

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 15TH day of MARCH, 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:
1:30 P. M.

PRESENT:
JUDGE 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

KIM M. MORENO, DEPUTY
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Ms. Cynthia Russell, Channel 4 News, 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 March 11, 1994, at 1:02 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:

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

"Consent" Agenda Items were approved as follows, with the exception of Item No. 19:

- (10) AUTHORIZATION TO ALLOW SAN BENITO HIGH SCHOOL TO USE THREE (3) VOTING MACHINES FOR CLASS OFFICE ELECTIONS ON MARCH 30TH AND 31ST, 1994;
- (11) AUTHORIZATION FOR PARKS SYSTEM TO SOLICIT AND ACCEPT SEALED BIDS FOR SURPLUS PROPERTY/SCRAP, AND AUTHORIZATION TO SELL TO HIGHEST BIDDER;
- (12) APPROVAL OF TEXAS DEPARTMENT OF HEALTH DOCUMENT NO. C5000223, CHANGE NO. 01; ATTACHMENT NO. 02; ATTACHMENT NO. 03; ATTACHMENT NO. 04; ALL TUBERCULOSIS SERVICES TO HIGH RISK POINTS; TO MINORITY MALES WITH TUBERCULOSIS OR HIGH RISK OF DEVELOPING TUBERCULOSIS; AND OUTREACH SERVICES TO INMATES IN CORRECTIONAL FACILITIES AND THE COMMUNITY

The Documents follow:

- (13) APPROVAL OF LEASE AGREEMENT BETWEEN MADISON BUILDING TRUST AND CAMERON COUNTY HEALTH DEPARTMENT WOMEN-INFANT AND CHILDREN (WIC) PROGRAM

The Lease Agreement follows:

- (14) AUTHORIZATION OF A ONE (1) YEAR EXTENSION OF A TOLL COLLECTION EQUIPMENT MAINTENANCE CONTRACT WITH THE REVENUE MARKETS, INC., ACCORD, NEW YORK
- (15) AUTHORIZATION TO OPEN BIDS FOR VARIOUS VEHICLES FOR PARKS DEPARTMENT

The Bids received and opened follow:

- (16) APPROVAL TO OBTAIN BIDS FOR THE PURCHASE OF SIX (6) VEHICLES FOR THE CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE
- (17) RATIFICATION OF "MANOS UNIDAS" GRANT APPLICATION APPROVED ON MARCH 3, 1994
- (18) AUTHORIZATION TO OPEN BIDS FOR THE ROOFING OF THE HANGER AT THE COUNTY AIRPORT

The Bids received and opened follow:

- (20) AUTHORIZATION TO OPEN BIDS FOR THE REROOFING OF THE CAMERON COUNTY AIRPORT
- (21) AUTHORIZATION TO ACCEPT CHECK FROM AMERICAN STATES INSURANCE FOR DAMAGE TO A 1992 DAIHATSU NO. 2208 THAT BELONGS TO CAMERON COUNTY PARKS SYSTEMS
- (22) FINAL APPROVAL

- a) **Precinct No. 4:**
MSJAC Estates Subdivision, being a resubdivision of the 3.62 acres tract out of the Southeast corner of Block 9, Stuart Place Subdivision; and

b) Precinct No. 4:

Mathes Estates, being a subdivision on 9.96 acres resubdivision comprised of all of Lot 2 (5.43A) and 4.53 acres out of Lot 3, Block C, COE Subdivision.

(23) PRELIMINARY AND FINAL APPROVAL

a) Precinct No. 4:

El Ro-Sal Ranch Subdivision, a resubdivision of 2.0 acres out of Block 8, C.D. Lovelace Subdivision of the Champion Tract, Santa Maria, Texas;

b) Precinct No. 4:

Shepherd Acres Subdivision, being a 12.00 acres of land out of Block 17, Lon C. Hill Subdivision; and

c) Precinct No. 3:

Strickland Subdivision, being a subdivision of 9.201 acres out of Block 26, Petersburg Syndicate Subdivision.

(24) PRELIMINARY APPROVAL

a) Precinct No. 3:

Valle Alegre Subdivision, being a 40.00 acre tract, being all of Block 61, Fresno Land and Irrigation Company Subdivision.

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

- a) County Engineer to attend the "Bi-National Meeting" on March 7 - 8, 1994, in Laredo, Texas;
- b) Computer Director and employee to attend the "TEAM Meeting" sponsored by Hamer Enterprises, on March 7 - 8, 1994, in San Antonio, Texas;
- c) Computer Director to attend the "Government Technology Conference" on February 16 - 18, 1994, in Austin, Texas;
- d) Community Development Project Coordinator to attend the "Texas Department of Housing and Community Affairs Public Hearing" on March 7 - 8, 1994, in Austin, Texas;
- e) Justices of the Peace Precinct No. 6 and No. 1, to attend a "Justice of the Peace Case Management Software Training Seminar" on March 10, 1994, in Austin, Texas;
- f) One (1) Engineer and Right-of-Way employee to attend the "Clean Texas 2000 Environmental Trade Fair and Conference" on April 13 - 15, 1994, in Austin, Texas;
- g) Cameron County Drug Enforcement Task Force Director to attend the "Regional Commanders Meetings" on March 4, 1994, and May 10, 1994, in Laredo, Texas;
- h) Task Force Commander to deliver new Grant Application to Austin, Texas, on March 9, 1994; and
- i) Two (2) Engineers and Right-of-Way employees to attend the "Organize Files and Records Seminar" on May 6, 1994, in Harlingen, Texas.

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ITEM NO. 12

APPROVAL OF TEXAS DEPARTMENT OF HEALTH DOCUMENT NO. C5000223, CHANGE NO. 01; ATTACHMENT NO. 02; ATTACHMENT NO. 03; ATTACHMENT NO. 04; ALL TUBERCULOSIS SERVICES TO HIGH RISK POINTS, TO MINORITY MALES WITH TUBERCULOSIS OR HIGH RISK OF DEVELOPING TUBERCULOSIS; AND OUTREACH SERVICES TO INMATES IN CORRECTIONAL FACILITIES AND THE COMMUNITY

The Document is as follows:

ITEM NO. 13

**APPROVAL OF LEASE AGREEMENT BETWEEN MADISON BUILDING TRUST
AND CAMERON COUNTY HEALTH DEPARTMENT WOMEN-INFANTS AND
CHILDREN (WIC) PROGRAM**

The Lease Agreement is as follows:

ITEM NO. 15

**AUTHORIZATION TO OPEN BIDS FOR VARIOUS VEHICLES FOR PARKS
DEPARTMENT**

The Bids received and opened follow:

ITEM NO. 18

**AUTHORIZATION TO OPEN BIDS FOR THE ROOFING OF THE HANGER AT
THE COUNTY AIRPORT**

The Bids received and opened follow:

(1) APPROVAL OF COUNTY CLAIMS

Commissioner Matz 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, Matz and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claim of:
E. DE LA GARZA, INC.
Warrant No. 94188 - \$ 210.52,
Warrant No. 94189 - \$ 111.89,
Warrant No. 94190 - \$ 45.76, and

Commissioner Cascos as to the claims of:

WATERS IMPLEMENT CO., INC.
Warrant No. 94444 - \$ 23.56, and

LANDAIR TRAVEL
Warrant No. 93862 - \$ 316.00.

The Affidavits are as follows:

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

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 94-16 and the Salary Schedules for the County Auditor's Office, Fund No. 10-495, and the Health Department, Fund No. 32-630, were approved.

The Budget Amendment and Salary Schedules are as follow:

**(3) APPROVAL OF MINUTES' OF FEBRUARY 2, 8,
AND 23, 1994, AND MARCH 3, 1994**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the following Minutes were approved.

February 2, 1994 Special Meeting 1:30 P. M.,
February 8, 1994 Regular Meeting 1:30 P. M.,
February 23, 1994 Special Meeting 10:00 A. M., and
March 3, 1994 Special Meeting 10:00 A. M.

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**(4) AUTHORIZATION TO ADOPT RESOLUTION TO
PUBLISH NOTICE OF INTENT TO ISSUE
CERTIFICATES OF OBLIGATIONS FOR THE
RENOVATION OF THE DANCY BUILDING AND
THE PARKING LOT IMPROVEMENTS**

Ms. Rosemary Martinez, Budget Officer, explained that the Budget estimates prepared by Mr. Richard Mycue, Architect, were in the amount of 3.6 million dollars, and added that the renovation Project should take two (2) years to complete, as outlined in the following proposal:

She stated that the "Notice of Intent" of the sale of the Certificates of Obligation must be approved prior to the sale of the Certificates of Obligation, said sale anticipated to be in the amount of 1.5 million dollars for Phase I of the Project.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Resolution to publish the "Notice of Intent" to issue Certificates of Obligation, for the renovation of the Dancy Building and the Parking Lot improvements, was adopted.

The Resolution is as follows:

(5) **REPORT BY NOE HINOJOSA, ESTRADA/HINOJOSA, FINANCIAL ADVISORS ON THE SALE OF THE 1ST PHASE OF PROJECT ROADMAP BONDS AND POSSIBLE PARKS REFUNDING ISSUE**

At this time, Mr. Noe Hinojosa, Financial Advisor, reported that the Certificates of Obligation would be sold by April 12, 1994. Mr. Estrada reviewed the potential savings on the possible refunding of Parks Bonds, and the suggestion was made to present the finding of savings greater than three percent (3%) when available.

Commissioner Rosenbaum moved that the Report presented by Mr Noe Hinojosa, Estrada-Hinojosa, Financial Advisors, regarding the sale of the First Phase of Project Roadmap Bonds and the possible Parks Refunding Issue be acknowledged.

The motion was seconded by Commissioner Valencia and carried unanimously.

(6) **AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH CAMERON COUNTY DRAINAGE DISTRICT NO. 5 FOR BRIDGE IMPROVEMENTS RELATIVE TO THE DRAINAGE PROJECT**

Judge Garza explained that the County would fund the construction of the Bridge Improvements relative to the Drainage Project and added that the balance of the monies generated by the \$5.00 increment in the Road and Bridge Fees would be appropriated as follows:

Scenario No. 1) Assumes that Precincts No. 1 and No. 2, would receive 38% of the proposed revenues generated by the increase in the Road and Bridge Fee only for years two (2) through five (5), and that no adjustment would be made for the first year's shortfall.

Scenario No. 2) Assumes that over the course of five (5) years, Precinct No. 1 and No. 2 would receive 38% of the projected revenues generated by the increase in the Road and Bridge Fee, and that the allocation would be consistent with the percentages used during the Budget process.

Scenario 3) Assumes that over the course of five (5) years, Precinct No. 1 and No. 2 would receive 46% of the projected revenues generated by the increase in the Road and Bridge Fee.

Commissioner Matz moved that the Interlocal Agreement with Cameron County Drainage District No. 5, for Bridge Improvements relative to the Drainage Project be executed, and that the appropriation of the balance of the funds to be allocated along the terms of Scenario No. 2, that being 38% of the project revenues for Precincts No. 1 and No. 2, and 62% for Precincts No. 3 and No. 4, as recommended by staff.

The motion was seconded by Commissioner Valencia and the vote was as follows:

AYE: Commissioners Matz and Valencia

NAY: Commissioners Rosenbaum and Cascos.

Commissioner Cascos moved that the Interlocal Agreement with cameron County Drainage District No. 5, for Bridge Improvements relative to the Drainage Project be executed, and that the appropriation of the balance of the funds

to be allocated along the terms of Scenario No. 3 that being 46% for Precincts No. 1 and No. 2, and 54% for Precincts No. 3 and No. 4.

The motion was seconded by Commissioner Rosenbaum and the vote was as follows:

AYE: Commissioners Cascos and Rosenbaum

NAY: Commissioners Matz and Valencia.

Commissioner Cascos moved that the Interlocal Agreement between Cameron County and the Cameron County Drainage District No. 5, for Bridge Improvements relative to the Drainage Project be approved, that the balance of the funds to be appropriated at 42% for Precincts No. 1 and No. 2, and 58% for Precincts No. 3 and No. 4, that the County Judge be directed to execute said Documents, and that the matter of appropriations be placed on the Agenda the following week.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Agreement follows:

(7) **ACTION REGARDING INSURANCE COMMITTEE
RECOMMENDATIONS FOR GROUP HEALTH
AND LIFE FOR THE PLAN YEAR BEGINNING
MAY 1, 1994**

Mr. Rolando Martinez, Health Director, explained that the Insurance Committee reviewed fourteen (14) proposals and that the Proposal being recommended was by the Texas Association of Counties. He stated that the Plan had additional benefits at a reduced cost to the County and its employees.

Mr. Martinez reviewed some changes recommended, including the costs for adding either the spouse and/or children and added that the deductible would decrease from \$500.00 to \$300.00.

Commissioner Rosenbaum moved that the Insurance Committee's recommendation for Group Health and Life for the plan year beginning May 1, 1994, that being the Proposal by the Texas Association of Counties, be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Proposal is as follows:

(8) **PUBLIC HEARING REGARDING THE ABANDONMENT OF ALL OF COMMUNITY STREET, SECOND STREET, FIRST STREET, THE ALLEY IN BLOCK 4, AND PORTION OF THE ALLEY OF LOT 12, BLOCK 5 OF SAID TOWNSITE, WITHIN PRECINCT NO. 3**

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

At this time, Mr. William Faulk, Attorney-at-Law, representing Los Fresnos School District, explained that said roads and alleys had been abandoned for over three (3) years.

Hearing and sensing no further comments, upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Public Hearing was closed.

(9) **ADOPT A RESOLUTION FOR THE ABANDONMENT OF SAID ROADS, AS SHOWN ON THE MAP OF THE TOWNSITE OF LOS FRESNOS AND RECORDED IN PAGE 1, PLAT BOOK 4, ON THE 10TH DAY OF FEBRUARY, 1916**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Resolution for the abandonment of said roads, as shown on the Map of the Townsite of Los Fresnos and recorded in Page 1, Plat Book 4, on the 10th day of February 1916, was adopted, noting the finding that the roads had indeed been abandoned for a period of at least three (3) years, based on the representation by Mr. William Faulk, an Officer of the Court.

The Resolution is as follows:

SUPPLEMENTAL AGENDA

- a) Approval of Grant Application for the U.S.E.P.A. Innovative Technical Assistance Grant.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Grant Application for the U.S.E.P.A. Innovative Technical Assistance Grant was approved.

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(26) EXECUTIVE SESSION

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

Court met in Executive Session at 2:15 P. M. to discuss the following matters:

- a) Discuss matters pertaining to long term lease of County Park land in Isla Blanca Park, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) Discuss evaluation of Election Administrator, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074;
- c) Discuss Cavazos vs. Cameron County, Case No. 93-06-2793-A, discuss status of case and settlement, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A) and (B);
- d) Discuss Miguel Briones vs. Cameron County, B-93-154, United States District Court, discuss status of case and settlement, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A) and (B);
- e) Discuss William Burton vs. Cameron County, B-94-34, United States District Court - new case - advise on procedure; discuss hiring attorney for various defendants, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- f) Discuss Dolores Rojano vs. Alex Perez, 94-03-1034-A, 107th State Court - new case - advise on procedure, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- g) Discuss Moises Huerta, Jr. vs. Cameron County, 92-02-00904-E, 357th State District Court - new case - advise on procedure, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A); and
- h) Discuss with Counsel the negotiations and proposed new Interlocal Agreement between Cameron County and the Cities of Harlingen and San Benito, regarding the Free Trade Bridge at Los Indios, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A) and (B).

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

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(27) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Action regarding discussion on matters pertaining to long term lease of County Park land in Isla Blanca Park.
- c) Action regarding approval to proceeds with settlement negotiations on Cavazos vs. Cameron County, Case No. 93-06-2793-A.
- d) Action regarding approval to proceed with settlement negotiations on Miguel

Briones vs. Cameron County, B-93-154, United States District Court.

- e) Authorize Contract negotiations for attorney for individual defendant.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that said matters should proceed along the terms and conditions as outlined in Executive Session.

Commissioner Cascos moved that the matters concerning long term lease of County Park land in Isla Blanca Park, the settlements regarding Cavazos vs. Cameron County, Case No. 93-06-2793-A, and Miguel Briones vs. Cameron County, Case No. B-93-154, United States District Court; and the Contract negotiations for the attorney for the individual defendant, should proceed along terms and conditions as outlined in Executive Session.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

- f) Action concerning discussions of negotiations and possible approval of new Interlocal Agreement between Cameron County and cities of Harlingen and San Benito regarding the Free Trade Bridge at Los Indios.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Judge be directed to execute said Documents, along the terms and conditions as agreed to in Executive Session, subject to approval by County Counsel.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the County Judge was directed to execute the Documents concerning the Interlocal Agreement between Cameron County and the Cities of Harlingen and San Benito, regarding the Free Trade Bridge at Los Indios, along the terms and conditions as agreed to in Executive Session, subject to approval by County Counsel.

- b) Action regarding the evaluation of the Elections Administrator.

Judge Garza reported that the Court had the opportunity to evaluate the Elections Administrator, and added that the comments were "extremely favorable" and "quite frankly a bit eye opening to review the amount of work conducted by the Elections Administrator". He stated that there had been tremendous increases in the workload since 1989, due to the mandates by State Legislation.

Commissioner Rosenbaum moved that the Elections Administrator be allowed a four thousand dollars (\$4,000.00) a year increase in salary, that being increased to \$30,012.00, plus car allowance in the amount of \$1,500.00, that the Elections Administrator be evaluated in six (6) months, said funds be allocated from Fund Balance.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(19) **AUTHORIZATION TO AWARD BIDS FOR ROAD MATERIALS**

Mr. Andy Cueto, County Engineer, reported that the low bid received for "crushed limestone" was by Global Commodities Group and that all other bids did not meet specifications, and the low bid for "select caliche" was by Expressway Materials.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the following bids were awarded, as recommended by the County Engineer:

GLOBAL COMMODITIES, RANCHO VIEJO, TEXAS

CRUSHED LIMESTONE GRAVEL

Zone 1 \$ 16.10
Zone 2 15.90
Zone 3 15.70
Zone 4 15.70
Zone 5 15.70

EXPRESSWAY MATERIALS, HARLINGEN, TEXAS

SELECT CALICHE FLEXIBLE BASE

Zone 1 \$ 7.48
Zone 2 8.42
Zone 3 9.13
Zone 4 9.84

Zone 5 10.60

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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 29th day of March, 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**