

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 30th day of MARCH, 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 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 March 26, 1993 at 3:31 P. M.

(5) **ADOPTION OF ORDER AUTHORIZING THE ISSUANCE
OF CAMERON COUNTY, TX LIMITED TAX REFUNDING
BONDS, SERIES 1993**

Mr. Bob Estrada, Financial Advisor with the Firm of Estrada-Hinojosa, Dallas, Texas, remarked that the potential savings on refunding the Bond Issues was discussed at a previous Meeting and that the Court authorized the Firm to proceed with the proposed transaction. He reported that Texas Commerce Bank and Apex Securities jointly underwrote the proposed Limited Tax Refunding Bonds for the County and were able to successfully place all of the Bonds the day before.

He stated that the "Par Amount" of Bonds to be refunded totaled \$3,475,000.00, with a future savings in the amount of \$171,222.00, on the Debt Service that represented an annual savings of \$28,537.00, and he recommended that the Court accept and approve the sale of said Bonds.

Mr. Peter Tart, Bond Counsel, concurred with the recommendation to proceed with the matter as outlined.

Commissioner Valencia moved that the Order authorizing the issuance of Cameron County, Texas, Limited Tax Refunding Bonds, Series 1993, be adopted, as recommended by the County's Financial Advisor and Bond Counsel.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Summary and Order are as follows:

(6) **AUTHORIZATION TO EXECUTE PURCHASE CONTRACT, APPROVAL OF OFFICIAL STATEMENT AND EXECUTION OF ESCROW AGREEMENT AND OTHER MATTERS RELATING TO THE ISSUANCE OF CAMERON COUNTY, TX LIMITED TAX REFUNDING BONDS, SERIES 1993**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the execution of the Purchase of Contract was authorized and the Official Statement, the Escrow Agreement and other matters relating to the issuance of Cameron County, Texas, Limited Tax Refunding Bonds, Series 1993, were approved, as recommended by the Financial Advisor and after review by Bond Counsel.

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(4) **PRESENTATION OF THE AUDITED COMPREHENSIVE ANNUAL FINANCIAL REPORT, THE INTERNATIONAL TOLL BRIDGE SYSTEM FUND FINANCIAL STATEMENTS, AND THE PARK SYSTEM FUND FINANCIAL STATEMENTS FOR THE FISCAL YEAR 1992, BY THE CAMERON COUNTY AUDITOR AND PATTILLO, BROWN AND HILL, CERTIFIED PUBLIC ACCOUNTANTS**

At this time, Representatives with the Firm of Pattillo, Brown and Hill, Certified Public Accountants, Waco, Texas, presented the following Audit Reports:

- 1) **Mr. Steve Bostick** -Comprehensive Annual Financial Report
Management Letter of the County
- 2) **Mr. Kevin Six** -International Toll Bridge System Fund
Financial Statement
Parks System Financial Statement
- 3) **Mr. Jim Curry** -Compliance Report
Reports on Schedule of Federal Financial Assistance.

Mr. Bostick explained that the items noted on the "Management Letter" were constructive suggestions to be considered by the County and not to be construed as significant problems or critical of anyone.

Commissioner Cascos questioned whether any of the comments made had been addressed and corrected, and Mr. Bostick responded that the items were discussed with the Department Heads but that the follow-up had not been conducted.

Commissioner Matz questioned whether, as a matter of standard procedure, the County Auditor followed-up on the Items noted and the County Auditor responded that "those were problems that had been addressed at great length, and not a whole lot that could be done about it."

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the presentation of the audited Comprehensive Annual Financial Report, the International Toll Bridge System Fund Financial Statements, and the Park System Fund Financial Statements for the Fiscal Year 1992, by the Cameron County Auditor and Pattillo, Brown and Hill, Certified Public Accountants, Waco, Texas, were acknowledged.

The Reports are as follows:

(1) APPROVAL OF COUNTY CLAIMS

Commissioner Valencia moved that the County Claims as presented and on the recommendation of the County Auditor's Office be approved.

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

AYE: Commissioners Rosenbaum, Matz, and Valencia

NAY: None

ABSTAIN: Commissioner Cascos, as to the Claim of Landair Travel, Warrant No. 75069 in the amount of \$237.00 and Judge Garza, as to the Claim of Brownsville Community Health Clinic, Warrant No. 74774 in the amount of \$311.43.

The Affidavits are as follows:

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

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, reviewed the Fiscal Year 1993 Budget Amendment No. 19, noting that the Fund Balance decreased by the amount of \$43,539.00, due to the addition of two (2) positions approved the previous week for the District Attorney's Office.

At this time, Judge Garza questioned whether those positions were clearly delineated as "Civil" and Ms. Martinez responded that the two (2) positions approved by the Court were labeled as "Civil", that being positions No. 20 and No. 33.

Judge Garza questioned whether the other positions currently within the Budget and utilized in the "Civil Division" were clearly delineated as "Civil" and added that it was the intent of the Court to create a three (3) person "Civil Division" within the District Attorney's Office.

Ms. Martinez responded that she had discussed the matter with the District Attorney's Office concerning labelling the positions to be clearly identified as the "Civil Division" and that the District Attorney was reluctant to do that, but that he had no problem labeling the two (2) positions approved by the Court as "Civil". Ms. Martinez stated that there was one (1) "Criminal" position that the District Attorney designated as Civil, that being position No. 4, but it was not designated by the Court.

Judge Garza questioned whether the Budget Amendment could be labelled "Civil" to reflect the intent of the Court and Ms. Martinez suggested that the matter be discussed with the District Attorney.

Judge Garza stated that the positions could be identified as "Civil" and that the discussions could follow, if necessary.

Ms. Martinez clarified that position No. 4, currently held by Mr. Douglas Wright, was a "Civil" position, and that position No. 11, originally held by Mr. Wright, was currently occupied by a "Criminal" Attorney, and that the "vacant" Position No. 13, had a comparable salary to position No. 11 and could be designated as "Civil."

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Fiscal Year 1993 Budget Amendment No. 19, and the Salary Schedule for the County Attorney, Department No. 10-475 were approved, noting the designation of Position Nos. 4, 13, 20 and 33 as the "Civil Division".

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the 1991/1992 Budget Amendment No. 48 was approved, as presented by the County Auditor's Office.

The Budget Amendments and Salary Schedule are as follows:

(3) **IN THE MATTER OF MINUTES OF MARCH 23, 1993
(TABLED)**

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

(7) **AUTHORIZATION TO PURCHASE VEHICLES FOR
COMMISSIONERS PRECINCT NO. 1 AND NO. 2, TO BE
FUNDED FROM SURPLUS AS WERE ALL OTHER NEW
EQUIPMENTS REQUESTS**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the purchase of vehicles for the Commissioners from Precinct No. 1 and No. 2 was authorized, said funds to be allocated from the Surplus Fund, as were all other new Equipment Requests.

(8) **AUTHORIZATION TO UTILIZE "SAFE TIRE DISPOSAL
CORPORATION" OF SAN ANTONIO FOR REMOVAL OF
SCRAP TIRES**

Commissioner Cascos moved that Safe Tire Disposal Corporation, San Antonio, Texas, be authorized to remove the scrap tires, as recommended by the Purchasing Agent.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(9) **AUTHORIZATION OF THE TAX ASSESSOR-COLLECTOR
TO ENTER INTO PAYMENT AGREEMENTS WITH
COUNTY TAXPAYERS, AS PROVIDED BY SECTION 33.02
OF THE STATE PROPERTY TAX CODE, FOR THE 1992
AD VALOREM TAXES TO AVOID PAYING ADDITIONAL
PENALTIES**

Mr. Tony Yzaguirre, County Tax Assessor-Collector, explained the Department's intent to provide County tax-payers the opportunity to make partial payment arrangements to pay their 1992 Property Taxes.

He reviewed the following correspondence from the State Comptroller's Office which stated that, according to Section 33.02 of the Property Tax Code, "tax-payers making arrangements prior to July 1, 1993 would be exempt from additional penalties," and added that his Office developed the following Agreement to be executed by the tax-payers:

Commissioner Matz questioned the number of tax-payers seeking installment plans and Mr. Yzaguirre responded that between ten (10) to fifteen (15) persons visited his Office every day. He explained that the collection of delinquent taxes for 1991 and prior years were dealt by the Collection Firm.

There was a lengthy discussion regarding the Agreement Form, and the authority provided by the Statutes to the Tax Assessor-Collector to make installment payments and the parameter of the amount of payments. Mr Yzaguirre clarified that the Statutes only indicated that the installments not exceed thirty six (36) months but not the amount of payment per month.

Judge Garza expressed his concern regarding the latitude in the negotiations of the installment Agreements, unless a "policy" was adopted and no deviation occurred."

Commissioner Matz agreed with Judge Garza and suggested to have a specific "Policy" established, in writing, so that the Tax Office would not be vulnerable and to prevent it from being charged with favoritism or misuse.

Judge Garza questioned the Collection Firm's procedures regarding the installment payments and Mr. Christopher Pillepe, Attorney with the Law Firm of Heard-Goggan and Blair, Brownsville, Texas, stated that they demand half (1/2) of the amount initially and the balance in six (6) equal payments, and vary that if it is a hardship situation or a Homestead.

Commissioner Valencia questioned who would determine who would qualify for installment payments, whether everyone was entitled to it and whether businesses were going to be included.

Judge Garza responded that the Statutes provided for the Tax Assessor-Collector to make that decision.

Commissioner Cascos stated that the Statutes did not define a "hardship" case, but did provide the parameter of "time," but not the amount of payments. He added that the Agreement was not adequate and suggested that the Tax Assessor-Collector adopt a Payment Agreement to be used by every tax-payer.

Commissioner Valencia suggested that the time limitation be the same as the Collection Firm's in order to keep the payments on time, and to avoid having two (2) different collection ideas.

Judge Garza stated that, although the Tax Assessor-Collector had the authority to establish the Policy, it would make more sense to adopt a comparable policy to avoid having one (1) Collection Agency against the other. He suggested that a very clear Policy be established and not to deviate from it, otherwise they would not treat everyone the same.

Mr. Phillippe requested that the Tax Office provide him with copies of the executed Agreements in order to avoid filing suits on those particular accounts.

Judge Garza acknowledged the fact that Mr. Yzaguirre had the Statutory authority and that the Court did not have a choice and asked Mr. Yzaguirre if he had any problems presenting a "Policy" that would be exercised within the Tax Office, so that the "Policy" would become "public" and Mr. Yzaguirre responded that he had no problem with that suggestion.

Mr. Doug Wright, Cameron County Counsel, suggested coordination between the Tax Office and the Collection Firm and the need for a "monitoring" system once the Agreements were executed.

Mr. Yzaguirre responded that the accounts would be coded by the Computer Department and a copy of the executed Agreement would be kept in the Tax Office.

Commissioner Cascos moved that the Tax Assessor-Collector's Payment Agreements with the County Taxpayers be acknowledged, for the payment of the 1992 Ad Valorem Taxes in order to avoid paying additional penalties, as provided by Section 33.02 of the State Property Tax Code.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(14) **AUTHORIZATION TO RESCIND CONTRACT AWARD TO GULF COAST DREDGING FOR SEA RANCH MARINA DREDGING AND REVOKE BID SECURITY DUE TO BIDDER'S FAILURE TO SECURE NECESSARY PERFORMANCE BOND OR TO EXECUTE CONTRACT WITHIN THE SPECIFIED TIME**

Mr. Kenneth Conway, Parks Director, explained that the low bid was by Gulf Coastal Dredging in the amount of \$62,500.00 but that they were not able to procure the necessary "Performance Bond" within the time frame specified by the Project Engineer and stated the Staff was recommending to revoke the Performance Bond and to rescind the Award of the Contract.

Mr. Jack Brown, Project Engineer, stated that the Court awarded the Contract on March 1, 1993 to Gulf Coast Dredging, and he knew that Gulf Coast Dredging had made every effort to obtain the Performance Bond and was not successful and added that the next low bidder was Always Dredging, in amount of \$79,830.00. He stated that if the Court decided to re-bid, the scope of the project would be reduced to under \$50,000.00, the amount to which a Performance and Payment Bond were not required by Statutes.

Mr. David Freeman, owner of Gulf Coast Dredging, explained that they made every effort to obtain a Performance Bond. He said that the Bonding Companies were notorious for taking no risks and that their standard policy was that if the difference between the low bid and the next highest bidder was ten (10) percent, they would have awarded the Bond immediately. He said that the Bonding Companies' Ten (10%) Percent Rule charged Gulf Coast Dredging four (4%) percent and they took a six (6%) percent risk, and added that if Gulf Coast Dredging failed, then the Bonding Company would go to the next bidder. He requested that the Bid Bond be returned and added that he intended to re-bid on the Item again.

Mr. Conway stated that the Parks Department would incur additional Engineering Fees to re-bid the Project and recommended to follow the procedures and to revoke the Bond, to authorize the Project Engineer to continue with the Project and to change the scope of the Project to conform with the Budget.

Mr. Brown stated that the Bid Bond was \$3,125.00 and the estimated cost of re-advertising would be in the amount of \$1,500.00, and the suggestion was made to deduct that expense from the Bond and return the balance to the owner.

Mr. Doug Wright, Cameron County Counsel, suggested that the Bid Bond be retained until the cost of re-advertisement was determined.

Commissioner Matz moved that the Contract awarded to Gulf Coast Dredging be rescinded and that the Bid Bond be retained until the actual costs incurred for the additional Engineer Services and Advertisement were known, at which point that would be deducted from the Bid Security and the balance refunded to the Contractor.

The motion was seconded by Commissioner Cascos and carried unanimously.

(15) AUTHORIZATION TO REJECT BIDS REMAINING FOR SEA RANCH MARINA DREDGING, TO REFORMULATE PROJECT SCOPE AND TO ADVERTISE FOR BIDS OF A REVISED PROJECT

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the bids remaining for the Sea Ranch Marina dredging were rejected, and the reformulation of the Project Scope and the advertisement for bids for the Revised Project were authorized.

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(16) AUTHORIZATION TO AWARD CONTRACT NO. 1 TO LOW BIDDER (J. L. WILLIAMS CONSTRUCTION) FOR ANDY BOWIE PARK DEVELOPMENT

Commissioner Matz moved that the low bid of J. L. Williams Construction, Harlingen, Texas, in the amount of \$366,911.50, be accepted for Contract No. 1 for the paving of the Andy Bowie Park Development, as recommended by the Project Engineer and the Parks Director.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Contract is as follows:

(17) **AUTHORIZATION TO AWARD CONTRACT NO. 2 TO
LOW BIDDER (PEACOCK CONSTRUCTION) FOR ANDY
BOWIE PARK DEVELOPMENT**

Commissioner Valencia moved that the low bid of Peacock Construction, Harlingen, Texas, in the amount of \$899,600.00, be accepted for Contract No. 2 for the Andy Bowie Park Development, on the recommendation of the Project Engineer and Parks Director.

The motion was seconded by Commissioner Matz and carried unanimously.

The Contract is as follows:

**(18) AUTHORIZATION OF CHANGE ORDER NO. 1 FOR
CONTRACT NO. 1 WITH J. L. WILLIAMS
CONSTRUCTION**

Mr. Kenneth Conway, Parks Director, explained that the Change Order would decrease the Contract by \$70,147.84.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, Change Order No. 1 for Contract No. 1, J. L. Williams Construction, Harlingen, Texas, was authorized.

The Change Order is as follows:

(19) **AUTHORIZATION OF CHANGE ORDER NO. 1 FOR
CONTRACT NO. 2 WITH PEACOCK CONSTRUCTION**

Mr. Kenneth Conway, Parks Director, reviewed the changes that would reduce the scope of the Project and decrease the amount of the Contract by \$290,670.00, to keep the costs within the Budget.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, Change Order No. 1, Contract No. 2 with Peacock Construction, Harlingen, Texas, was authorized.

The Change Order is as follows:

(20) AUTHORIZATION TO HOLD A PUBLIC CONTEST TO SOLICIT NOMINATIONS FOR A NAME FOR THE NEWEST BEACHFRONT PAVILION IN ISLA BLANCA PARK

Commissioner Valencia moved that a Public Contest to solicit nominations for a name for the newest Beachfront Pavilion in Isla Blanca Park be authorized.

The motion was seconded by Commissioner Matz and carried unanimously.

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(21) IN THE MATTER TO RESCIND PETITION AND ORDER CLOSING A ROAD SITUATED AND DESCRIBED AS FOLLOWS (NO ACTION TAKEN):

Being a dedicated forty (40') foot strip of land for road purposes, running along the northernmost side of Block 17, and the southernmost side of Block 16 of El Jardin Subdivision, Share 32, Espiritu Santo Grant, Cameron County, Texas.

Judge Garza explained that on October 28, 1991, the Court considered closing a road, after giving proper Notices and Postings, based on a Petition filed in the County Clerk's Office, and that subsequently, a Default Judgment and Order was rendered in the 107th District Court signed by Judge Ben Euresti on May 28, 1992.

He added that Ms. Martha Keith, concerned resident, had spoken to some of the people whose signatures formed the basis for the Original Petition and they had stated to Mrs. Keith that their signatures were obtained fraudulently or that the facts of the case were misrepresented.

Judge Garza added that Mr. and Mrs. Tomas Perez, residents, appeared before the Court last week and stated that it was not their intent to have their names on the Petition.

He explained that the Court would like to provide the Keith Family the opportunity of a Public Forum and maybe get some direction from County Counsel, and at this time, the following individuals presented their concerns regarding the closing of the road and the fact that they were not notified about the petition or served with a citation concerning the Judgement:

Ms. Martha Keith, resident owner

Mr. Kenneth Keith, son

Ms. Deborah Keith Truman, daughter and

Mr. and Mrs. Hubert Mikeworth - signed the Petition and stated that it was not their intent to close the road.

Mr. Doug Wright, Cameron County Counsel, stated that it was evident, by the District Court Documents, that there were a number of matters that Commissioners' Court could not handle. He explained that the Court considered the matter originally on a Petition and that the Statutes do not require that the closing of a Road be considered on the basis of a petition. He said that a Road could be closed on a unanimous vote by the Court and if the Court was deceived by the original Parties, the Court could set aside that decision. He added that there may be more issues involved in this matter and added that the County Engineer had informed him that the road was never opened to the Public. He stated that he had visited with Mrs. Keith and that he suggested that she obtain private Legal Counsel because of the various issues involved and the Default Judgment against her family.

Judge Garza stated that it appeared, from Mrs. Keith's perspective, that they would have to work backwards, from setting aside the Default Judgment, to requesting to challenge the Petition to the Commissioner's Court. He stated that the Commissioners' Court had no jurisdiction on the action of a State District Court.

There was a lengthy discussion concerning whether the road, used by the public for over ten (10) years, would qualify as a "prescriptive roadway" and would obligate the County to maintain it.

Judge Garza added that Commissioners' Court lacked jurisdiction and could not take or recommend any action and suggested that Mrs. Keith obtain Legal Counsel in order to determine the recourse or cause of action.

Commissioner Matz moved to acknowledge the Petition and to direct County Counsel, on his own advise, to work with Mrs. Martha Keith, subject to her retaining an Attorney on this matter.

The motion was seconded by Commissioner Valencia and carried unanimously.

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**(10) ADOPTION OF A RESOLUTION PROCLAIMING APRIL
AS "FAIR HOUSING MONTH"**

Commissioner Matz moved that the Resolution proclaiming April as the "Fair Housing Month" be adopted.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Resolution is as follows:

(11) **APPROVAL OF JOINT AGREEMENTS IN RESPECT TO THE MAY 1ST ELECTIONS: A) SAN BENITO CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND B) BROWNSVILLE INDEPENDENT SCHOOL DISTRICT**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Joint Agreements with respect to the May 1, 1993 Elections with the San Benito Consolidated Independent School District and Brownsville Independent School District were approved.

At this time, Ms. Tencha de la Peña, Elections Administrator, explained that the Texas Election Code provided for the Governmental entities to execute Joint Agreements for any or all of an Election. She stated that the County would share the same Polling Places in two (2) locations in the San Benito School District and the County would be conducting the election for the Brownsville Independent School District.

Ms. de la Peña stated that the Agreements do not require Court approval; however, she wanted the Court to be aware that in the past a deposit on the estimated costs of an Election had not been required, but that on advise of the County Auditor's Office and the County Counsel, they would be requiring a deposit of sixty (60) percent of the estimated cost of the Election.

The Agreements are as follows:

Judge Garza and Commissioner Valencia left the Courtroom.

- (12) **APPROVAL OF VOTING MACHINE LEASE AND SERVICE AGREEMENT IN RESPECT TO THE FOLLOWING ENTITIES: 1) HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, 2) CITY OF LOS FRESNOS, 3) CITY OF LA FERIA, 4) TOWN OF COMBES, 5) TOWN OF SOUTH PADRE ISLAND AND 6) LA FERIA INDEPENDENT SCHOOL DISTRICT**

Commissioner Rosenbaum moved that the Voting Machine Lease and Service Agreements be approved with respect to the following entities:

- 1) Harlingen Consolidated Independent School District
- 2) City of Los Fresnos
- 3) City of La Feria
- 4) Town of Combes
- 5) Town of South Padre Island, and
- 6) La Feria Independent School District.

The motion was seconded by Commissioner Matz and carried unanimously.

The Agreements are as follows:

(22) REQUEST FOR PRELIMINARY AND FINAL APPROVAL

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

- a) **Precinct No. 3** -Mendoza Subdivision - being a Subdivision of 4.23 acres out of Block 454, San Benito Irrigation Company Subdivision, Share 1, Espiritu Santo Grant.

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(24) AUTHORIZATION TO REJECT THE TWO BIDS FOR STREET AND DRAINAGE IMPROVEMENTS FOR MAVERICK ROAD AND TO SOLICIT NEW BIDS

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the two (2) bids for the street and drainage improvements for Maverick Road were rejected and authorization was given to solicit new bids, as recommended by the County Engineer.

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

Upon motion by Commissioner Rosenbaum, 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) Program Development and Management Director to attend National Endowment for the Arts Southwest Design for Housing Forum on April 1-4, 1993 in Austin, Texas;
- b) Program Development and Management Director to attend Personnel Law Workshop in Austin, Texas, on April 6-8, 1993;
- c) Three (3) Probation Officers to Austin, Texas, to attend Regional Network for Children Conference on April 4-7, 1993;
- d) Juvenile Detention Supervisor to attend Texas Detention Delegate Assembly Forum in Austin, Texas, on April 24-26, 1993;
- e) Two (2) Child Care Workers to attend Drug Abuse Prevention, Recognition and Intervention for Juvenile Probation and Detention Officers Workshop on June 7-11, 1993 in Corpus Christi;
- f) Three (3) Park System Employees to attend 1993 TRAPS Annual Conference in Houston, Texas, on April 12-16, 1993;
- g) Engineering and Right-of-Ways (R.O.W.) Employees to attend Texas Notary Law and Procedure Seminar in McAllen, Texas, on April 20, 1993;
- h) Five (5) Engineering and Right-of-Way (R.O.W.) Employees to attend Word Perfect Seminar in Harlingen, Texas, on April 21, 1993; and
- i) Four (4) Health Department Employees to attend "How to Supervise People for the Newly Appointed Supervisor and Manager" Workshop in McAllen, Texas, on April 26, 1993.

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(13) **IN THE MATTER TO APPOINT A COMMITTEE
COMPOSED OF THREE RESIDENT REAL PROPERTY
OWNERS TO THE VETERANS LAND BOARD COUNTY
COMMITTEE FOR CAMERON COUNTY (TABLED)**

At this time, Mr. Salvador Salinas, Veteran Services Officer, explained that, in an effort to orient himself to the Office, he discovered that there were no records regarding the Committee, and he suggested that the Item be Tabled in order for him to research the matter.

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

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(23) **IN THE MATTER FOR THE ENGINEER'S OFFICE TO
PREPARE PLANS AND SPECIFICATIONS FOR PAVING
IMPROVEMENTS TO EL RANCHITO MOBILE HOME
PARK (TABLED)**

Mr. Andy Cueto, County Engineer, explained that the Subdivision was platted in 1976 but that no records were found regarding formal acceptance of the Roads by the County. He added that in 1986, the Consolidated Road System's crews had sealed coated the roads and that the Homeowners were accessed approximately \$800.00 for the work. He explained that Commissioner Valencia had requested that the County Engineer prepare cost estimates to address the maintenance and improvement of the Mobile Home Park and he requested the Court's direction regarding the (1) authorization to do the work and (2) status of the roads.

Mr. Doug Wright, Cameron County Counsel, clarified that the County would have a dedicated subdivision and not have the roads dedicated to the Public. He suggested that a factual determination be made by the Court whether or not to formally accept the roads in the Mobile Home Park and to accept the responsibility.

Judge Garza and Commissioner Valencia returned to the Courtroom.

Judge Garza stated that if it was not a dedicated County road and did not qualify under the current guidelines as a County Road, then the work could not be done.

Commissioner Valencia stated that it had been his understanding since 1986 that the roads were being maintained by the County, and he assumed that they were County roads. He suggested that the matter be researched and added that the residents were proposing to contribute a portion of the cost to do the single course surface treatment. He stated that another matter of concern would be what would happen now if the work had been done in the past.

Mr. Wright stated that he had addressed that issue in a letter sent to the Commissioner Precinct No. 4 and added that the Court needed to make a factual finding whether or not to accept the road and added that the Court could accept it either by formal action by the Court or by doing the road repair work.

Commissioner Valencia clarified that it was not just one (1) road but several roads in the subdivision and the suggestion was made to Table the matter for two (2) weeks.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, this Item was TABLED for two (2) weeks.

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(26) EXECUTIVE SESSION

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 4:00 P. M. to discuss the following matters:

- a) Confer with Counsel regarding contemplated litigation on Delinquent Tax Accounts, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Confer with Counsel concerning Contractual Agreements for Professional Real Estate Management of County Property, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- c) Confer with Counsel concerning Lease and/or Lien Agreement concerning County-Owned Property, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes). (NOT DISCUSSED)

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 5:00 P.M.

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(28) ACTION RELATIVE TO EXECUTIVE SESSION

- a) In the matter to confer with Counsel regarding contemplated litigation on Delinquent Tax Accounts. (NO ACTION TAKEN)

Judge Garza reported that after some discussion there appeared to be no consensus on the matter and the Court requested that the Item be placed on the Agenda one (1) week hence.

- b) Confer with Counsel concerning Contractual Agreements for Professional Real Estate Management of County Property.

Judge Garza reported that after some discussion with County Counsel and the current Property Manager, it was the consensus of the Court as determined by polling, that the Court would solicit proposals on this matter.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, approval was given to solicit proposals concerning the Contractual Agreements for the Professional Real Estate Management of County Property.

- c) In the matter to confer with Counsel concerning Lease and/or Lien Agreement concerning County-Owned Property. (NO ACTION TAKEN)

Judge Garza reported that this Item was not discussed.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, No Action was taken on this matter.

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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 **13th** day of **APRIL**, 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

