

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 27TH day of JULY, 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

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 Chief Carlos Tapia, Sheriff's Department, 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 July 24, 1992, at 11:16 A. M.

(1) APPROVAL OF COUNTY CLAIMS

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the County Claims were approved as presented and on the recommendation by the County Auditor.

(2) APPROVAL OF BUDGET AMENDMENT AND/OR SALARY SCHEDULE

Commissioner Thomae moved that the 1991/1992 Budget Amendment No. 35 be approved as recommended by the County Auditor.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Budget Amendment is as follows:

(3) APPROVAL OF MINUTES OF JULY 20, 1992

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Minutes of the Regular Meeting held on July 20, 1992, at 1:30 P. M. were approved.

**(4) APPROVAL OF COUNTY TREASURER'S QUARTERLY
REPORT ENDING JUNE 30, 1992**

Commissioner Cascos moved that the County Treasurer's Quarterly Report for the period ending June 30, 1992, be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Quarterly Report is as follows:

(6) **IN THE MATTER TO RETAIN THE ARCHITECTURAL FIRM OF COX/CROSLIN TO PROCEED WITH THE SECOND PHASE OF THE DESIGN AND DEVELOPMENT OF THE NEW JUVENILE DETENTION FACILITY (TABLED)**

At this time, Commissioner Thomaе suggested that the matter should be considered at a "Workshop" because the Court needed to determine the amount of money available for the Project, and to allow the opportunity to obtain a Status Report from the Architects.

Mr. Amador Rodriguez, Chief Juvenile Probation Officer, stated that Ms. Rosemary Martinez, Administrative Assistant to the County Judge, and he had been in contact with the Architectural Firm and that they would favor whatever action the Court dictated, and added that there would be no problem with a "Workshop; however, the only concern would be the timetable on the Project.

Mr. Rodriguez explained that before they could get an actual cost on the facility, they needed an in-dept plan rather than the existing "Conceptual Plan".

Ms. Martinez explained that the Project Cost on the original study done two (2) years ago was three (3) million dollars, and that the up-dated figures, adjusted for inflation, increased the cost to 3.3 million dollars. She stated that she asked the Architectural Firm to prepare a plan that would keep the entire Project Cost at three (3) million dollars, including construction and land acquisition. She added that the Architectural Firm was proposing to go to the second level of study, or the Design Development Phase, in order to provide more accurate figures, at a cost of \$12,000.00, and should the County decide to proceed with the Project, the amount would apply to the total Architectural Fees.

Commissioner Thomaе moved that this Item be Tabled in order to "Workshop" the matter.

The motion was seconded by Commissioner Valencia.

Judge Garza remarked that this "Meeting's packet" contained background information on the Project, that the Juvenile Board had met several times and that the Court was aware of their recommendations.

Mr. Rodriguez stated that several members of the Juvenile Board were on vacations, and that the "Workshop" would have to be as soon as possible because they have a Certification deadline of September 2, 1992.

Commissioner Cascos suggested to approve this Item contingent on having a Workshop and questioned how soon the Workshop could be held and Mr. Rodriguez responded that the Architect could meet on Thursday.

Commissioner Cascos questioned whether the study prepared in September 1990 would still be useful, and Ms. Martinez responded that the previous study formed the basis for the Design Development Phase, or Phase II. She clarified that the study done provided the "Conceptual Plan", and Phase II would provide definite figures on the cost in order to plan for the financial commitment.

Commissioner Thomaе argued that a specific site was necessary before continuing with Phase II because the site would influence the Architectural Plan and he wanted to know where the site was going to be before any money was spent.

At this time, Judge Garza called on the original motion by Commissioner Thomaе and seconded by Commissioner Valencia to Table this Item and the vote carried as follows:

AYE: Commissioners Rosenbaum, Thomaе and Valencia

NAY: Commissioner Cascos and Judge Garza.

(5) **APPROVAL OF PETITION FOR THE CREATION OF CAMERON COUNTY DRAINAGE NO. 5 AND THE APPOINTMENT OF A CIVIL ENGINEER TO PREPARE A PRELIMINARY ENGINEERING REPORT AND MAP**

At this time, Judge Garza invited public comments.

Mr. Mike Perez, Harlingen City Manager, explained that several months ago a petition from residents in the Harlingen area was presented to the Court requesting the creation of a Drainage District. He stated that the petition was a direct result of the flooding of April 1991 in the North Main Drain which seriously affected the Towns of Harlingen, Palm Valley and Primera. He added that they were recommending to retain Mr. Tom Martin, with the Firm of Martin Engineering, to prepare the preliminary study.

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Petition for the creation of the Cameron County Drainage District No. 5 and the appointment of Mr. Tom Martin, Civil Engineer, to prepare a preliminary Engineering Report and Map were approved.

The Order is as follows:

(7) **AUTHORIZATION TO OPEN BIDS FOR SAFETY EQUIPMENT FOR VARIOUS DEPARTMENT**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids as received for the Safety Equipment for various departments.

The bid received and opened is as follows:

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the bid was referred to the Safety-Risk Coordinator and the Purchasing Agent for tabulation and recommendation to the Court in one (1) week.

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(8) **AUTHORIZATION TO AWARD BIDS FOR LEASE OF FIVE (5) VEHICLES TO BE USED BY THE CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE ON THEIR OPERATION**

Commissioner Valencia moved that the low bid of Capp's Van and Car Rental, Dallas, Texas, for the lease purchase of five (5) vehicles to be used by the Cameron County Drug Enforcement Task Force on their operation be accepted, on the recommendation of the Purchasing Agent.

The motion was seconded by Commissioner Thomae and carried unanimously.

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(9) **AUTHORIZATION TO REJECT AND RE-ADVERTISE FOR BIDS FOR LEASE PURCHASE OF ONE (1) USED OIL DISTRIBUTION TRUCK FOR PRECINCT NO. 4**

Mr. Michael Forbes, County Purchasing Agent, stated that only one (1) bid had been received and that the Commissioner from Precinct 4 had recommended to seek more bids to be within his budget.

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, authorization was given to reject and re-advertise for bids for the lease purchase of one (1) used oil distribution truck for Precinct No. 4.

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(10) AUTHORIZATION TO AWARD BIDS FOR LASER PRINTING OF 1992 TAX STATEMENTS AND ENVELOPES FOR TAX ASSESSOR-COLLECTOR'S DEPARTMENT

Commissioner Valencia moved that the low bid of ADAP Commercial Division, McAllen, Texas, for the laser printing of 1992 tax statements and envelopes for the Tax Assessor-Collector's Department, in the amount of \$84.00 per thousand, be accepted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(11) APPROVAL TO APPOINT MR. LEO "SPECK" SANDERS TO THE BOARD OF DIRECTORS OF THE CAMERON COUNTY HOUSING FINANCE CORPORATION

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, Mr. Leo "Speck" Sanders, Port Isabel, was appointed to the Board of Directors of the Cameron County Housing Finance Corporation.

(12) AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE ROAD SURFACING OF RYAN ROAD, PHASE III

Commissioner Valencia moved that the advertisement for bids for the road surfacing of Ryan Road, Phase III, be authorized.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

At this time, Mr. Andy Cueto, County Engineer, presented the following letter outlining his objections on the matter, that being that the culvert needed further study because it posed a flooding and a safety problem and increased the liability to the County:

Judge Garza indicated to note his abstention on the vote.

Commissioner Valencia stated that the Project was ready for completion because the pipe had been in existence for many years, that the only time flooding occurred was when they had seventeen (17) inches of rain but that no water had come across the road, and that the road had been improved and was ready for surfacing.

At this time, Mr. Joe G. Rivera, County Clerk, requested clarification on the vote, and Judge Garza restated the motion, that being that Commissioner Valencia moved that the advertisement for bids for the road surfacing of Ryan Road, Phase III, be authorized, absent the recommendation of the County Engineer.

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

AYE: Commissioners Rosenbaum, Thomae and Valencia

NAY: Commissioner Cascos

ABSTAIN: Judge Garza.

(13) REQUEST FOR PRELIMINARY AND FINAL APPROVAL

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Thomae and carried unanimously, preliminary and final approval was given to the following subdivision, on the recommendation of the County Engineer:

- a) Tres Pinos Subdivision - being a 2.00 acres out of Block 17, Doherty Paillet Subdivision.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, preliminary and final approval was given to the following subdivision, on the recommendation of the County Engineer:

- b) H. and I. G. Subdivision - being 0.617 acre tract of land out of Lot 9, Block 2, Los Ranchitos Subdivision No. 1;

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, preliminary and final approval was given to the following subdivision, on the recommendation of the County Engineer:

- c) Leonardo Sanchez Subdivision - being 1.712 acre tract of land out of Block 20, Dougherty/Paillet Subdivision.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, preliminary and final approval was given to the following subdivision, on the recommendation of the County Engineer:

- d) Piña Subdivision - being 0.550 acre tract out of Block 10, Thompson Tract Subdivision.

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**(16) APPROVAL OF REQUEST TO HOLD PUBLIC HEARING
ON PROPOSED PORT ISABEL/CAMERON COUNTY
AIRPORT HAZARDOUS ZONING ORDINANCE**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Public Hearing on the proposed Port Isabel/Cameron County Airport Hazardous Zoning Ordinance was opened for comments.

At this time, Mr. Andy Cueto, County Engineer, explained that in order for the County to receive a "Loran C Radar Assisted Landing Unit" from the Texas Department of Aviation, the County Airport Zoning Ordinance was developed to assure that the County would maintain the proper Airport conditions for safety.

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

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**(14) APPROVAL TO ADOPT THE PORT ISABEL/CAMERON
COUNTY AIRPORT HAZARDOUS ZONING ORDINANCE**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Port Isabel/Cameron County Airport Hazardous Zoning Ordinance was adopted.

The Ordinance is as follows:

(15) **CONSIDERATION AND ACKNOWLEDGEMENT OF A
REPORT BY THE COUNTY ENGINEER ABOUT A
RECENT TRAINING COURSE CONDUCTED BY THE
TEXAS ENGINEERING EXTENSION SERVICE**

Commissioner Cascos moved that the Report presented by the County Engineer regarding a recent Training Course conducted by the Texas Engineering Extension Service be acknowledged.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Report is as follows:

(17) **APPROVAL OF TRAVEL EXPENSE**

Upon motion by Commissioner Thomaе, seconded by Commissioner Valencia and carried unanimously, the following travel expense was approved, subject to availability of funds in the budget:
a) Parks Director to Houston, Texas, on July 28, 1992, for Parks Legislative Matters.

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(18) **EXECUTIVE SESSION**

Upon motion by Commissioner Valencia, seconded by Commissioner Thomaе and carried unanimously, the Court met in Executive Session at 2:17 P. M. to discuss the following matters:

- a) Discuss acquisition of Right-of-Way along Haine Drive, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- b) Discuss acquisition and disposition of 42.81 acres of land being Tract No. 2 as shown by Map of portion of 219.79 acres out of shares 11 and 12, Concepcion de Carricitos Grant as shown by Map of record in Volume 12, Page 30 of the Cameron County Map Records.

NOTE: NO ACTION TO BE TAKEN ON ITEM "B".

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Thomaе and carried unanimously, the Court reconvened in Regular Session at 2:53 P. M.

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

- a) Discuss acquisition of Right-of-Way along Haine Drive.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to direct Ms. Blanca Betancourt, Right-of-Way Agent, to proceed with the acquisition of said right-of-way.

Upon motion by Commissioner Thomaе, seconded by Commissioner Valencia and carried unanimously, Ms. Blanca Betancourt, Right-of-Way Agent, was directed to proceed with the acquisition of the Right-of-Way along Haine Drive.

- b) Discuss acquisition and disposition of 42.81 acres of land being Tract No. 2 as shown by map of portion of 219.79 acres out of shares 11 and 12, Concepcion de Carricitos Grant as shown by map of record in Volume 12, page 30 of the Cameron County Map Records. (NO ACTION TAKEN)

Judge Garza reported that Item "b" was discussed but that no action would be taken at this time.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the fact that Item "b" was discussed but NO ACTION would be taken was acknowledged.

(6) **AUTHORIZATION TO RETAIN THE ARCHITECTURAL
FIRM OF COX/CROSLIN TO PROCEED WITH THE
SECOND PHASE OF THE DESIGN AND DEVELOPMENT
OF THE NEW JUVENILE DETENTION FACILITY**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, Item No. 6 was reconsidered.

Commissioner Rosenbaum moved to retain the Architectural Firm of Cox/Croslin and Associates, Austin, Texas, to proceed with the second phase of the Design and Development of the "new" Juvenile Detention Facility, along the terms and conditions as outlined, said funding to be allocated from Lapsed Salaries.

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

AYE: Commissioners Rosenbaum, Cascos and Judge Garza

NAY: Commissioners Thomae and Valencia.

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.

APPROVED this 3rd day of August, 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