

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 10th day of FEBRUARY, 1993 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:
2:00 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 Pro-Tem Carlos H. Cascos. He then asked Ms. Nellie Garcia, Deputy County Clerk, 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 February 4, 1993, at 8:23 A. M.

**(6) AUTHORIZATION TO PURCHASE A TOTAL OF FOUR (4)
100 WATT VHF MOBILE RADIOS IN LIEU OF 40 WATT
RADIOS FOR CONSTABLES PRECINCT NO. 1 AND NO. 8**

Commissioner Matz moved that the purchase of four (4) one hundred (100) Watt VHF mobile radios in lieu of forty (40) Watt radios for Constables' Precincts No. 1 and No. 8 be authorized.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(9) **APPROVAL OF REQUEST BY MARINE SPILL RESPONSE CORPORATION AND THE TEXAS GENERAL LAND OFFICE TO USE THE CAMERON COUNTY AIRPORT AS A TEST SITE FOR EXPERIMENTATION WITH AERIAL APPLICATION OF OIL DISPERSANT**

Commissioner Matz stated that the following "Letter" from Texas A & M University describes the intended project and called on Mr. Bob Steenbock, Southwind Aviation, to comment:

Mr. Steenbock stated that he did not anticipate any problems from the aviation standpoint but the question regarding the fair charges for the use of the Airport would have to be established by the Court.

Commissioner Matz questioned the potential liability for the County and Mr. Doug Wright, Cameron County Counsel, responded that there should be a written Agreement to establish the limitations. He stated that he has been dealing with Counsel for the Land Office on other matters and suggested that they could proceed to formulate an Agreement that would be amiable to both parties.

Commissioner Matz moved that the request by the Marine Spill Response Corporation and the Texas General Land Office to use the Cameron County Airport as a test site for experimentation with aerial application of oil dispersant be approved, subject to Legal Review.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(11) **CONSIDERATION AND ACTION AUTHORIZING THE COUNTY PARKS SYSTEM TO APPLY FOR SBA TREE PLANTING FUNDS FROM THE TEXAS FOREST SERVICE**

(12) **CONSIDERATION AND ACTION AUTHORIZING THE PD & M DEPARTMENT TO APPLY FOR SBA TREE PLANTING FUNDS, FROM THE TEXAS FOREST SERVICE, FOR LANDSCAPE IMPROVEMENTS IN AND AROUND THE COUNTY COURTHOUSE**

Mr. Frank Bejarano, Program Development and Management Director, explained that the Applications on both Items do not show any cash contribution for the "local" match.

Mr. Kenneth Conway, Parks Director, explained that they were using the "in-kind" staff labor for the local match, that being forty five (45%) percent and the Grant amount being fifty five (55%) percent.

Commissioner Matz moved that the County Parks System and the Program Development and Management Department be authorized to apply to the Small Business Administration (SBA) Tree Planting Funds from the Texas Forest Service for landscape improvements in and around the County.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Applications are as follows:

**(17) IN THE MATTER OF PLATTING REQUIREMENTS FOR
LOS RANCHITOS SUBDIVISION SECTION I LOCATED IN
PRECINCT NO. 3 (TABLED)**

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

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(1) APPROVAL OF COUNTY CLAIMS

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, all the County Claims were approved as presented and on the recommendation of the County Auditor.

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

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, Fiscal Year 1993 Budget Amendment No. 13 and the Salary Schedule for the County Court-at-Law No. 2, Department No. 10-427, were approved on the recommendation of the County Auditor.

The Budget Amendment and Salary Schedule are as follows:

**(3) IN THE MATTER OF MINUTES' OF FEBRUARY 1 AND
FEBRUARY 2, 1993 (TABLED)**

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

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**(5) AUTHORIZATION TO AWARD BIDS FOR LEASE OF
EIGHT (8) VEHICLES FOR TASK FORCE DEPARTMENT**

Commissioner Rosenbaum moved that the low bid of Capps, Van and Car Rental, Dallas, Texas, in the amount of \$4,810.00 per month, be accepted for the Lease of eight (8) vehicles for the Task Force Department.

The motion was seconded by Commissioner Matz and carried unanimously.

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**(7) APPROVAL OF RESOLUTION SUPPORTING
LEGISLATION ESTABLISHING A COMPREHENSIVE
URBAN FORESTRY PROGRAM**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Resolution supporting Legislation establishing a Comprehensive Urban Forestry Program was adopted.

The Resolution is as follows:

(8) CONSIDERATION AND ACKNOWLEDGEMENT OF AFFIDAVIT IN SUPPORT OF OBLIGATIONS IN CONTRACT ENTITLED "CONTRACT FOR THE CONSTRUCTION OF AN INTERNATIONAL BRIDGE OVER THE RIO BRAVO DEL NORTE (RIO GRANDE), WHICH WILL SERVE TO JOIN THE TOWNS OF LUCIO BLANCO, TAMAULIPAS, MEXICO AND LOS INDIOS, TEXAS, U.S.A.,....," AND EXECUTED OCTOBER 24, 1991

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Affidavit in support of obligations in contract entitled "Contract for the Construction of An International Bridge Over the Rio Bravo Del Norte (Rio Grande), which will serve to join the Towns of Lucio Blanco, Tamaulipas, Mexico and Los Indios, Texas, U.S.A.,....," and executed October 24, 1991, was acknowledged.

The Affidavit is as follows:

(13) **ACTION RELATIVE TO MEMORANDUM OF AGREEMENT TO LEASE WITH SEA RANCH ENTERPRISES, INC., DELETING A 0.24 ACRE TRACT (ONE BOAT SLIP) IMMEDIATELY SOUTH OF THE SEA RANCH RESTAURANT**

Mr. Kenneth Conway, Parks Director, explained that the Sea Ranch Restaurant had sub-leased a boat slip next to the Restaurant, contrary to the Lease Agreement. He added that, originally, the boat slip area was intended for future expansion, but in the interim, they have decided not to expand. He recommended to delete that portion from the Agreement and to adjust the Annual Rental Fee.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the deletion of a .024 acre tract (one boat slip) immediately south of the Sea Ranch Restaurant was approved from the Memorandum of Agreement Lease with Sea Ranch Enterprises, Inc, was approved.

The Memorandum is as follows:

(14) **IN THE MATTER OF APPOINTING DAN CHAPA AS
ACTING VETERAN SERVICE OFFICER (TABLED)**

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

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(15) **CONSIDERATION AND ADOPTION OF EQUIPMENT LIST
AS DISCUSSED IN WORKSHOP DATED FEBRUARY 2,
1993, AND APPROPRIATION OF FUNDS**

Judge Pro-Tem Cascos reported that the Equipment List was a summary of the discussion held during the Workshop on February 2, 1993.

At this time, Mr. Rayburn MacNelly, County Auditor, stated that the correct amount for the water cooler under Line Item 10-420 was \$435.00 instead of \$100.00

Commissioner Matz moved that the Equipment List be adopted, as discussed in the Workshop dated February 2, 1993, and that the appropriation of said funds be approved, subject to the correction as noted.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Equipment List is as follows:

(16) **IN THE MATTER OF REQUEST FOR PRELIMINARY APPROVAL (TABLED)**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, preliminary approval for the following subdivisions was Tabled on the recommendation of the County Engineer:

- a) Precinct No. 3 -SMSA Subdivision - being a 1.44 acre subdivision out of Block 14, Stuart Place Subdivision, Survey 138.
- b) Precinct No. 3 -Melomar Gardens Subdivision Section II - being a replat of 25.237 acres comprised of 10.905 acres out of a 19.981 acre tract and 14,332 acres out of a certain 46.5 acre tract both tracts out of what is commonly known as the A.J. Hood Lands Tract San Pedro de Carricitos Grant.

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(18) **AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES**

At this time, Judge Pro-Tem Cascos referred to Item "d" and explained that Commissioner Matz was on the Border Trade Alliance prior to being a member of the Court and that he was still a member of that Board and questioned whether the Court's authorization was needed to designate him as the County's representative.

Mr. Doug Wright, Cameron County Counsel, suggested that the designation be placed as an Item on the next Agenda.

At this time, the County Auditor's Office remarked that the delay would not allow Commissioner Matz' Registration to be submitted on time.

Commissioner Matz stated that he was not aware that it was the policy of the Court to require the designation, otherwise, he would have placed the designation as an Item on the Agenda.

Judge Pro-Tem Cascos stated that he did not know if it was a "policy" of the Court and suggested that due to the time constraints, that Commissioner Matz be designated as the Court's Representative to the Border Trade Alliance, to be ratified at the next Meeting.

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

- a) Chief Juvenile Probation Officer to El Paso, Texas, to attend Planning and Arrangements Committee Meetings for the Border Children Justice Project and the Texas Correction Associations 1993 Annual Conferences, once a month from February to June 1993;
- b) Juvenile Department Program Specialist, Ms. Imelda Gracia, to Austin and Corpus Christi, Texas, to study their Restitution and Community Services Programs on February 9-10, 1993;
- c) County Engineer to attend annual Public Works short course at College Station on February 14-17, 1993;
- d) Commissioner Matz to attend Border Trade Alliance Winter Conference in Mexico, D.F., on February 21-23, 1993, subject to the ratification as the Court's Representative, at a later date;
- e) Drug Enforcement Task Force Director to Laredo, Texas, on January 28, 1993, to attend Regional Directors' Meeting; and
- f) Mr. Lee Thompson, Safety and Risk Coordinator, to attend Emergency Management Coordinators Meeting on February 7-12, 1993.

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NOTE: Commissioner Matz left the Courtroom at this time.

At this time, Commissioner Valencia stated that the matter of re-drawing the Boundary Lines concerning the Harlingen County Building, as an Early Voting Location, should be addressed before the next Election.

Ms. Tencha de la Peña, Elections Administrator, stated that Counties with over two hundred thousand (200,000) population are required to have one (1) Early Voting Location within each County Precinct. She explained that the Harlingen County Building was actually in Precinct No. 3, leaving Commissioner Precinct No. 4 without an Early Voting Location. She stated that Commissioner Valencia suggested to re-draw the Boundary Lines in order to have the Harlingen Building within the Commissioner Precinct No. 4 area.

There was some discussion regarding the time element and the need to submit the change to the Justice Department, and the suggestion was made to place the Item on the next Agenda.

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(19) EXECUTIVE SESSION

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the Court met in Executive Session at 2:39 P. M. to discuss the following matters:

NOTE: Judge Garza joined the Meeting at this time.

- a) Confer with Counsel regarding case styled Pilar Lerma, Jr., vs. Joe G. Rivera and his successors County Clerk of Cameron County, Individually and in his and their Official Capacities; Cause No. B-89-127; United States District Court, Southern District of Texas - Brownsville Division, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Confer with Counsel regarding case styled Celia Mutrux, Individually and as Representative of the Estate of William Arnold Mutrux, Deceased, and Marciana Trejo, as Next of Friend for Monica Michell Mutrux, a Minor vs. Cameron County, Texas, Cause No. 89-12-5768-A; 107th District Court, Cameron County, Texas, pursuant to Section 2(e) 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-31,579; 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 Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 3:37 P. M.

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(20) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with Counsel regarding case styled Pilar Lerma, Jr., vs. Joe G. Rivera and his successors County Clerk of Cameron County, Individually and in his and their Official Capacities; Cause No. B-89-127; United States District Court, Southern District of Texas - Brownsville Division.

Judge Garza reported that the Court received a Status Report from Counsel and after some discussion, it was the consensus of the Court as determined by polling, that Counsel be directed to proceed along the terms and conditions outlined in Executive Session and that this matter be placed at the next Regular Commissioners' Court Agenda for further review.

Commissioner Cascos moved that County Counsel be directed to proceed along the terms and conditions outlined in Executive Session regarding the case styled Pilar Lerma, Jr., vs. Joe G. Rivera and his successors County Clerk of Cameron County, Individually and in his and their Official Capacities; Cause No. B-89-127; United States District Court, Southern District of Texas - Brownsville Division and that this Item be placed at the next Regular Commissioners' Court Agenda for further review.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

- b) Confer with Counsel regarding case styled Celia Mutrux, Individually and as Representative of the Estate of William Arnold Mutrux, Deceased, and Marciana Trejo, as Next of Friend for Monica Michell Mutrux, a Minor vs. Cameron County, Texas, Cause No. 89-12-5768-A; 107th District Court, Cameron County, Texas.

Judge Garza reported that the Court received a Status Report from Counsel and after some discussion, it was the consensus of the Court as determined by polling, to direct Counsel to proceed along the terms and conditions outlined in Executive Session, and that this Matter be placed at the next Regular Commissioners' Court Agenda for further review.

Commissioner Cascos moved that Counsel be directed to proceed along the terms and conditions outlined in Executive Session regarding the case styled Celia Mutrux, Individually and as Representative of the Estate of William Arnold Mutrux,

Deceased, and Marciana Trejo, as Next of Friend for Monica Michell Mutrux, a Minor vs. Cameron County, Texas, Cause No. 89-12-5768-A; 107th District Court, Cameron County, Texas, and that this matter be placed at the next Regular Commissioners' Court Agenda for further review.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

- 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-31,579; County Court-at-Law No. 2, Cameron County.

Judge Garza reported that the Court received a Status Report from the County Engineer and County Counsel and added that the case was set for trial on Wednesday, February 17, 1993 at 1:30 P.M.

Commissioner Cascos moved to accept the Status Report from the County Engineer and County Counsel and to acknowledge the trial date of Wednesday, February 17, 1993, at 1:30 P.M. regarding the 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-31,579; County Court-at-Law No. 2, Cameron County.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

- d) Screen Applicants for Computer Center Director and to select prospective Candidates for interviews.

Judge Garza reported that after some discussion and initial screening, it was the consensus of the Court as determined by polling, to refer the first group of names to the County Budget Officer, Ms. Rosemary Martinez, in order to schedule interviews and to place this Item on the Agenda for next week for additions or deletions from the current List.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the initial List of screened Applicants for the Computer Center Director was referred to the County Budget Officer in order to schedule interviews and to be placed on next week's Agenda for additions or deletions from the current List.

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At this time, Judge Garza reported that a travel request had been received for Ms. Pat Martinez, Child Protective Services Supervisor, to travel to Corpus Christi on February 17, 1993, and it appeared to be the consensus of the Court, as determined by polling, that the travel be approved, subject to available funding and ratification at the next Meeting.

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Mr. Kenneth Conway, Parks Director, reported that he received a request from one (1) of the concessionaires for a new piece of equipment, similar to a "bungee jump", to be operated during Spring Break. He added that the concessionaire had offered to pay the travel expenses to Tampa, Florida, for the Parks Director and the County Attorney, on February 12-15, 1993, to view said equipment in order to determine whether it would be approved for operation at the Island and it appeared to be the consensus of the Court, as determined by polling, that said travel for Mr. Conway be approved, subject to ratification at the next Regular Meeting.

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NOTE: Commissioner Valencia left the Courtroom at this time.

(4) AUTHORIZATION TO OPEN PROPOSALS ON ANTI-CAR THEFT SECURITY SYSTEM

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open proposals as received for the Anti-Car Theft Security System.

The proposals received and opened are as follows:

- 1) Daveway Electronics, Brownsville, Texas
- 2) Textrax - Bar Solutions, Brownsville, Texas.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the bids were referred to the Review Committee that being, Ms. Rosemary Martinez, Administrative Assistant to the County Judge, Mr. Jack Brown, Project Manager, and Mr. Rayburn MacNelly, County Auditor, for tabulation and recommendation to the Court of the best proposal.

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(10) AUTHORIZATION TO RECEIVE AND OPEN APPLICATIONS FOR COUNTY DEPOSITORY AND SELECT FINANCIAL INSTITUTIONS FOR DEPOSITORY OF COUNTY FUNDS FOR 1993-1995

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open Applications received for the County Depository.

The Applications received and opened are as follows:

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Applications were referred to the County Treasurer for evaluation and recommendation to the Court in one (1) week.

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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 17th 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