

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 11th day of JANUARY, 1994, there was conducted a REGULAR 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:

1:30 P. M.

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

INELDA T. GARCIA, DEPUTY
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked, Mr. Lee Thompson, Safety and Risk Coordinator, to lead the Court and audience in reciting the Pledge of Allegiance to the Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on January 7, 1994, at 2:43 P. M.:

"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:

At this time, Judge Garza recognized the members of the audience concerned with the "Consent" Agenda Item No. 13 and added that a request was made to TABLE Item No. 18.

Commissioner Cascos requested clarification concerning Item No. 11, whether the Director's Fee was \$50.00 per day or \$50.00 per meeting.

Ms. Rosemary Martinez, Budget Officer, responded that the correspondence received indicated that the Director's Fee was "\$50.00 per day that the members were involved", and the suggestion was made to change the item to read "\$50.00 per meeting" until further clarification.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the "Consent" Agenda Items were approved as follows:

- (10) AUTHORIZATION TO REQUEST PROPOSALS FOR A COURTHOUSE SECURITY SYSTEM REQUEST FOR PROPOSAL (RFP) NO. 940101
- (11) AUTHORIZATION TO SET THE DIRECTOR'S FEES FOR CAMERON COUNTY DRAINAGE DISTRICT (CCDD) NO. 5 AT \$50.00 PER MEETING IN ACCORDANCE WITH SECTION 56.067 OF THE WATER CODE
- (12) AUTHORIZATION TO SET THE ENGINEER'S FEES FOR CAMERON COUNTY DRAINAGE DISTRICT (CCDD) NO. 5 AT \$100.00 PER MEETING, PLUS OUT OF POCKET EXPENSES
- (13) AUTHORIZATION FOR A SERVICE AGREEMENT BETWEEN THE RESIDENTS OF KOPERNIK SHORES AND CAMERON COUNTY

The Agreement follows:

- (14) APPROVAL OF AMENDED METES AND BOUNDS DESCRIPTION FOR CHAPEL BY THE SEA LEASE IN ISLA BLANCA COUNTY PARK
- (15) AUTHORIZATION TO AWARD ANNUAL BIDS FOR PATROL TIRES

FIRESTONE, Harlingen, Texas

Item A: \$ 48.60
Item B: \$ 53.69

- (16) AUTHORIZATION TO AWARD BIDS FOR ONE (1) PICK-UP TRUCK FOR HEALTH DEPARTMENT (IN STOCK DELIVERY)

TIP-O-TEX CHEVROLET, Brownsville, Texas

1994 Pick-Up Truck - \$ 13,628.80

- (17) AUTHORIZATION TO AWARD BIDS FOR REPLACEMENT OF ONE (1) AIR CONDITIONING UNIT FOR JUDICIAL BUILDING

GEORGE CUNNINGHAM, Harlingen, Texas

15 Ton Air Conditioner - \$ 15,038.00

- (18) IN THE MATTER TO AWARD REQUEST FOR PROPOSAL NO. 931101 TELEPHONE SYSTEM FOR SHERIFF'S DEPARTMENT (TABLED)

- (19) AUTHORIZATION FOR APPROVAL OF LEASE AGREEMENT BETWEEN BOCA CHICA TOWER AND CAMERON COUNTY FOR OFFICE SPACE

The Lease Agreement follows:

- (20) APPROVAL OF TEXAS DEPARTMENT OF HEALTH (TDH) DOCUMENT C4000019, CHANGE NOTICE NO. 07, ATTACHMENT NO. 05A - AMENDMENT FOR TUBERCULOSIS SERVICES FOR PREVENTION AND CONTROL

The Document follows:

- (21) AUTHORIZATION FOR COUNTY JUDGE TO SIGN EASEMENT FOR OVERHEAD POWERLINES AT CAMERON PARK COMMUNITY CENTER
- (22) AUTHORIZATION FOR PRELIMINARY AND FINAL APPROVAL

a.Precinct No. 3:

Garcia Family Partition - Partition of the East 70 Acres of a 1463 acre tract of land out of Block 74;

b.Precinct No. 4:

Country Wood Estates Subdivision - a replat of 40.0 acres being all of the Southeast 1/4 of Block 60, San Benito Land and Water Company Subdivision;

c.Precinct No. 3:

North Lantana Subdivision - being a 110.23 acre tract comprised of the South 19.53 acres out of Lot 2, Block 5, of the Bowie Subdivision; and

d.Precinct No. 3:

Orta Subdivision - being a 1.308 acre tract of land out of the North 20 acres of Block 248 of the San Benito Irrigation Company Subdivision.

- (23) AUTHORIZATION TO ADVERTISE BIDS FOR THE PAVING OF DAKOTA ROAD FROM DOCKBERRY TO MARVERICK ROAD

- (24) AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THE BUDGET:

- a. **One (1) Engineering and Right-of-Way Employee to attend the "Construction Principles for Hot Mix Asphalt and Asphalt Emulsion Applications Seminar" on February 1 - 2, 1994, in Houston, Texas;**
- b. **County Commissioners to attend "Winter Board Meeting of the Border Trade Alliance" on February 19 - 23, 1994, in Puerto Vallarta, Mexico;**
- c. **Two (2) Juvenile Employees to attend Workshop at Georgetown, Texas, for the "Juvenile Choices Program" on January 9 - 14, 1994, and**
- d. **County Clerk and four (4) Deputies to attend Texas A & M V.G. Young Institute of County Government "22nd Annual County and District Clerks Seminar" to be held on March 21 - 23, 1994, in College Station, Texas.**

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Item No. 13

**AUTHORIZATION FOR A SERVICE AGREEMENT
BETWEEN THE RESIDENTS OF KOPERNIK
SHORES AND CAMERON COUNTY**

The Agreement follows:

Item No. 19

**AUTHORIZATION FOR APPROVAL OF LEASE
AGREEMENT BETWEEN BOCA CHICA TOWER
AND CAMERON COUNTY FOR OFFICE SPACE**

The Lease Agreement follows:

Item No. 20

**APPROVAL OF TDH DOCUMENT C400019,
CHANGE NOTICE NO. 07, ATTACHMENT NO.
05A - AMENDMENT FOR TUBERCULOSIS
SERVICES FOR PREVENTION AND CONTROL**

The Document follows:

(1) APPROVAL OF COUNTY CLAIMS

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

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

AYE: Commissioners Valencia, Matz and Rosenbaum

NAY: None

ABSTAIN: Commissioner Cascos as to the claims of:

LANDAIR TRAVEL:

Warrant No. 90814 - \$ 302.00, and

WATERS IMPLEMENT COMPANY:

Warrant No. 90950 - \$ 151.48,

Warrant No. 90951 - \$ 17.95, and

Warrant No. 90952 - \$ 31.00.

The Affidavit is as follows:

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

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Fiscal Year 1993 Budget Amendment 93-39, the Fiscal Year 1994 Budget Amendment No. 94-09 and the Salary Schedule for the Gateway International Bridge, Fund No. 80-610 were approved.

The Budget Amendments and Salary Schedule are as follows:

(3) **IN THE MATTER OF MINUTES' OF NOVEMBER 19, 1993, DECEMBER 7, 15 AND 21, 1993, AND JANUARY 4, 1994 (TABLED)**

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

(4) **AUTHORIZATION TO REAPPOINT PARKS ADVISORY BOARD MEMBERS AND ALTERNATES TO A TWO-YEAR TERM**

Mr. Kenneth Conway, Parks Director, explained that four (4) of the Board Members' terms expired in September and all were willing to continue to serve, and added that he was recommending that two (2) Alternate Board Members be appointed.

Judge Garza questioned which appointee represented Precinct No. 1 area, adding that the Commissioner had expressed a desire to appoint a representative from that area.

Mr. Conway explained that the Court appointed the entire Board and that the membership was not based on Precincts, and added that two (2) Board Members represented Brownsville.

Judge Garza suggested that the Parks Director and the Commissioners reviewed and recommend the appointments from the Brownsville area and approve all the other Board Members.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Parks Advisory Board Members and Alternates were re-appointed to a two-year term as follows, with the exception of the Brownsville appointments.

MEMBERS:

Robert Dunkin, San Benito
Bill Thornton, South Padre Island
Janie Barroso, Harlingen

ALTERNATES:

Eduardo Campirano, Harlingen
John Arnold, San Benito.

(5) **PRESENTATION OF THE FIRST QUARTER (FISCAL YEAR 93/94) INCOME REPORT FOR THE PARK SYSTEM**

Mr. Kenneth Conway, Parks Director, reported that the Island Parks revenue increased 13.5 percent from last year and that the Thomae Park reflected a 14.8 percent gross revenue increase.

Commissioner Rosenbaum moved that the First Quarter Fiscal Year 1993/1994 Income Report for the Park System be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

At this time, Commissioner Matz requested that the Parks Director briefly report on the "Dunes Day" scheduled for Saturday, January 15, 1994.

At this time, Mr. Conway introduced Ms. Maggie Galvan, Acting Office Manager and Coordinator for the Dunes Day Project. He indicated that the response to "Dunes Day" was overwhelming, with 12,000 trees already at the Island and another 12,000 to 15,000 in various sites and added that the number of trees would create between half a mile or three quarters of a mile of dunes. He stated that between 600 to 1,000 volunteers were expected, depending on the weather, and added that the volunteer response was greater from the Upper Valley.

The Quarterly Report is as follows:

(6) **AUTHORIZATION TO APPOINT MEMBERS TO THE
CAMERON COUNTY HISTORICAL COMMISSION
FOR THE 1993-1994 TERM**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the following individuals were appointed to serve on the Cameron County Historical Commission for the 1993-1994 term:

- a) Ms. Christine Henggeler Carter, Harlingen,
- b) Ms. Helen Stabenau, Los Fresnos,
- c) Mr. James Myers, Port Isabel, and
- d) Mr. James Keillor, Los Fresnos.

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(7) **AUTHORIZATION TO HOLD A PUBLIC HEARING
AND TO ADOPT AN ORDER TO ESTABLISH
PROPOSED WEIGHT LIMITS, SPEED LIMITS, NAME
CHANGES AND TRAFFIC CONTROLS ON VARIOUS
SEGMENTS OF COUNTY ROADS AND/OR BRIDGES**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Hearing was opened for public comment.

At this time, Mr. Andy Cueto, County Engineer, reviewed the proposed changes as outlined in the Order.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Public Hearing was closed.

Commissioner Valencia moved that the Order to establish proposed Weight Limits, Speed Limits, Name Changes and Traffic Controls on various segments of County Roads and/or Bridges be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Order is as follows:

(8) **AUTHORIZATION TO EXECUTE PROPOSAL BY RIOS SURVEYING TO PUT ALL COUNTY VOTING PRECINCTS ON ENLARGED REPRODUCIBLE MAPS AND DESIGNATE FUNDING SOURCE**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Proposal to place all County Voting Precincts on enlarged reproducible Maps by Rios Surveying, Brownsville, Texas, was approved, said funds to be allocated from "Professional Services".

(9) **REPORT ON COUNTY WORKER'S COMPENSATION BY MR. LEE THOMPSON**

Mr. Lee Thompson, Safety and Risk Coordinator, explained that the County experienced drastic reductions in the "experience modifier" regarding the Workers' Compensation, and added that the decrease translated to about a \$530,881.00 premium reduction in 1994. He stated that an additional \$78,000.00 Premium reduction could be obtained if the County passed the Safety Audit before June, 1994.

Mr. Thompson stated that Cameron County had the lowest "experience modifier" in South Texas, and he expressed his gratitude to the Commissioners' Court and the County employees for the commitment to a safer work place and the use of safety equipment.

Commissioner Rosenbaum moved that the County Worker's Compensation Report presented by the Safety and Risk Coordinator be acknowledged.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Report is as follows:

(25) EXECUTIVE SESSION

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

Court met in Executive Session at 2:00 P. M. to discuss the following matters:

- a. Discuss Highway 100, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b. Deliberation concerning lease value of County land pertaining to Commercial Boating and Charter Activities in the Sea Ranch Marina, Isla Blanca Park, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072, and
- c. Consultation with Counsel concerning contemplated litigation regarding Los Indios International Bridge, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1) and (2).

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

Court reconvened in Regular Session at 3:00 P.M.

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(26) ACTION RELATIVE TO EXECUTIVE SESSION

- a. Action regarding discussion on Highway 100.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to accept the County Engineer's recommendation with respect to certain acquisition and make offers for the acquisition of said property, along the terms and conditions as agreed to in Executive Session.

Commissioner Matz moved to accept the County Engineer's recommendation with respect to certain acquisition regarding the discussion on Highway 100 and to extend an offer for the acquisition of said property, along the terms and conditions as agreed to in Executive Session.

The motion was seconded by Commissioner Valencia and carried unanimously.

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b. Action regarding lease or other on financial matters pertaining to Commercial Boating and Charter Activities in the Sea Ranch Marina, Isla Blanca Park.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the Cameron County Parks System's Policies would be amended to reflect the recommendations made by the Advisory Board, and that said policies would be released, published and disseminated to the general public for immediate adoption, as recommended by the Parks Director.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Cameron County Parks System's Policies was amended to reflect the recommendations by the Advisory Board, the Park Staff was authorized to prorate from the date of permanent approval to the balance of the Calendar Year, and said Policies to be released, published and disseminated to the general public for immediate adoption, as recommended by the Parks Director.

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c. Action regarding consultation with Counsel concerning contemplated litigation regarding Los Indios International Bridge.

Judge Garza reported that all matters with respect to the outstanding balances with the Cities of San Benito and Harlingen apparently have been resolved, and that after some discussion, "I want you to know that I personally feel, as do the members of the Court, that any misunderstanding were always in good faith and that all parties worked in the most positive and constructive way possible towards the ultimate resolution of this matter". He stated that the Court looked "forward to a continuing productive and positive partnership with the Cities of San Benito and Harlingen to see that the Bridge was ultimately one of the 'Premier International' crossings along the entire United States-Mexico Border".

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the discussion concerning the contemplated litigation regarding Los Indios International Bridge was acknowledged.

(27)

APPROVAL OF RESOLUTION REQUESTING GOVERNOR ANN RICHARDS, TO CALL AN IMMEDIATE SPECIAL SESSION OF THE TEXAS LEGISLATURE OF CONVENE A SUMMIT MEETING OF KEY STATE AND COUNTY OFFICIALS TO DEVELOP NEW PROGRAMS OF STATE ASSISTANCE BY WHICH THE STATE OF TEXAS CAN FULFILL ITS OBLIGATIONS AND RELIEVE OVERCROWDING IN ALL TEXAS COUNTY JAILS ON A FAIR AND EQUITABLE BASIS

At this time, Sheriff Alex Perez commented that a Workshop for all the Jail Commissioners for the State was scheduled in February to discuss the overcrowding problems throughout the State.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Resolution requesting Governor Ann Richards to call an immediate Special Session of the Texas Legislature, or convene a Summit Meeting of key State and County Officials, to develop new Programs of State Assistance by which the State of Texas can fulfill its obligations and relieve overcrowding in all Texas County Jails on a fair and equitable basis, was

adopted.

The Resolution is as follows:

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

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

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

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