

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 7th day of DECEMBER, 1992 there was conducted a REGULAR Session of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in Brownsville, Texas, for transacting any 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 GARCIA Deputy
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked the Entire Court to lead 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 December 3, 1992, at 2:42 P. M.

Note: Commissioner Thomae was not present at this time.

(1) APPROVAL OF COUNTY CLAIMS

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

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

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, reported that there were no Budget Amendments for approval at this time, but that there was a Salary Schedule for the Fifth Judicial Region, pending formal approval by the State. She explained that the State has given verbal authorization to increase the Salaries for the Title IV Masters Department effective December 1, 1992, and that the State Budget Amendment to the Contract would be forth coming.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Proposed Budget Amendment and the Salary Schedule for the Title IV-D Masters, Department No. 57-437, were approved.

The Salary Schedule is as follows:

(3) APPROVAL OF MINUTES OF NOVEMBER 16, 1992 AND NOVEMBER 23 AND 30, 1992 (TABLED)

NOVEMBER 16, 1992

Commissioner Cascos moved that the Minutes of the Regular Meeting held November 16, 1992 at 1:30 P.M. be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

NOVEMBER 23 and 30, 1992 (TABLED)

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

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(4) IN THE MATTER OF OPENING PROPOSALS FOR PURCHASE OF JUVENILE SERVICES FOR THE JUVENILE PROBATION DEPARTMENT (TABLED)

At this time, Ms. Joan Macrum, Assistant Chief Juvenile Probation Officer, advised the Court that the published date for the Opening of the Proposals was December 21, 1992.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, this Item was TABLED until December 21, 1992.

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(5) IN THE MATTER OF CONTRACT FOR ARCHITECTURAL SERVICES TO BE PROVIDED BY THE FIRM OF COX/CROSLIN & ASSOCIATES FOR THE JUVENILE DETENTION FACILITY (AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE CONTRACT)(TABLED)

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

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(6) AUTHORIZATION TO ADOPT ORDER GRANTING CERTAIN TAX EXEMPTIONS TO CERTAIN HISTORIC SITES UNDER THE CITY OF BROWNSVILLE'S 1993 HERITAGE PLAN

Mr. Mark Lund, City of Brownsville Planning Department, explained that the Heritage Plan was adopted by the County, the City and other taxing entities in 1985. He explained that two (2) sites were added to the List of tax-exemptions compared to last year, that being the "Old Jail" and the Kowalski-Dennett House on Elizabeth Street. He added that there were five (5) locations in the 1993 List that were "blocked" from tax exemptions effective January 1, 1993, because the sites were being neglected. The approximate tax exemptions for the County would be in the amount of \$7,000.00.

Mr. Lund explained that approximately twenty (20) sites will be in the "Trolley Tours" which will be conducted on Fridays and Saturdays between the hours of 10:00 A.M. - 12:00 P.M. and 1:00 P.M. - 3:00 P.M.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Order Granting certain Tax Exemptions to certain Historic Sites under the City of Brownsville's 1993 Heritage Plan was adopted.

The Order and 1993 Heritage Plan are as follows:

(7) APPROVAL TO TRANSFER LAPSE SALARY FROM CATEGORY 003-SLOT 23 TO CATEGORY 005-EXTRA HELP

Commissioner Valencia moved to approve the transfer of Lapse Salaries from Category 003-Slot 23 to Category 005-Extra help in the County Clerk's Office.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(8) APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY HEALTH DEPARTMENT AND OB/GYN ASSOCIATES OF BROWNSVILLE (DOCTORS ZAVALETTA, MERCADO AND CAMACHO) TO PROVIDE PRE-NATAL SERVICES IN THE BROWNSVILLE CLINIC

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Contract between the Cameron County Health Department and OB/GYN Associates of Brownsville, that being Joseph A. Zavaletta, M.D. P.A., Sergio Mercado, M.D., and Homero Camacho, M.D., to provide Pre-Natal Services in the Brownsville Clinic, was approved.

The Contract is as follows:

(9) **APPROVAL OF PROCLAMATION DESIGNATING THE
MONTH OF DECEMBER 1992 AS "CHOLERA
AWARENESS MONTH" IN CAMERON COUNTY**

Commissioner Valencia moved that the Proclamation designating the month of December 1992 as "Cholera Awareness Month" in Cameron County be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Proclamation is as follows:

**(10) APPROVAL OF LEASE AGREEMENT FOR PORT ISABEL
OFFICE OF WIC PROGRAM**

Mr. Rolando Martinez, Health Administrator, explained that due to the increase of Women, Infant and Children (WIC) cases at the Port Isabel area, the Health Department requested and received State approval for a permanent WIC Site instead of a "Satellite" Program.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the Lease Agreement for the Port Isabel Office of the Health Department - Women, Infant and Children (WIC) Program was approved.

The Lease is as follows:

(11) **PRESENTATION OF APPRAISAL DISTRICT'S THREE-YEAR RE-APPRAISAL PLAN. PRESENTERS ARE: J.D. GARCIA, CHIEF APPRAISER AND JESSE GARCIA, DEPUTY CHIEF APPRAISER. INTRODUCTION OF THE NEW LIAISON OFFICER OF THE C.C.A.D.**

Mr. Tony Yzaguirre, County Tax Assessor-Collector, explained that as a member of the Appraisal District, he had requested that the Chief Appraiser present the three (3) year Appraisal Plans to the Court.

At this time, Mr. Yzaguirre introduced Mr. Ezequiel Laurel, Appraisal District Liaison Officer, who was retained by the District effective December 1, 1992. He stated that the State Statutes specified that a County with the population of Cameron County was required to retain a Liaison Officer to serve with the taxing jurisdiction, tax payers and the Board of Directors of the Appraisal District. He said that Mr. Laurel would assist with any matters other than questions dealing with value, and that his Office would in the Appraisal District's Office in San Benito, Texas.

Mr. Yzaguirre clarified that a Representative from the Appraisal District comes to the County Courthouse Tax Office every first (1st) and third (3rd) Wednesday of every month to assist the tax-payers.

At this time, Mr. J. D. Garcia, Chief Appraiser, explained that the Property Tax Code required the appraisal of real property at least once every three (3) years. He added that it would be an impossible task for the Cameron County Appraisal District to appraise the County once every three (3) years; therefore, they developed a Plan to appraise one third (1/3) of the County every year to ensure compliance with the Tax Code.

The Implementation Plan is as follows:

Mr. Jesse Garcia, Staff Member, presented the following breakdowns of the assigned ratios and the taxable values in Cameron County:

Commissioner Thomaes was present at this time.

Commissioner Valencia moved that the Presentation of the Appraisal District's three-year (3) Re-Appraisal Plan and the introduction of Mr. Esequiel Laurel, new Liaison Officer of the Cameron County Appraisal District (C.C.A.D.), be acknowledged.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(12) **AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE
GRANT AGREEMENT WITH THE TEXAS DEPARTMENT
OF HOUSING AND COMMUNITY AFFAIRS FM 511 -
DAKOTA ROAD SEWER PROJECT**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the County Judge was authorized to execute the Grant Agreement with the Texas Department of Housing and Community Affairs FM 511-Dakota Road Sewer Project.

The Contract is as follows:

(13) **AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE
CHANGE ORDER NO. 3 TO THE CONSTRUCTION
CONTRACT WITH FITZGERALD CONTRACTING, INC.,
ON THE PORT BROWNSVILLE FISHING HARBOR DOCK
IMPROVEMENTS**

Commissioner Thomae moved that the County Judge be authorized to execute Change Order No. 3 to the Construction Contract with Fitzgerald Contracting, Inc., on the Port Brownsville Fishing Harbor Dock Improvements.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Change Order is as follows:

**(14) APPROVAL OF CHANGE ORDER NO. 1 FOR NORTH
DAKOTA IMPROVEMENTS**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, Change Order No. 1 for the North Dakota Improvements Project was approved.

The Change Order is as follows:

(15) REQUEST FOR PRELIMINARY AND FINAL APPROVAL

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

- a) Rocha Subdivision - being a subdivision of 1.620 acre of land out of Block 52 of Briggs and Coleman Subdivision.

Location:

The proposed subdivision, within Precinct No. 4, is located on the West side of Kruple Road. It is approximately a quarter (1/4) of a mile of FM 508, Combes Rio Hondo Road. It is a 1.6 acre tract being subdivided into two (2) residential lots. Potable water will be provided by East Rio Hondo Water Supply and sanitary water sewer will be by individual septic system. Kruple Road has a caliche surface.

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SUPPLEMENTAL AGENDA

(1) REQUEST FOR PRELIMINARY APPROVAL

- a) Palm Valley South Subdivision - being the north twenty (20) acres of Block 10, Stuart Place Subdivision, Survey 138.

Location:

The proposed subdivision, within Precinct No. 3, is located on the East side of Stuart Place Road, South of the Town of Palm Valley. It is an eighty-two (82) lot subdivision. It will include condominium lots, residential town homes and garden homes. It is approximately twenty (20) acres and includes three (3) new roads that will be built accordingly to County Standards. It is within the City of Harlingen ETJ and the water and sewer will be provided by the City of Harlingen Water Works.

At this time, Mr. Jack Brown, Engineer, explained that as part of the creation of Drainage District No. 5, several improvements that needed to be made were identified and one (1) of those improvements was a Drainage ditch to bypass the Town of Palm Valley. He explained that currently the North Main Drain goes through the Town of Palm Valley through their Golf Course and exists at the North East corner of the Subdivision. He explained that a ditch was identified along the North boundary line of the subdivision being considered and he recommended that a 50' drain easement be reserved along the North boundary line of the property for that purpose.

He added that there was an existing 50' drainage easement, from the North East corner almost to Stuart Place Road, and it decreases to a 35' easement and varies in width. He said he understands that it would adversely impact those Lots in the subdivision but added that, if Drainage District No. 5 does becomes a reality, it would be very expensive to buy the improvements.

Commissioner Thomaе explained to the landowner that an additional 50' of Right-of-Way would be needed and suggested to make arrangements to acquire the Right-of-Way at the time of a subdivision.

At this time, Mr. Paul Johnson, property owner, explained to the Court that none of the easements for the Irrigation District were on his land. He stated that he had experienced delays for two (2) years and that the additional 50' easement would be impractical. He added that the matter could be discussed again at the time that the Drainage District was created.

Mr. Doug Wright, Cameron County Counsel, remarked that the Court had to consider the likelihood that the Drainage District would be created and the expenses associated with the improvements, and suggested that the Court "table" the matter for a week so that everyone involved can work on the matter.

Commissioner Thomae moved that preliminary approval be given to the Palm Valley South Subdivision on the recommendation of the County Engineer's Office, and subject to a negotiated Agreement for the acquisition or the reservation of the 50' Easement or Right-of-Way prior to final approval.

The motion was seconded by Commissioner Valencia and carried unanimously.

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

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

- a) Parks Director to Austin, Texas, on December 2-3, 1992 and December 7-8, 1992 reference to TRAPS Legislative matters; and
- b) Two (2) Officers from the Cameron County Drug Enforcement Task Force to Austin, Texas, on December 14, 1992 to attend TNCP NIDTA Conference.

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(17) EXECUTIVE SESSION

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, the Court met in Executive Session at 2:15 P. M. to discuss the following matters:

- a) Confer with Counsel regarding possible litigation with La Esperanza Home for Boys/Villa Bethany Home for Girls, a/k/a La Esperanza, Inc., and Texas Key Program, Inc., pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Confer with Counsel regarding contemplated litigation styled Cameron County Health Department vs. Hermenegildo Monjaras, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- c) Confer with Counsel regarding possible litigation concerning the awarding of proposal involving concession rights at Andy Bowie Park, pursuant to Section 2(e) 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 2:55 P. M.

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(18) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with Counsel regarding possible litigation with La Esperanza Home for Boys/Villa Bethany Home for Girls, a/k/a La Esperanza, Inc., and Texas Key Program, Inc.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel proceed along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session regarding the possible litigation with La Esperanza Home for Boys/Villa Bethany Home for Girls, a/k/a La Esperanza, Inc., and Texas Key Program, Inc.

- b) Confer with Counsel regarding contemplated litigation styled Cameron County Health Department vs. Hermenegildo Monjaras.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel be directed to proceed along the terms and conditions as outlined in Executive Session and that the Court adopt the Resolution that would empower County Counsel to proceed under the Cameron County Waste Water Surveillance Order.

Commissioner Rosenbaum moved that County Counsel be directed to proceed along the terms and conditions as outlined in Executive Session and that the Resolution, pursuant to the Cameron County Waste Water Surveillance Order, be adopted to empower County Counsel regarding the contemplated litigation involving Cameron County Health Department vs. Hermenegildo Monjaras.

The motion was seconded by Commissioner Thomae and carried unanimously.

The Order is as follows:

- c) Confer with Counsel regarding possible litigation concerning the awarding of proposal involving concession rights at Andy Bowie Park.

Judge Garza reported that after some discussion and on the advice of County Counsel, it was the consensus of the Court as determined by polling, to proceed with the matter in Open Court.

Commissioner Valencia moved that the matter of the possible litigation concerning the awarding of proposal involving the concession rights at Andy Bowie Park be considered in opened Court.

The motion was seconded by Commissioner Thomae and carried unanimously.

SUPPLEMENTAL AGENDA

(1) AUTHORIZATION FOR CAMERON COUNTY TO ENTER INTO A LEASE AGREEMENT OF FOUR (4) YEARS AND SEVEN (7) MONTHS FOR RECREATION EQUIPMENT RENTAL CONCESSION AT ANDY BOWIE PARK

At this time, Mr. Bill Best, Attorney-at-Law representing Breakwater Rentals, explained that they were not considering Civil litigation but were concerned with the recommendation making process whereby certain criteria that was mandated, including Written Notices, perhaps were not followed. He said that, as a result, someone might have gotten an "inside track" as far as a recommendation without everyone getting a fair and equal hearing. He stated that he did not realize that the recommendation had to come before the Court as part of the decision making process, but he felt that the recommendation process was not followed as mandated to allow everyone an equal opportunity.

Mr. Best stated he was not arguing "that their Lease was better; he would allow the Proposal to stand or fall on its own merit, but that everyone have a fair and equal opportunity."

Mr. Doug Wright, Cameron County Counsel, stated that Mr. Kenneth Conway, Parks Director, had set some "hefty" requirements that had to be complied with by the bidding parties, but that there were no Statutory requirements for that process. He said that based on the complainants remarks, they wanted the Court to make a determination based on the Proposals, and he recommended to allow both parties to present their Proposals and have the Court make the determination.

Mr. Wright stated that there were no violations and in reviewing the Parks Director's recommendation process, although on the face of it there might be some questions raised, it was clear that the Parks Director had made a very conscientious effort to be fair and to make a recommendation to the Court that was appropriate.

Judge Garza stated that the Parks Advisory Board served as "advisory", and the Court appreciated the number of hours that were volunteered but that, ultimately, the Court made the final decision in Contracting for Services.

At this time, Mr. Will Cabler, co-owner of the proposed "Playa del Norte" Beach Rental, presented the merits of their Proposal for the Court's consideration.

Mr. Bob Duncan, Parks Advisory Board President, explained the attempts to hold a Meeting to review the proposals and the decision to cancel the Meeting because the members could not attend. He said that regarding the question of "conflict of interest", that he knew of no conflict of interest with the Proposals recommended. He clarified that they do not do business with him and added that had there been a conflict, he would not have participated in the decision making process.

Commissioner Thomae moved that Cameron County enter into a Lease Agreement of four (4) years and seven (7) months for Recreation Equipment Rental Concession at Andy Bowie Park with Mr. Daniel Bryant, doing business as *Island Fun Spot* be approved, in line with the recommendation by the Advisory Committee and the Court's independent assessment of the Proposals.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Service Contract is as follow:

At this time, Mr. Conway assured the Court and the Concessionaires that it was their right to approach the Court to appeal his recommendations, and that it would not influence his working relationship with them.

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NOT ON APPROVAL OF LETTER OF RESIGNATION AGENDA OF
MR. DON BOYKIN, VETERAN'S SERVICE OFFICER

Judge Garza indicated that he had received a "Letter of Resignation" from Mr. Don Boykin, Veteran's Service Officer, requesting permission to retire effective January 31, 1993.

Upon motion by Commissioner Thoma, seconded by Commissioner Rosenbaum and carried unanimously, the Letter of Resignation of Mr. Don Boykin, Veteran's Service Officer, effective January 31, 1993, was accepted to be ratified at the next Meeting.

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ANNOUNCEMENT:

Judge Garza announced that the Fish and Wildlife Agency would be giving an award to the Cameron County Ag-Wildlife Co-Existence Committee on Tuesday, December 8, 1992, at 1:30 P.M., at the Gladys Porter Zoo and he extended an invitation to the Court to attend.

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

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APPROVED this 28th day of **December**, 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