

**THE STATE OF TEXAS §**

**COUNTY OF CAMERON §**

**BE IT REMEMBERED on the 19th day of NOVEMBER, 1993, there was conducted a SPECIAL PUBLIC 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:**

**PRESENT:**

**9:00 A. M.**

**ANTONIO O. GARZA, JR.**  
**COUNTY JUDGE**

**LUCINO ROSENBAUM, JR.**  
**COMMISSIONER, PRECINCT NO. 1**

**CARLOS H. CASCOS**  
**COMMISSIONER, PRECINCT NO. 2**

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**COMMISSIONER, PRECINCT NO. 3**

**NATIVIDAD VALENCIA**  
**COMMISSIONER, PRECINCT NO. 4**

**INELDA T. GARCIA, Deputy**  
**COUNTY CLERK**

**ABSENT:**

**JAMES R. MATZ**

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Mr. Mark Yates, County Auditor, 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 November 16, 1993, at 8:50 A. M.:

(1) **APPROVAL OF COUNTY CLAIMS**

Commissioner Valencia moved that the County Claims be approved as presented and as recommended by the County Auditor.

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 following claim of:  
**Brownsville Community Health Center**  
Warrant No. 88133 - \$11.56, and

Commissioner Cascos as to the following claims of:  
**Landair Travel**  
Warrant No. 88341 - \$ 588.00, and  
**Waters Implement**  
Warrant No. 88484 - \$ 4.56.

**The Affidavits are as follows:**

(26) **AUTHORIZATION TO OPEN BIDS/PROPOSALS TO LEASE COUNTY REAL PROPERTY LOCATED IN THE LAGUNA HEIGHTS AREA FOR PURPOSES THAT ARE ELEEMOSYNARY AND THAT BENEFIT THE GENERAL PUBLIC**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids as received for the leasing of Real County Property in the Laguna Heights for purposes that are eleemosynary and that benefit the general public and that said bids be referred to the Purchasing Agent and County Counsel for review, tabulation and recommendation to the Court at the next Meeting.

## **"CONSENT" AGENDA ITEMS**

**THE FOLLOWING ITEMS WERE RECOMMENDED FOR "CONSENT" AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:**

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

No. 14 through Item No. 28 were approved as follows:

- (14) APPROVAL OF SPECIFICATIONS FOR TWENTY-TWO (22) PATROL VEHICLES FOR THE SHERIFF'S DEPARTMENT

**The Specifications follow:**

- (15) APPROVAL OF INTERLOCAL AGREEMENTS FOR CONTRACT BETWEEN CAMERON COUNTY FINANCIAL DISRUPTION TASK FORCE II AND THE CITIES OF: BROWNSVILLE, PORT ISABEL, SAN BENITO, LOS FRESNOS, AND LA FERIA

**The Agreement follows:**

- (16) APPROVAL OF RESOLUTION SUPPORTING THE TEXAS PARKS AND WILDLIFE DEPARTMENT BOCA CHICA ACQUISITION

- (17) AUTHORIZATION TO ALLOW THE COUNTY ENGINEERING DEPARTMENT TO CONTRACT OUT THE PREPARATION OF THE STRIP MAP AND METES AND BOUNDS DESCRIPTIONS FOR NORTH RABB ROAD FROM CLARK ROAD TO COCO ROAD

- (18) APPROVAL TO ADOPT AND ACKNOWLEDGE RESOLUTION SUPPORTING THE NATIONAL PARK SERVICE PALO ALTO BATTLEFIELD NATIONAL HISTORIC SITE

**The Resolution follows:**

- (19) AUTHORIZATION FOR THE PROGRAM DEVELOPMENT AND MANAGEMENT (PD AND M) DEPARTMENT TO REQUEST PLANNING AND ENGINEERING PROPOSALS FOR THE STATE FUNDED CAMERON PARK COLONIA STUDY AND GENERAL PLAN

- (20) AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE DEED CONCERNING THE FOLLOWING TAX FORECLOSED PROPERTY, LOT 7, BLOCK 17 HUISLENDahl ADDITION NO. 2, TO THE CITY OF SANTA ROSA, CAMERON COUNTY, TEXAS

**The Deed follows:**

- (21) AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE AMENDMENT NO. 3 TO THE COUNTY'S GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS ON PORT OF BROWNSVILLE PROJECT

**The Amendment No. 3 follows:**

- (22) AUTHORIZATION TO AWARD ANNUAL BIDS FOR THE FOLLOWING
- a) **Uniform Rental**  
**QUEEN CITY LAUNDRY, Mercedes, Texas**
  - b) **Light Bulbs**  
**ELECTRIC FIXTURE SUPPLY, Brownsville, Texas**
  - c) **Patrol Tires**  
**"Rejected and To Re-advertise".**
- (23) AUTHORIZATION TO OPEN REQUEST FOR PROPOSAL (RFP) NO. 931101 FOR TELEPHONE SYSTEM FOR SHERIFF'S DEPARTMENT
- (24) AUTHORIZATION TO OPEN ANNUAL BIDS FOR THE FOLLOWING
- a) **Road Surfacing Materials**
  - b) **Emulsion Oils**
  - c) **Computer Printers**

The bids received and opened follow:

- (25) AUTHORIZATION TO AWARD BIDS FOR ONE (1) PICK-UP FOR ENGINEERING DEPARTMENT
- KELLOGG CHEVROLET, San Benito, Texas**
- (27) AUTHORIZATION TO GO OUT FOR BIDS FOR REPLACEMENT OF AIR-CONDITIONING UNIT FOR JUDGE HESTER'S COURTROOM
- (28) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES, SUBJECT TO AVAILABLE FUNDS IN THE BUDGET

**The Travel Items follow:**

**ITEM NO. 14**

**APPROVAL OF SPECIFICATIONS FOR TWENTY-TWO (22)  
PATROL VEHICLES FOR SHERIFF'S DEPARTMENT**

**The Specifications follow:**

**ITEM NO. 15**

**APPROVAL OF INTERLOCAL AGREEMENTS FOR  
CONTRACT BETWEEN CAMERON COUNTY FINANCIAL  
DISRUPTION TASK FORCE II AND THE CITIES OF:  
BROWNSVILLE, PORT ISABEL, SAN BENITO, LOS  
FRESNOS, AND LA FERIA**

**The Agreement follows:**

**ITEM NO. 18**

**APPROVAL TO ADOPT AND ACKNOWLEDGE  
RESOLUTION SUPPORTING THE NATIONAL PARK  
SERVICE PALO ALTO BATTLEFIELD NATIONAL  
HISTORIC SITE**

**The Resolution follows:**

**ITEM NO. 20**

**AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE  
DEED CONCERNING THE FOLLOWING TAX  
FORECLOSED PROPERTY, LOT 7, BLOCK 17  
HUISLEND AHL ADDITION NO. 2, TO THE CITY OF SANTA  
ROSA, CAMERON COUNTY, TEXAS**

**The Deed follows:**



**ITEM NO. 21**

**AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE  
AMENDMENT NO. 3 TO THE COUNTY'S GRANT  
CONTRACT WITH THE TEXAS DEPARTMENT OF  
HOUSING AND COMMUNITY AFFAIRS ON PORT OF  
BROWNSVILLE PROJECT**

**The Amendment No. 3 follows:**

**ITEM NO. 24**

**AUTHORIZATION TO OPEN ANNUAL BIDS FOR THE FOLLOWING**

**The bids received and opened follow:**

- a) Road Surfacing Materials**
- b) Emulsion Oils**
- c) Computer Printers**

**ITEM NO. 28**

**AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THE BUDGET**

- a) **Judge Ed Sarabia's Secretary to attend a Conference on December 5-7, 1993, in Austin, Texas;**
- b) **County Clerk and two (2) Deputies to attend a Conference in Austin, Texas, on December 5-7, 1993;**
- c) **Program Development and Management Director to attend the "Salary Incentive Program" Conference in San Antonio, Texas, on December 14-16, 1993, and "Empowerment Zone" Conference in Washington, D.C., on November 18-19, 1993;**
- d) **Program Development and Management Personnel and Insurance Clerk to attend "Personnel/Human Resources Assistant" Seminar on December 5-7, 1993, in San Antonio, Texas;**
- e) **Commissioner Matz to attend the "36th Annual County Judges and Commissioners" Conference at College Station, Texas, on January 3-6, 1993;**
- f) **Health Administrator to attend Workshop for "Dealing with Upset Citizens and the Public", in Austin, Texas, on December 6-7, 1993; and**
- g) **County Judge's Secretary to attend "Vital Statistic" Conference in Austin, Texas, on December 5-7, 1993.**

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

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 94-05 and the Salary Schedules for the Sheriff's Department, Department No. 10-562-096, the Health Department, Departments No. 27-637 and No. 32-630, and the County District Attorney's Office, Department No. 90-475, were approved.

**The Budget Amendment and Salary Schedules are as follows:**

**(3) APPROVAL OF MINUTES OF NOVEMBER 2 AND 9, 1993**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Minutes of the Regular Meeting held November 2, 1993, at 1:30 P. M. and the Regular Meeting held on November 9, 1993, at 1:30 P. M. were approved.

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**(4) AUTHORIZATION TO APPROVE THE SPECIAL ASSESSMENT POLICY FOR CAMERON COUNTY**

At this time, Commissioner Cascos expressed some reservations concerning the funding for the Projects in the proposed Special Assessment Policy and presented several recommendations. He stated that he was concerned that setting the receivables and waiting between four (4) to five (5) years, or whatever the terms of the assessment, would impair the cash flow and the Fund Balance. He suggested that once the dollar amount was established, that the property owners donate revenue, in the amount equal to an installment for the Assessment, as a deposit before the construction occurred, and that each Precinct Budget fund between twenty percent (20%) to twenty-five percent (25%) of the Project instead of the current ten percent (10%).

At this time, Commissioner Valencia suggested that the matter be tabled until all the Commissioners were present and expressed his concern regarding the "commitment" of additional money from their own Precinct Budget.

Commissioner Cascos stated that there would be no commitment of money since all that was being proposed was the establishment of a Special Assessment Policy. He added that the tax-payers had paid their taxes, and would be assessed more if they wanted their particular roads paved and that the twenty percent (20%) would assist the tax-payers.

At this time, Ms. Rosemary Martinez, Budget Officer, explained that the Special Assessment Policy was designed to provide the format to follow, should a Commissioner decide to have a Special Assessment Project.

At this time, Judge Garza suggested that the specific suggestions be reviewed and prepared as an Addendum to the Special Assessment Policy by the Budget Officer, and added that there had to be some commitment from each Commissioners' Road and Bridge Budgets and from the Community that was going to benefit from the Policy. He suggested that limitation be established regarding the Fund Balance; for instance, that "the assessment should not exceed seventy-five percent (75%) of the existing Fund Balance, and that no single Precinct commit beyond a percentage of the remaining twenty-five percent (25%) available" for the Special Assessments.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Budget Officer was directed to review the Special Assessment Policy as to the terms of Assessment and the limitation of the Assessment and to present the recommendations at the next Meeting.

**(5) APPROVAL OF EXTENSION OF PROFESSIONAL SERVICES AGREEMENT FOR "ON-CALL" SERVICES ON LOS TOMATES PROJECT**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the extension of the Professional Services Agreement for the "on-call" services on Los Tomates Project was approved.

At this time, Judge Garza reported that Commissioner Matz had no objections to the "on-call" Contract and that he had noted that "the overhead multiplier of 1.55 was a bit on the high side; however, there was a TxDot Audit of it".

The Service Agreement is as follows:

**(6) ADOPTION OF NEW REDISTRICTING LINES FOR CAMERON COUNTY**

Commissioner Valencia moved that new redistricting lines from Cameron County be acknowledged and accepted as presented by the County Engineer, said changes to be submitted for approval by the County Engineer.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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**(7) POSSIBLE ACCEPTANCE OF NORTH PARKER ROAD (3/10 OF A MILE LOCATED WITHIN THE CITY OF SANTA ROSA) INTO THE COUNTY ROAD MAINTENANCE SYSTEM**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, Parker Road was accepted into the County Road Maintenance System, that being 3/10 of a mile located with the City of Santa Rosa, subject to review by Legal Counsel.

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**(8) IN THE MATTER TO ACCEPT ANAQUITOS DRIVE (LOS FRESNOS AREA) FROM FM/2480 TO DEAD END (ABOUT ONE (1) MILE) INTO THE COUNTY ROAD SYSTEM (TABLED)**

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

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**(9) IN THE MATTER FOR CAMERON COUNTY PRECINCT NO. 1 AND PRECINCT NO. 8 CONSTABLES TO APPLY FOR GRANT FUNDS FROM THE U. S. DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE UNDER THE POLICE HIRING SUPPLEMENT PROGRAM AND TO DESIGNATE SOURCE OF FUNDS FOR THE REQUIRED TWENTY-FIVE PERCENT (25%) COUNTY MATCH (NO ACTION TAKEN)**

At this time, Ms. Hilda Lund, Program Development and Management Department, explained that the Grant Application being considered was a three (3) year Grant Program that would provide funds to help Law Enforcement Agencies to hire or rehire sworn Law Enforcement Officers. She stated that the salary and fringe benefits were the only allowable costs, and added that the twenty-five percent (25%) local match would be in the amount of \$212,684.00 for the three (3) years.

At this time, Judge Garza stated that initially he had the impression that the Federal Grant would have no impact on the General Fund Budget; however, there was now a \$212,000.00 local match requirement which would significantly impact the County Budget.

There was some discussion concerning the needs of the Constables as presented by Constable Mike Barberena, Precinct No. 1, and Constable Juan Mendoza, Precinct No. 8, the impact on the Budget and the commitment for future funding.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, NO ACTION was taken on this Item.

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**(10) APPROVAL TO INCREASE (BUDGET) LINE ITEM NO. 10-499-05 (TEMPORARY PART TIME HELP FOR THE TAX OFFICE)**

Commissioner Cascos moved that the Budget Line Item No. 10-499-05, that being the "Temporary Part-Time" help for the Tax Office, be increased in the amount of \$4,200.00, if needed, said funds to be allocated from Lapsed Salaries.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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**(11) APPROVAL OF INDIVIDUALS TO THE CAMERON PARK COLONIA STUDY AND GENERAL PLAN REVIEW COMMITTEE**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the individuals appointed to the Cameron Park Colonia Study and General Plan Review Committee are outlined as follows:

**(12) APPROVAL OF LICENSE AGREEMENT WITH SPIRIT OF  
GRACE CHURCH FOR CHARRO DAYS  
FESTIVITIES**

Commissioner Rosenbaum moved that the License Agreement with Spirit of Grace Church, Brownsville, Texas, for the Charro Days festivities be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

**The License Agreement is as follows:**



**(13) APPROVAL TO TRANSFER SALARY INCREASE OF \$1,041.50 FOR FISCAL YEAR 1994 FROM PRECINCT NO. 4 COMMISSIONER'S BUDGET TO PRECINCT NO. 8 CONSTABLE'S BUDGET FOR PURCHASE OF EQUIPMENT AND OTHER SUPPLIES NEEDED**

At this time, Judge Garza noted that the Item should read: "Commissioner Precinct No. 3" instead of "Precinct No. 4."

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the salary increase in the amount of \$1,041.50 for Fiscal Year 1994 from the Precinct No. 3 Commissioner's Budget was transferred to the Precinct No. 8 Constable's Budget, for the purchase of equipment and other supplies needed.

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**(14) APPROVAL OF SPECIFICATIONS FOR TWENTY-TWO (22) PATROL VEHICLES FOR SHERIFF'S DEPARTMENT**

At this time, Lt. Ronnie Saenz, Sheriff's Department, explained the that specification for the Patrol Vehicles were prepared in order to obtain the "proper pursuit vehicles". He noted that the specifications conformed with Department of Public Safety standards, and added that the Ford vehicles were excluded for the current year because they did not meet the specifications as to the size of the engines.

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**(29) EXECUTIVE SESSION**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 10:10 A. M. to discuss the following matters:

- a) Discuss County Health Department's Health Authority Position, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- b) Discuss litigation with (County) Counsel, Galvan et. al. vs. (Cameron) County et. al., Case No. 93-10-5814-A, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes).

At this time, Mr. Doug Wright, Cameron County Counsel, stated that Item "a" should be corrected to read: "Section 2(g)" instead of "Section 2(e)".

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 11:40 A. M.

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**(30) ACTION RELATIVE TO EXECUTIVE SESSION**

- a) Action regarding discussion of County's Health Authority Position.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Health Administrator be directed to contact those individuals determined to be the candidates for said position, that the names not be announced until such time as they had been contacted, and that the interviews be held at the next Meeting.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the County Health Administrator was directed to contact those individuals determined to be the candidates for the position of

County Health Authority, that the names not be announced until such time as the candidates had been contacted, and that the interviews be held at the next Meeting.

- b) Approval/Disapproval of hiring attorney for Rayburn MacNelly, (regarding Case No. 93-10-5814-A, Galvan et. al. vs. Cameron County et. al.).

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

Commissioner Cascos moved that Counsel be retained for Mr. Rayburn MacNelly, regarding Case No. 93-10-5814-A, Galvan et. al. vs. Cameron County et. al., along the terms and conditions as outlined in Executive Session.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**The Service Contract is as follows:**

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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 **18th** day of **JANUARY**, 1994.

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**ANTONIO O. GARZA, JR.**  
**COUNTY JUDGE**

**ATTEST:**

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

