Session.

Upon motion by Commissioner Thomaе, seconded by Commissioner Valencia and carried unanimously, Counsel was directed to proceed with the settlement discussions and that the settlement offer not exceed the amount outlined in Executive Session.

- b) Confer with Counsel to discuss available legal remedies as related to Cameron County Appraisal District in particular disparate valuations in and around Cameron County, contemplated litigation.

Judge Garza stated that there had been a great deal of discussion regarding the Appraisal District, in particular, the valuation of certain properties in and around Cameron County, and that recently the Cities of Harlingen and San Benito had taken up discussions with respect to the legal avenues available to the two (2) Cities, as entities. Judge Garza stated that he had also expressed his reservations to the Appraisal District with respect to the valuations in and around the Southmost area, at the request of Precinct No. 1 Commissioner.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that with respect to any remedies available to Commissioner's Court, as an entity, were very limited and on the advice of Counsel, the Court would forego the filing of any "petitions", having realized that any administrative remedies had lapsed. He said that the Court was, however, taking the formal position that they would, in any way, shape or form necessary, lend the legal expertise (Office of the County Attorney) to the efforts that might be undertaken by the Cities of Harlingen and San Benito and that the Court would remain extremely supportive of their efforts. Judge Garza formally stated that should the City of Brownsville entertain similar action, that the Court's support would extend to the City of Brownsville, as well.

Judge Garza reported that with respect to the discussion with Mr. J. D. Garcia, Chief Appraiser, there were still some individual remedies available, and ultimately, it was the individual tax payers that were aggrieved and it would ultimately affect their standings. He reported that Mr. Garcia has outlined the Formal filing procedure, that being the filing of a petition showing "good cause" why an individual tax payer did not file an Appeal, was filed before July 20, 1992, the Appraisal Review Board

would listen to the "good cause" petition and make a decision to entertain the appeal. Judge Garza added that more importantly, Mr. Garcia extended and encouraged that the individual tax payers who *had not* filed an appeal using the informal remedies available through the Appraisal District, meet with the individual Appraiser prior to July 20, 1992 for potential revaluation of their property.

Judge Garza added that the members of the Court had asked him to stress to the Appraisal District and the Appraisal Review Board, "in no uncertain terms", the Court's concern with respect to what was perceived as disparity in the valuations and to encourage them, in every way possible, to arrive at something that more closely mirrored the "market value" and to appreciate what the Court perceived as a relative "soft" market and the needs of the individual tax payers, particularly with respect to Homesteads.

At this time, Mr. Garcia expressed the Appraisal Board's willingness to cooperate with all the Governmental Entities within the County to try to resolve the problems on an informal basis and encouraged that type of activity.

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Executive Session Report as presented by the County Judge was acknowledged.

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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 20th day of July, 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