

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 22nd 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

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. 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 March 17, 1994, at 2:20 P. M.:

(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 Valencia and carried the following vote:

AYE: Commissioners Rosenbaum, Matz, and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claims of:
E. DE LA GARZA, INC.
Warrant No. 94502 - \$2,943.27,
Warrant No. 94503 - \$7,968.22,
Warrant No. 94504 - \$3,162.93, and
Warrant No. 94599 - \$9,307.73.

Commissioner Cascos as to the claims of:

LANDAIR TRAVEL
Warrant No. 94689 - \$ 522.00, and
Warrant No. 94690 - \$ 649.02.

The Affidavits are as follow:

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

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 94-17 was approved.

The Budget Amendment is as follows:

(3) **IN THE MATTER OF MINUTES OF MARCH 3,
1994 (TABLED)**

The Deputy County Clerk stated that there were no Minutes for approval at this time.

(4) **AUTHORIZATION TO ENTER INTO A
CONTRACT WITH TEXAS WATER
DEVELOPMENT BOARD TO PROVIDE A
FACILITY PLAN FOR WASTEWATER
COLLECTION AND TREATMENT FOR THE
VALLE ESCONDIDO AND VALLE HERMOSA
COLONIAS**

Commissioner Rosenbaum moved that the Contract with Texas Water Development Board be executed, in order to provide a Facility Plan for Wastewater Collection and Treatment for the Valle Escondido and Valle Hermosa Colonias.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Contract is as follows:

5) **IN THE MATTER OF MR. RAUL GARZA'S
REQUEST TO LOCATE AND OPERATE A SNOW
CONE STAND IN THE OSCAR DANCY PARK,
ADJACENT TO GATEWAY INTERNATIONAL
BRIDGE (REJECTED)**

At this time, Mr. Joe Galvan, Bridge Systems Director, recommended that the request by Mr. Raul Garza, to operate a Snow Cone Stand in Oscar Dancy Park, be rejected. He stated that it was the practice of the Court to allow only "Non-Profit Organizations" space to operate.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the request by Mr. Raul Garza for a license to locate and operate a Snow Cone Stand in Oscar Dancy Park was rejected, and the Bridge Systems Director was directed to present only "501(c)3's", that being "Non-Profit Organizations", for consideration by the Court.

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(6) **PUBLIC HEARING TO ACCEPT THE SPECIAL
ASSESSMENTS PLAN AND THE MATTER TO SET
THE TERMS, INTEREST, AND CONDITIONS FOR
THE ASSESSMENTS (TABLED)**

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

Commissioner Matz explained the Resolution to hold the Public Hearing was approved in February and added that his Office had mailed the Resolution, the Assessment Policy and the information regarding the cost of the improvements, to the property owners, as required by the Assessment Policy.

Mr. Mark Milan, spoke person for the residents, stated that out of fifty-nine (59) lots, there were fourteen (14) homes and nine (9) of those homeowners had agreed to the Special Assessment. He added that of the thirty-eight (38) property owners, over fifty-one percent were in favor of the Assessment and that not all had been contacted, and added that only (1) resident opposed the Assessment Policy. He stated that the residents were concerned how the Plan would be handled if they did not have one-hundred percent (100%) participation.

At this time, Dr. Bill Wilkinson, resident, expressed his concerns regarding the ability of some of the residents to pay for the improvements and the safety of the children.

Ms. Marsha Blasengame, owner of four (4) lots, stated that they could not afford to pay the Assessment and requested that the paving improvements not reach her property line.

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

There was a lengthy discussion concerning the terms of the Assessments and the problems associated with less than full participation and the suggestion was made to approve the Plan, subject to the collection of the donations.

Mr. Douglas Wright, County Counsel, suggested that the matter be tabled in order to provide the property owners the opportunity to understand that if all the property owners were not unanimous, that they establish some arrangement between the property owners to pay for the improvements.

Mr. Milum stated that he would contact each property owner in order to explain the terms and conditions of the Assessment Policy, except for the interest rates, and would report to the Court at a later date.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the matter to set the Terms, Interest, and Conditions for the Assessment Policy was TABLED.

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(7) **AUTHORIZATION TO ADOPT A RESOLUTION
FOR THE SUBDIVISION OF THE PROPOSED
CONSOLIDATION OF REGION 21 LOWER RIO
GRANDE VALLEY
(CAMERON/HIDALGO/WILLACY COUNTIES)
WORKFORCE DEVELOPMENT AREA (WDA)
INTO TWO WDA'S; CAMERON COUNTY WDA
AND HIDALGO/WILLACY COUNTY WDA**

Commissioner Matz moved that the Resolution for the Subdivision of the proposed consolidation of the Region 21 Lower Rio Grande Valley (Cameron/Hidalgo/Willacy Counties) Workforce Development Area (WDA) into two WDA's; that being Cameron County WDA and Hidalgo/Willacy County WDA, be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Resolution is as follows:

(8) **AUTHORIZATION TO ACCEPT A PROPOSAL FROM HOLDAR ENGINEERING COMPANY TO PREPARE A STRIP MAP FOR FM/1419 FROM MORNINGSIDE DRIVE TO FM/3068**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, the Proposal from Holdar Engineering Company, Brownsville, Texas, to prepare a Strip Map for FM/1419 from Morningside Drive to FM/3068 was approved.

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(9) **AUTHORIZATION FOR CAMERON COUNTY TO PAY ONE-HALF THE BILL FOR PAYMENT NO. 5 TO SAIS COMMERCIAL SYSTEM FOR CAMERON PARK COMMUNITY RESOURCE CENTER (UTILITIES CONTRACT) IN THE AMOUNT OF \$882.50 AND DESIGNATE FUNDING**

Commissioner Cascos moved that Cameron County pay one-half (1/2) of the bill for Payment No. 5 to Sais Commercial System, Brownsville, Texas, for the Cameron Park Community Resource Center's Utilities Contract, in the amount of \$882.50, said funds to be allocated from Lapsed Salaries.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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"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, Ms. Rosemary Martinez, Budget Officer, stated that the Parks Director was requesting a car allowance in lieu of a vehicle, adding that the allowance was calculated on the actual mileage during the past year, excluding the personal commuting miles, and was comparable to the car allowance of the County Engineer.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the "Consent" Agenda Items, including the Supplemental Agenda were approved as follow:

- (10) **AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE TEXAS WATER DEVELOPMENT BOARD AND MILITARY HIGHWAY WATER SUPPLY CORPORATION FOR COUNTY'S OUTHOUSE ELIMINATION PROGRAM**

The Interlocal Agreement follows:

- (11) AUTHORIZATION OF CHANGE ORDER NO. 6 AND NO. 7 FOR PEACOCK CONSTRUCTION CONTRACT FOR ANDY BOWIE PARK DEVELOPMENT

The Change Order follows:

- (12) APPROVAL OF A PROFESSIONAL SERVICE AGREEMENT FOR THE IMPLEMENTATION OF THE CAMERON PARK COLONIA STUDY AND GENERAL PLAN WITH THE TEAM OF BENTON/BLUM/MARTIN AND BROWN, AND AUTHORIZATION FOR THE COUNTY JUDGE TO EXECUTE SAID AGREEMENT

The Service Agreement follows:

- (13) APPROVAL OF CONSTRUCTION CHANGE ORDER NO. 5 TO THE PARKING LOT AT IOWA AVENUE COUNTY HEALTH CLINIC AND DESIGNATION OF FUNDING SOURCE

The Change Order follows:

- (14) PRELIMINARY AND FINAL APPROVAL

- a) **Precinct No. 3:**
Lucy Subdivision - being the North 22.53 acres out of Lot 10 Cole Tract Subdivision;
- b) **Precinct No. 4:**
Arizmendi Subdivision - being a subdivision of 4.19 acres out of Lot 1, Block 2 of Landrums Reserve Subdivision No. 1; and
- c) **Precinct No. 3:**
Ramirez Subdivision - Being a subdivision of 1.215 acres of Land out of Block 59.

- (15) PRELIMINARY APPROVAL

- a) **Precinct No. 4:**
El Valle Estates Subdivision - being a subdivision of the 13.91 acres of the North 10.0 acres and the North 54.0 acres of the 10.0 acres out of Block 53, Hooks and Hodges Subdivision.

- (16) AUTHORIZATION TO AWARD BIDS FOR LEASE OF VARIOUS VEHICLE - TASK FORCE DEPARTMENT

CAPPS VAN AND CAR RENTAL, DALLAS, TEXAS

- (17) AUTHORIZATION TO OPEN BIDS FOR SALE OF LAW BOOKS - LAW LIBRARY

The bids received and opened follow:

- (18) ACTION RELATIVE TO AUTO ALLOWANCE IN LIEU OF PARKS SYSTEM SEDAN (SEDAN TO BE TRADED IN FOR PICK-UP TRUCK) FOR PARK SYSTEM DIRECTOR (CAR ALLOWANCE ALONG THE TERMS AND CONDITIONS AS OUTLINED)

- (19) AUTHORIZATION TO AWARD BIDS FOR VARIOUS VEHICLES - PARKS DEPARTMENT

KELLOGG CHEVROLET, San Benito, Texas

a) Mid-size Pick-up \$5,694.00

CARDENAS MOTORS, Brownsville, Texas

c) Compact Pick-up \$4,462.00 with trade

BOGGUS FORD, Harlingen, Texas

d) Compact Pick-ups \$9,220.00.

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

- a) Computer Director to attend the "Texas Association of Government Data Processing Managers Conference" on March 22 - 25, 1994, in Austin, Texas;
- b) Eight (8) Health Department employees to attend "Combating Multi-drug-Resistant TB" on May 5 - 6, 1994, in San Antonio, Texas;
- c) One (1) Health Department employee to attend "17th Annual Seminar in Women's Health Care" on April 10 - 14, 1994, in Dallas, Texas;
- d) County Treasurer to attend the "22nd County Treasurer's Seminar" on April 17 - 20, 1994, in College Station, Texas;
- e) Chief Juvenile Officer and two (2) employees to attend the "1994 Texas Probation Association Annual Conference" on April 8 - 13, 1994, in Bryan, Texas;
- f) Chief Juvenile Officer to attend Meetings of the "Texas Juvenile Probation Commission/Texas Youth Commission Model System" on March 23 - 25, 1994, in Austin, Texas; and
- g) One (1) Juvenile Department employee to attend a "Mediation Workshop" sponsored by TJPC, on April 11 - 12, 1994, in San Antonio, Texas.

SUPPLEMENTAL AGENDA

- 1) Preliminary Approval
 - a) **Precinct No. 4:**
County Estates Subdivision - being a 20.00 acre tract of land, same being all of blocks 4 and 5 of the Emil A. Johnson Subdivision.

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ITEM NO. 10

AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE TEXAS WATER DEVELOPMENT BOARD AND MILITARY HIGHWAY WATER SUPPLY CORPORATION FOR COUNTY'S OUTHOUSE ELIMINATION PROGRAM

The Interlocal Agreement follows:

ITEM NO. 11

**AUTHORIZATION OF CHANGE ORDER NO. 6 AND NO. 7 FOR PEACOCK
CONSTRUCTION CONTRACT FOR ANDY BOWIE PARK DEVELOPMENT**

The Change Order follows:

ITEM NO. 12

APPROVAL OF A PROFESSIONAL SERVICE AGREEMENT FOR THE IMPLEMENTATION OF THE CAMERON PARK COLONIA STUDY AND GENERAL PLAN WITH THE TEAM OF BENTON/BLUM/MARTIN AND BROWN, AND AUTHORIZATION FOR THE COUNTY JUDGE TO EXECUTE SAID AGREEMENT

The Service Agreement follows:

ITEM NO. 13

APPROVAL OF CONSTRUCTION CHANGE NO. 5 TO THE PARKING LOT AT IOWA AVENUE COUNTY HEALTH CLINIC AND DESIGNATION OF FUNDING SOURCE

The Change Order follows:

ITEM NO. 17

**AUTHORIZATION TO OPEN BIDS FOR SALE OF LAW BOOKS - LAW
LIBRARY**

The bids received and opened follow:

(21) EXECUTIVE SESSION

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 2:30 P. M. to discuss the following matters:

- a) Discuss with advice from Attorney on Girton vs. Perez, Case No. B-93-184, United States District Court, Houston Division, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A); and
- b) Discuss "Reversionary Clause" in the Deed to the San Benito Armory site and possible use of land.

NOTE: JUDGE GARZA DID NOT RETURN TO THE COURTROOM.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Court reconvened in Regular Session at 2:45 P. M.

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(22) ACTION RELATIVE TO EXECUTIVE SESSION

a) Action regarding possible use of Armory Site.

Judge Pro-tem Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Counsel and the Budget Officer should proceed along the terms and conditions as outlined in Executive Session regarding said matter.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, County Counsel and the Budget Officer were directed to proceed along the terms and conditions as outlined in the Executive Session regarding the use of the Armory Site.

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

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APPROVED this 12th day of April, 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