

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 1st day of FEBRUARY, 1993 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

JAMES R. MATZ
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 Mr. Katus Blakey, Legislative Assistant to Representative Jim Solis, 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 January 29, 1993, at 1:21 P. M.

(1) APPROVAL OF COUNTY CLAIMS

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

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

AYE: Commissioners Rosenbaum, Matz and Valencia

NAY: None

ABSTAIN: Commissioner Cascos as to the claim of Waters Implement Company, Inc., Warrant No. 72246 in the amount of \$95.28, and Judge Garza as to the claim of E. de la Garza, Inc., Warrant No. 72071 in the amount of \$124.23.

The Affidavits are as follows:

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

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Fiscal Year 1993 Budget Amendment No. 12 and the Salary Schedule for the Health Department, Department No. 10-630 were approved on the recommendation by the County Budget Officer.

The Budget Amendment and Salary Schedule are as follows:

(3) APPROVAL OF MINUTES OF JANUARY 25, 1993

Commissioner Cascos moved that the Minutes of the Regular Meeting held on January 25, 1993, at 1:30 P.M. be approved, subject to the correction on Item No. 15 as noted.

The motion was seconded by Commissioner Valencia and carried unanimously.

**(4) AUTHORIZATION TO AWARD BIDS FOR ONE (1)
COMPACT PICK-UP FOR ENGINEERING
DEPARTMENT**

Commissioner Matz moved that the alternate low bid of Boggus Motors, Harlingen, Texas, in the amount of \$8,340.20, be accepted for one (1) compact pick-up truck for the Engineering Department.

The motion was seconded by Commissioner Valencia and carried unanimously.

**(5) AUTHORIZATION TO OPEN ANNUAL BIDS FY
92/93 FOR RECYCLED STOCK PAPER AND
COMPUTER PAPER**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids as received for the Fiscal Year 1992/1993 Annual Bids for Recycled Stock Paper and Computer Paper.

The bids received and opened are as follows:

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

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(8) AUTHORIZATION TO APPROVE CHANGE ORDER TO REDUCE SOUTH TEXAS UTILITY CONTRACT BY \$14,000.00 FOR THE LOS INDIOS BRIDGE

Mr. Jack Brown, Project Manager, explained that the Change Order was the result of a deviation on the concrete surface which exceeded the specifications and would require some modifications but added that the pavement was structurally sound.

Commissioner Valencia moved that the Change Order to decrease the South Texas Utility Contract by \$14,000.00 for the Los Indios Bridge be authorized, on the recommendation by2 the Project Manager.

The motion was seconded by Commissioner Matz and carried unanimously.

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(17) AUTHORIZATION TO APPOINT A SURVEYOR TO ESTABLISH A BASELINE SURVEY FOR THE LOS TOMATES BRIDGE PROJECT

Mr. Andy Cueto, County Engineer, presented the following "Scope of Services" as proposed by Traffic Engineers, Inc., Houston, Texas, regarding the establishment of a "Baseline Survey" for the Los Tomates Bridge Project, and added that the survey would define the amount of acreage available:

Mr. Dan Orive, Surveyor, indicated that the Project would take about four (4) weeks to complete and that the cost would be between four (4) and six (6) thousand dollars.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, Mr. Dan Orive, Surveyor, was appointed to establish a Baseline Survey for the Los Tomates Bridge Project in the amount not to exceed \$5,000.00.

The Service Agreement is as follows:

(12) **CONSIDERATION AND ACTION ADOPTING THE COUNTY'S SELF-EVALUATION OF ITS PROGRAMS, SERVICES AND PRACTICES AS MANDATED BY THE AMERICANS WITH DISABILITIES ACT**

At this time, Judge Garza complimented the staff on the caliber of work, not only on the preparation of the Documents but the solicitation of Public input, concerning the compliance with the Americans with Disabilities Act (ADA). He added that Cameron County was the only entity setting the pace for ADA compliance and noted some of the Departments that had not submitted the Self-Evaluation.

Commissioner Cascos moved that the County's Self-Evaluation of its Programs, Services and Practices, as mandated by the Americans with Disabilities Act (ADA), be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Self-Evaluation Report is as follows:

(20) REQUEST FOR PRELIMINARY AND FINAL APPROVAL

At this time, Mr. Victor Bañuelos, Assistant to the County Engineer, stated that Item 20 "d" should read as follows: "Precinct No. `4' instead of Precinct No. 1."

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

- a) Precinct No. 1 -Ramiro Gonzalez Subdivision - being a 10.0 acre tract of land out of Block 4, El Jardin Subdivision Share 32, Espiritu Santo Grant.
- b) Precinct No. 1 -Jose Angel Munoz Subdivision - being a replat of 1.010 acre out of Block 27, Esperanza Place Addition, Share 23, Espiritu Santo Grant.
- c) Precinct No. 1 -Villegas Subdivision - being a subdivision out of a 5.50 acre tract out of the southwest corner of Lot No. 9 out of Block No. 110, El Jardin Re-subdivision of Share 29, Espiritu Santo Grant.
- d) Precinct No. 4 -Morning View Subdivision - being 30.00 acres of land out of Blocks No. 14 and No. 15, Stuart Place Subdivision, Survey 42.

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(22) EXECUTIVE SESSION

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 2:20 P. M. to discuss the following matters:

- a) Discuss Parcels No. 12, No. 13, No. 14 and No. 15, Dakota Avenue South, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Discuss Parcel No. 11, Dakota Avenue South, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- c) Confer with Counsel regarding case styled The State of Texas vs. Gary D. Smith and wife, Vesta Henderson Smith and Herman J. Keillor and wife Judith Ann Keillor, Cause No. CL-B-31579; County Court-at-Law No. 2, Cameron County, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- d) Screen Applicants for Computer Center Director and to select prospective Candidates for interviews, pursuant to Section 2(g) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Court reconvened in Regular Session at 2:40 P. M.

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(23) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Discuss Parcels No. 12, No. 13, No. 14 and No. 15, Dakota Avenue South.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to direct the appraisal of said property, on the recommendation of the County Engineer.

Commissioner Rosenbaum moved to direct the appraisal of Parcels No. 12, No. 13, No. 14 and No. 15, Dakota Avenue South, as recommended by the County Engineer.

The motion was seconded by Commissioner Matz and carried unanimously.

- b) Discuss Parcel No. 11, Dakota Avenue South.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that said property would be acquired at the price stipulated by the owner's last offer to the County, on the recommendation of the County Engineer.

Commissioner Rosenbaum moved that Parcel No. 11, Dakota Avenue South, be acquired in the amount stipulated on the last offer to the County by the owner, on the recommendation of the County Engineer.

The motion was seconded by Commissioner Matz and carried unanimously.

- c) (In the matter to confer with Counsel regarding case styled The State of Texas vs. Gary D. Smith and wife, Vesta Henderson Smith and Herman J. Keillor and wife Judith Ann Keillor, Cause No. CL-B-31579; County Court-at-Law No. 2, Cameron County.) [NO ACTION TAKEN]

Judge Garza reported that the status of the pending litigation was discussed as posted on Item 22 "c", but that NO ACTION would be taken because there was no "Action Item" posted for Item 22 "c".

- d) In the matter to screen Applicants for Computer Center Director and to select prospective Candidates for interviews. (TABLED)

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that this Item should be postponed for one (1) week and that Staff would be directed to prepare an "evaluation" instrument to be available for the interview process.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, this Item was postponed for one (1) week and Staff was directed to prepare an "evaluation" instrument for the interview process concerning the applicants for the Computer Center Director position.

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(6) AUTHORIZATION TO ADVERTISE FOR BIDS FOR TWO (2) BACKHOES FOR PRECINCT NO. 1 AND 4

Commissioner Valencia moved that the advertisement for bids for two (2) backhoes for Precinct No. 1 and No. 4 be authorized.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(7) AUTHORIZATION TO OPEN BIDS FOR LEASE OF EIGHT (8) VEHICLES FOR TASK FORCE DEPARTMENT

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids as received for the lease of eight (8) vehicles for the Task Force Department.

The bids received and opened are as follows:

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

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(9) **APPROVAL OF REQUEST BY TAX ASSESSOR-COLLECTOR FOR SUPPORT IN OBTAINING THE 1995 TAX ASSESSOR-COLLECTORS ASSOCIATION STATE-WIDE CONVENTION TO BE HELD IN BROWNSVILLE, TEXAS**

Mr. Tony Yzaguirre, County Tax Assessor-Collector, reported that he was in the process of submitting a Proposal to the Tax Assessor-Collectors Association for the 1995 State-Wide Convention to be held in Brownsville, Texas. He added that between two hundred fifty (250) and two hundred seventy-five (275) persons would attend and he requested that the Court support his effort in the form of a Resolution or Letter.

Commissioner Cascos moved that the Court adopt a Resolution or direct the sending of a Letter in support of the Tax Assessor-Collector's effort in obtaining the 1995 Tax Assessor-Collectors Association State-Wide Convention to be held in Brownsville, Texas.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(10) **AUTHORIZATION FOR COUNTY JUDGE TO SIGN LEASE AGREEMENT WITH FIRST BANK - PORT ISABEL FOR THE OFFICE SPACE OF THE TAX ASSESSOR- COLLECTOR**

Commissioner Valencia moved that the County Judge be authorized to sign the Lease Agreement with First Bank - Port Isabel, Texas, for the office space of the Tax Assessor-Collector, subject to Legal Review.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Lease Agreement is as follows:

(11) **IN THE MATTER OF MEMORANDUM OF AGREEMENT WITH TEXAS GENERAL LAND OFFICE CONCERNING OIL SPILL PREVENTION AND RESPONSE (PASSED)**

Mr. Doug Wright, Cameron County Counsel, recommended that this Item be Tabled until he received the necessary documents from the State.

Commissioner Valencia moved to Pass on this Item until such time as County Counsel placed the Item appropriately before the Court.

The motion was seconded by Commissioner Matz and carried unanimously.

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(13) **CONSIDERATION AND ACKNOWLEDGEMENT OF QUARTERLY SUMMARY OF PARK RANGER DIVISION ACTIVITIES FOR CAMERON COUNTY PARK SYSTEM (OCTOBER, NOVEMBER, DECEMBER)**

Commissioner Matz moved that the Quarterly Summary of the Park Ranger Division Activities for the Cameron County Park System for the months of October, November, and December, 1992, be acknowledged as presented.

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

AYE: Commissioners Rosenbaum, Matz and Valencia

NAY: None

ABSTAIN: Commissioner Cascos.

The Report is as follows:

(14) APPROVAL OF RESOLUTION IN SUPPORT OF TEXAS PARKS AND WILDLIFE COMMISSION'S EFFORTS TO HELP RIO GRANDE VALLEY SPORTSMEN IN THE RE-OPENING OF THE ARROYO CITY BOAT RAMP

Commissioner Valencia moved that the Resolution in support of the Texas Parks and Wildlife Commission's efforts to help Rio Grande Valley sportsmen in the re-opening of the Arroyo City Boat Ramp be adopted.

The motion was seconded by Commissioner Matz and carried unanimously.

The Resolution is as follows:

(15) **AUTHORIZATION TO ACCEPT AMENDMENT
NO. 1 WITH MEJIA & ROSE, INC., TO PROVIDE
RIGHT-OF-WAY MAP DRAFTING FOR LOOP 590,
SECTION VII**

Mr. Andy Cueto, County Engineer, explained that the Parcel was located between FM 100 and U.S. 281 and added that Mejia & Rose had prepared the original lay-out and alignment of the Loop. He added that the Drafting Fee would be in the amount of \$6,500.00.

Commissioner Valencia moved that the Amendment No. 1 with Mejia & Rose, Inc., Brownsville, Texas, to provide the Right-of-Way Map Drafting for Loop 590, Section VII, be authorized, said funds to be allocated from the County Engineer's Professional Services.

The motion was seconded by Commissioner Matz and carried unanimously.

The Amendment is as follows:

**(16) CONSIDERATION AND ENDORSEMENT OF A
RESOLUTION LISTING BORDER ALLIANCE'S
TOP TEN INFRASTRUCTURE PRIORITY LIST**

Judge Garza explained that the Border Trade Alliance was a "grass-roots" Organization that had been involved in "Border" issues for the last five (5) to seven (7) years and had been a fairly effective voice, not only on various projects, but in representing the Border Communities in Washington, D.C. Judge Garza added that the Projects on the Infrastructure Priority List mirrored the County's Project concerns.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Resolution listing the Border Alliance's Top Ten Infrastructure Priority List was adopted, as presented by the County Engineer.

The Resolution is as follows:

(18) IN THE MATTER OF DETERMINATION OF PLATTING REQUIREMENTS FOR LOS RANCHITOS SUBDIVISION SEC. I LOCATED IN PRECINCT NO. 3 (TABLED)

Mr. Andy Cueto, County Engineer, explained that the Los Ranchitos Subdivision was first platted, recorded and developed under the jurisdiction of the City of Primera. He added that there had been a boundary dispute between the Cities of Primera and Harlingen and the City of Primera de-annexed the property which then placed the property under the County's jurisdiction. He explained that the development did not go through County Subdivision regulations, although it met the regulations when it was platted originally.

Judge Garza suggested that if this property was even "remotely" related to the controversy concerning a tax-refund litigation, that No Action be taken.

Mr. Cueto suggested that the platting requirements be waived for the two (2) lots that had not been developed, since they met all the requirements.

Judge Garza questioned whether the Platting Review Committee had considered the request and suggested that the Committee, the Health Department, and County Counsel review the matter before any action was taken.

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

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(19) APPROVAL OF REQUEST TO REMOVE THE CONDITION PLACED ON THE PRELIMINARY APPROVAL OF PALM VALLEY SOUTH SUBDIVISION ON DECEMBER 7, 1992 - PRECINCT NO. 3 AREA

Mr. Victor Bañuelos, Assistant to the County Engineer, explained that the "condition" placed on the Preliminary Approval was met and recommended removal, that being that the proposed re-routing of the drainage ditch be resolved.

Commissioner Matz moved to remove the condition placed on the Preliminary Approval of Palm Valley South Subdivision on December 7, 1992, Precinct No. 3 area, that condition having been met and, in affect, to grant Preliminary Approval subject to Final Approval by the Court.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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

Upon motion by Commissioner Rosenbaum, 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) Two (2) Clerks from Judge Sallie Gonzalez's Court to Corpus Christi, Texas, to attend Training Seminar on February 9-12, 1993;
- b) County Judge and Parks Director to attend Parks Advisory Board Meeting in Palestine, Texas, on March 19, 1993;

- c) Parks Director to Austin, Texas, on Parks Legislative Matters every Tuesday as necessary from January through May 1993;
- d) Judge Betancourt to attend Seminar of the Texas College of Advanced Judicial Studies in Austin, Texas, March 7-10, 1993;
- e) Two (2) Clerks from Judge Bennie Ochoa's Court to Corpus Christi, Texas, to attend training Seminar on February 9-12, 1993;
- f) Parks Director to Austin, Texas, on January 26-27, 1993, to attend TRAPS Legislative breakfast; and
- g) County Judge and/or Designee, Judge Pro-Tem, Commissioner Rosenbaum, County Budget Officer and County Auditor to New York, on February 3-5, 1993, on Bond related matters, to wit: County Bond Rating.

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(24) **WORKSHOP TO CONSIDER A TAX COLLECTION SOFTWARE PACKAGE FOR THE TAX OFFICE TO CONTINUE TAX COLLECTION CONSOLIDATION AND TO MEET ALL STATE PROPERTY TAX CODE REQUIREMENTS AS RECOMMENDED BY THE ARTHUR ANDERSON REPORT**

At this time, Mr. Tony Yzaguirre, County Tax Assessor-Collector, explained that the City of Brownsville and Santa Maria School were considering the elimination of tax discounts and that it would result in the loss of approximately \$340,000.00 in revenue to the County. He explained that the County had lost two (2) entities last year which represented a loss of revenue in the amount of \$190,000.00. He explained that the current Computer System does not allow for "no" discounts and suggested that the County consider a software package to eliminate the problem and the loss of revenue and added that the Arthur Anderson Report recommend the change.

After some discussion regarding the available options, Judge Garza suggested that any action taken should be subsequent to the hiring of a Computer Center Director.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the report regarding a tax collection software package for the Tax Office to continue the tax collection consolidation and to meet all the State's Property Tax Code requirements was acknowledged.

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

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APPROVED this **10th** day of **FEBRUARY**, 1993.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

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