THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 15th day of JUNE, 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: <u>ANTONIO O. GARZA, JR.</u> COUNTY JUDGE

LUCINO ROSENBAUM, JR. COMMISSIONER, PRECINCT NO. 1

<u>CARLOS H. CASCOS</u> COMMISSIONER, PRECINCT NO. 2

COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA COMMISSIONER, PRECINCT NO. 4

INELDA T. GARCIA, Deputy COUNTY CLERK

ABSENT:

JAMES R. MATZ

The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Ms. Diana Smith, Reporter from The

Brownsville Herald Newspaper, 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 June 11,

1993 at

2:58 P. M.

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Rayburn MacNelly, County Auditor, presented the following late claims for approval: The Revenue

Market, Incorporated, Accord, New York, Warrant No. 79792 in the amount of \$16,640.00 and Guzman and Associates,

Incorporated, Harlingen, Texas, Warrant No. 79791 in the amount of \$6,900.00.

Commissioner Valencia moved that the County Claims be approved as presented, inclusive of the late claims as to the Revenue Market, Incorporated, Accord, New York, Warrant No. 79792 in the amount of \$16,640.00 and Guzman and Associates, Incorporated, Harlingen, Texas, Warrant No. 79791 in the amount of \$6,900.00.

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

AYE: Commissioners Rosenbaum, and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claim of Brownsville Community Health Clinic, Warrant No. 79293, in the amount of \$110.28; and Commissioner Cascos as to the claim of Waters Implement Company Inc., Warrant No. 79287, in the amount of \$257.60.

The Affidavits are as follows:

CONSIDERATION AND ACTION RELATIVE TO CAMERON COUNTY PARKS SYSTEM RENTAL RATES AND FEES

Mr. Kenneth Conway, Parks Director, reminded the Court that the Parks Advisory Board had recommended a Recreational Vehicle rate increase over a year ago, noting that the Recreational Vehicle rates had not changed in three (3) years but the operating costs had continued to increase.

He added that another concern was the fact that the rates charged by the County influenced the "Private Parks rates", and that the owners of the Private Parks have felt that they could not make rate adjustments unless the County changed the rate structure. He added that a modest increase would be appropriate rather than deferring action for several more years and then having to make major rate adjustments.

At this time, Mr. Conway reviewed the following results from the "Rate survey" conducted by the Staff and outlined the recommended rate increases for the "Daily, Weekly and Monthly" Fees for the Parks System:

Mr. Conway stated that the rate for the Andy Bowie Park had not been officially set by the Court and he recommended that the "Day Use Fee" be established at \$2.00 a day per vehicle, consistent with "Day Use Fee" at Isla Blanca Park and Adolph Thomae Park.

At this time, Judge Garza solicited public comments and Ms. Donna Thacker, representing the Port Isabel Recreational Vehicle Park Center, stated that the Daily Rates were very "depressed" in comparison to the other Valley Recreational Parks and supported the action by the Parks Advisory Board.

At this time, Commissioner Valencia stated that several County residents had expressed concerns regarding the fee increases and how the increased revenue was being utilized and suggested that a "brochure" be prepared describing the Parks System's intentions.

Commissioner Cascos noted that the reason for the increase as outlined in the following letter from the Parks Director was for "anticipated operational costs"; while the letter by the Parks Board President indicated that the additional income would be utilized for the "proper maintenance and improvement of the facilities in the Parks", and questioned whether a portion of the increased revenue could be allocated for specific improvements, such as, the roads or shelters, instead of the General Funds:

Mr. Conway explained that the current Capital Improvements have included the dredging of the Sea Ranch Marina, the new roof, and the road resurfacing, said Projects being funded by the Capital Improvements Budget. He added that the increase in revenue would not be allocated for specific Capital Improvements because the operating costs had increased over the last three (3) years, but the rates had remained the same. He indicated that the increased revenue would be reflected in next year's Budget, and would provide additional revenue for Capital Improvement Projects.

Commissioner Valencia moved that the Rental Rates and Fees Schedule for the "Daily, Weekly, Monthly Fees" for the Parks System, as well as the "Day Use Fee" for Andy Bowie Park, be adopted as proposed by Mr. Kenneth Conway, Parks Director.

The motion was seconded by Commissioner Cascos and carried unanimously.

(9) AMENDMENT NO. 1 TO AUTHORIZATION OF PROFESSIONAL SERVICE CONTRACT BETWEEN CAMERON COUNTY AND MEJIA & ROSE.

INCORPORATED, ADDING \$1,000.00 TO COVER UNANTICIPATED DOCUMENT REPRODUCTION EXPENSES

Commissioner Cascos moved that Amendment No. 1 to the Professional Service Contract between Cameron County and Mejia & Rose, Incorporated, Brownsville, Texas, be approved, for the unanticipated Document Reproduction Expenses in the amount by \$1,000.00.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Amendment is as follows:

(10) IN THE MATTER TO DEVELOP CONCESSION LEASE RESPONSE AGREEMENT IN ТО PROPOSALS SUBMITTED FOR CONVENIENCE STORE AND RENTAL CONCESSION AT VETERAN'S PAVILION, ANDY BOWIE PARK (TABLED)

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

NOT ON **APPROVAL OF BEACH CLEANUP** AGENDA CONTRACT

At this time, Mr. Kenneth Conway, Parks Director, stated that over two (2) weeks ago the Court authorized that Proposals be solicited for the Beach Cleaning Services at Andy Bowie Park, and noted that only one (1) proposal was received, that being from Mr. Jaime Gonzalez, Port Isabel.

Mr. Conway requested that the Court award the Contract for the balance of the Summer through September 15, 1993, subject to the same terms and conditions as the previous Contract.

At this time, it appeared to be the consensus of the Court as determined by polling, that the Contract for the Beach Clean-up at Andy Bowie Park be awarded to Mr. Jaime Gonzalez, Port Isabel, Texas, subject to the same terms and conditions as the previous Contract, to be ratified at the next Meeting.

APPROVAL OF BUDGET AMENDMENTS AND OR (2) SALARY SCHEDULES

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Fiscal Year 1993 Budget Amendment No. 27, and the Salary Schedules for the Sheriff's Department, Department No. 10-512, the Health Department, Department Nos. 27-629, 27-644, and the Adult Probation, Department Nos. 42-576 and 91-579 were approved.

The Budget Amendment and Salary Schedules are as follows:

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Minutes' of the Special Meeting held June 3, 1993 at 8:45 A. M. and of the Regular Meeting held June 8, 1993 at 1:30 P. M. were approved.

APPROVAL TO REFUND TAXES TO USA SHRIMP FARM (4) DEVELOPMENT INCORPORATED, IN THE AMOUNT OF **\$555.81 FOR THE ERRONEOUS PAYMENT OF TAXES**

> Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the refund for the erroneous payment of taxes in the amount of \$555.81 was approved, for the USA Shrimp Farm Development Incorporated, as recommended by the County Auditor.

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APPROVAL TO REFUND TAXES TO SSPIBR LTD. IN THE (5) AMOUNT OF \$3,813.53 FOR THE ERRONEOUS PAYMENT **OF TAXES**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the refund for the erroneous overpayment of taxes was approved for SSPIBR LTD., in the amount of \$3,813.53, as recommended by the County Auditor.

RATIFICATION OF INTRODUCTION OF CANDIDATE (6) MS. ROSEANNA GUTIERREZ FOR THE POSITION OF ASSISTANT COUNTY **EXTENSION AGENT-HOME ECONOMICS**

Commissioner Cascos moved that the appointment of Ms. Roseanna Gutierrez for the position of Assistant County

Extension Agent - Home Economics for Cameron County be ratified.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(7) AUTHORIZATION FOR UNITED BLOOD SERVICES TO CONDUCT A MOBILE UNIT BLOOD DRIVE AT THE COUNTY COURTHOUSE ON JULY 9, 1993

Commissioner Valencia moved that the United Blood Services be authorized to conduct a Mobile Unit Blood Drive at

the County Courthouse on July 9, 1993.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(11) AUTHORIZATION TO COMPENSATE ELECTION OFFICIALS FOR TELEPHONE CALLS TO ELECTION ADMINISTRATOR, DURING ELECTION DAY AND TO FURNISH ELECTION RETURNS AT NIGHT

Ms. Tencha de la Peña, Elections Administrator, explained the problems experienced by the Election Officials with the long distance calls to the Main Office during Election Day, and added that most of the Officials use a pay phone and cannot provide documentation for the actual cost of the calls, as required by the Auditor's Office.

There was some discussion concerning the need to call the Main Office during Election Day, the problems of documenting the telephone calls, since most of the calls were from "pay phones" and the suggestion was made to have the Election Officials sign an "affidavit" of the actual costs incurred.

Commissioner Rosenbaum moved that the long distance telephone calls by the Election Officials for the General and

Special Elections be compensated, for the calls to the Election Administrator during Election Day and to furnish election returns at night.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(12) IN THE MATTER TO SPLIT OR DIVIDE VARIOUS PRECINCTS THAT ARE NOT IN COMPLIANCE

Ms. Tencha de la Peña, Elections Administrator, provided the following information for the Court's consideration concerning the need to divide several Precincts that are not in compliance:

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, the Court was directed to study the materials provided to split or divide various Precincts that are not in compliance.

(13) IN THE MATTER TO APPOINT A CONSULTANT TO PREPARE PUBLIC INFORMATION AND EDUCATION MATERIALS FOR THE 1993 ROAD RIGHT-OF-WAY BOND ISSUE

At this time, Judge Garza stated that he had contacted a representative from the Advertising Firm of Breeden-McCumber-Gonzalez, Brownsville, and that they had agreed to work jointly with the Advertising Firm of W K Associates, Harlingen, regarding the preparation of the Public Information and Educational Materials for the 1993 Road Right-of-Way Bond Issue. He stated that he had not yet contacted the Harlingen Firm and suggested that if the Court agreed to authorize the two (2) Firms to proceed jointly, he would meet with both Firms and report back to the Court in one (1) week.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the County Judge was authorized to report back to the Court in one (1) week, regarding the nature of the relationship of the two (2) Advertising Firms, on the matter of the preparation of the Public Information and Educational Materials for the 1993 Road Right-of-Way Bond Issue.

(14) AUTHORIZATION TO PUT THE 1993 ROAD RIGHT-OF-WAY BOND ISSUE ON THE NEXT REGULAR ELECTION

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, stated that Bond Counsel had been contacted to prepare the necessary Order to call the Election for August 14, 1993, noting that the Order should be executed no later than June 29, 1993.

Upon Motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the 1993 Road Right-of-Way Bond Issue was called for the next Regular Election on August 14, 1993.

At this time, Mr. Andy Cueto, County Engineer, stated that he had completed the technical work and that the Final Report would be available to the members of the Court at the end of the week. He suggested that the Court consider authorizing a Project Manager to assume the responsibilities of the Project, adding that the Project Manager would handle all the promotion and educational materials, and coordination of speakers. He indicated that he could assume the responsibility, if so directed by the Court, and Judge Garza suggested that those concerns would be part of his Report the following week.

(15) AUTHORIZATION TO PROCEED INTO TASK TWO AND AUTHORIZATION OF ADDITIONAL SERVICES REQUESTED BY GSA, ABOVE AND BEYOND SERVICES

OUTLINED IN EXHIBIT "A" SCOPE OF SERVICES LAND SURVEY FOR LOS TOMATES INTERNATIONAL BRIDGE

Commissioner Cascos moved that "Task Two" and the additional Services requested by GSA, above and beyond Services outlined in Exhibit "A", Scope of Services Land Survey for Los Tomates International Bridge, be authorized.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(16) AUTHORIZATION FOR THE ENGINEERING DEPARTMENT TO PREPARE PLANS AND SPECIFICATIONS FOR THE DESIGN IN CONSTRUCTION OF OLD ALICE ROAD FROM STATE HIGHWAY 100 TO CAMERON COUNTY DRAINAGE DISTRICT NO. 1, DRAINAGE DITCH NO. 2

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Engineering

Department was directed to prepare the Plans and Specifications for the Design in Construction of Old Alice Road from State Highway 100 to Cameron County Drainage District No. 1 and Drainage Ditch No. 2.

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REQUEST FOR PRELIMINARY APPROVAL (17)

a)

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, preliminary

approval was given to the following subdivision, on the recommendation of the County Engineer's Office:

Precinct No. 3 - Tierra Rica South Subdivision - being 13.26 acres comprised of 10.02 acres out of Block 28 and 3.24 acres out of Block 32, Harris-Gentry Subdivision, Share No. 28, Espiritu Santo Grant.

REQUEST FOR PRELIMINARY APPROVAL (18)

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the preliminary

approval was given to the following subdivision, on the recommendation of the County Engineer's Office:

Precinct No. 4 -Domino Derek Subdivision - being a 8.94 acres subdivision out of the North One-Half of Block 26, Stuart Place Subdivision, Survey 26.

REQUEST FOR PRELIMINARY APPROVAL

a)

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, preliminary

approval was given to the following subdivision, on the recommendation of the County Engineer's Office: Precinct No. 4 -Flores Acres Subdivision - being a 2.5 acre tract of land, the East 2.5 acres a)

of the East five acres of the West Thirty-Seven acres of Block Seventeen, Briggs-Coleman Subdivision, out of Survey No. 28.

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(20) AUTHORIZATION TO OPEN REQUEST FOR PROPOSALS RFP NO. 93-05-02 FOR PERSONAL COMPUTERS FOR DATA PROCESSING DEPARTMENT

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, approval

was given to open Proposals, as received, for Request for Proposal No. 93-05-02 for Personal Computers for the Data Processing Department.

(19)

AUTHORIZATION TO OPEN BIDS FOR COMPUTER (21) PRINTERS FOR THE DATA PROCESSING DEPARTMENT

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, approval was

given to open Bids as received for the Computer Printers for the Data Processing Department.

At this time, Mr. Michael Forbes, County Purchasing Agent, informed the Court that six (6) of the Proposals were received one (1) hour late due to problems experienced in the delivery by Federal Express and he requested the Court's direction

whether to accept the Proposals.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the formal Proposal requirements were waived, as recommended by Mr. Doug Wright, Cameron County Counsel.

The Proposals and bids received and opened are as follows:

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Proposals for the Personal Computers and the Bids for the Computer Printers for the Data Processing Department were referred to the Purchasing Agent and the appropriate Department Heads for tabulation and recommendation to the Court of the best Proposal and best bid in one (1) week.

(22) AUTHORIZATION TO OPEN BIDS FOR TYPEWRITERS FOR VARIOUS DEPARTMENTS

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids, as received, for typewriters for various Departments.

The bids received and opened are as follows:

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum 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.

(23) AUTHORIZATION TO OPEN BIDS FOR THE SALE OF OBSOLETE SCRAP ROAD MACHINERY FOR VARIOUS PRECINCTS

Commissioner Rosenbaum moved to open bids for the sale of Obsolete Scrap Road Machinery for various Precincts.

The motion was seconded by Commissioner Cascos and carried unanimously.

The bids received and opened are as follows:

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos 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.

(24) AUTHORIZATION TO AWARD BIDS FOR DEMOLITION AND REMOVAL OF BUILDING AT FM ROAD 509, WITHIN LOTS NO. 4 AND NO. 5 AT SANTA ANA DEVELOPMENT SUBDIVISION NO. 2

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the low bid of Carkenord and Sons, Pharr, Texas, in the amount of \$7,699.00, was accepted for demolition and removal of the buildings at FM Road 509, within Lots No. 4 and No. 5, at Santa Ana Development Subdivision No. 2, said funds to be allocated from the Right-Of-Way Fund.

(25) AUTHORIZATION TO AWARD BIDS FOR TWO (2) PICK-UP TRUCKS IN STOCK FOR VARIOUS DEPARTMENTS

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the low bid of Boggus Ford, Harlingen, Texas, in the amount of \$11,142.00, was accepted for the 1993 Compact Pickup truck for the

Engineering Department.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the low bid of Boggus Ford, Harlingen, Texas, in the amount of \$13,125.00, was accepted for the 1993 3/4 ton Pick-up truck for the Health Department, subject to the allocation of funds from the Fund Balance.

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(26) AUTHORIZATION TO TRAVEL AND OR APPROVAL OF TRAVEL EXPENSES

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the

following travel and or travel expenses were approved, subject to availability of funds in their budget:

- a) All WIC Staff within Region No. 8, to Harlingen, Texas, to attend the Immunization Training in the Harlingen Public Library on June 25, 1993; (DELETED)
- b) County Auditor and Assistant Auditor to travel to Refugio, Texas, on June 16, 1993 for the County Auditors' Quarterly Meeting;
- c) Ms. Maria Santos San Pedro, R.N., Director of Nurses, Health Department, to travel to McAllen, Texas, on June 25, 1993, to attend Grant Writing Workshop;
- d) Judge Everardo Garcia, County Court-at-Law No. 1, to attend seminar in Houston, Texas, on June 16-18, 1993;
- e) Commissioner Matz to attend Border Trade Alliance "Summer BTA Conference" on July 11-13, 1993, in Laredo, Texas; and
- f) County Commissioners, County Judge and County Staff to attend the South Texas County Judges and Commissioners Conference on South Padre Island on June 21-24, 1993.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Court

met in Executive Session at 2:30 P. M. to discuss the following matters:

- a) Evaluate the Program, Development and Management Director, pursuant to Section 2(g) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Discuss litigation on Ms. Alicia Ybarra Rodriguez vs. Cameron County, 93-06-2336, as authorized by Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- c) Discuss settlement of litigation in Cameron County Cause No. CL-B-32,145, Cameron County vs de Santos Yanes (condemnation), pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- d) Discuss settlement of litigation in Cameron County Cause No. CL-A-32, 146, Cameron County vs Hernandez (condemnation), pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 3:45 P.M.

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(28) ACTION RELATIVE TO EXECUTIVE SESSION

b) Approval or disapproval of retaining an Attorney regarding the litigation on Ms. Alicia Ybarra Rodriguez vs. Cameron County, 93-06-2336.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to proceed

in the defense of said matter, along the terms and conditions as outlined in Executive Session.

Commissioner Rosenbaum moved that Counsel be directed to proceed with the defense regarding the litigation on Ms.

Alicia Ybarra Rodriguez vs. Cameron County, 93-06-2336, along the terms and conditions as outlined in Executive Session.

The motion was seconded by Commissioner Cascos and carried unanimously.

- c) Approval or Disapproval of Settlement relative to litigation in Cameron County Cause No. CL-B-32,145, Cameron County vs de Santos Yanes (condemnation).
- Approval or Disapproval of Settlement relative to the litigation in Cameron County Cause No. CL-A-32,146,
 Cameron County vs Hernandez (condemnation).

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to acknowledge and approve the settlements on said matters, subject to final review by County Counsel, with the understanding that additional miscellaneous expenses would be incurred, other than the final settlement costs.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the settlements relative to the litigations styled, Cameron County Cause No. CL-B-32,145, Cameron County vs de Santos Yanes, and No. CL-A-32,146, Cameron County vs Hernandez, were approved, subject to final review by County Counsel, and with the understanding that additional miscellaneous expenses would be incurred, other than the final settlement costs. a) Evaluate the Program, Development and Management Director.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that Mr. Frank Bejarano, Program, Development and Management Director, had done a "super job" and that the quality of his work was "exceptional", and recommended that the annual compensation be increased to the sum of \$43,200.00, effective immediately, and noted that the additional car allowance in the amount of \$1,800.00 was currently being received. Commissioner Cascos moved that the favorable evaluation of the Program, Development and Management Director,

Mr. Frank Bejarano, be acknowledged, and that the annual compensation be increased to the sum of \$43,200.00, effective

immediately, noting that the car allowance in the amount of \$1,800.00 was currently being received.

The motion was seconded by Commissioner Valencia and carried unanimously.

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

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APPROVED this 29th day of JUNE, 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