



(4) **AUTHORIZATION TO ADOPT THE JURY PLAN AS PROPOSED BY MAJORITY OF DISTRICT JUDGES IN ACCORDANCE WITH ARTICLE 62.011 OF TEXAS GOVERNMENT CODE**

At this time, Judge Menton Murray, Jr. , 103rd District Court, indicated that due to changes in the Laws, the Jury Plan was being modified. He said the Jury Plan would include licensed drivers and persons with Identification Cards issued by the Texas Department of Public Safety and would be effective upon approval by the Court.

Judge Garza questioned whether citizenship was a pre-requisite to serve as a Grand or Petit Juror and Judge Murray responded that citizenship was a pre-requisite and prospective Jurors were questioned regarding the matter prior to selection.

Commissioner Valencia moved that the Jury Plan be adopted as proposed by the majority of District Judges, in accordance with Article 62.011 of the Texas Government Code, as presented by Judge Menton Murray, Jr., 103rd District Court.

The motion was seconded by Commissioner Cascos and carried unanimously.

At this time, Commissioner Matz questioned as to what extent the Jury Pool would increase with the additional names and Judge Murray responded that he did not anticipate a significant increase.

**The Proposed Plan is as follows:**

(6) **AUTHORIZATION TO SET FEES FOR OVERSIZED LOADS AT LOS INDIOS BRIDGE AND TO AUTHORIZE EXPENDITURES FOR MODIFICATION OF TRUCK CROSSING AREA TO ACCOMMODATE LOADS**

Mr. Jack Brown, Project Manager, reported that a very large vessel, two hundred (200') feet long and weighing about two hundred (200) tons, was being transported by barge from Pennsylvania to the Port of Brownsville and that the load would then be transported by truck for crossing at the Los Indios Bridge and transferred to a Mexican carrier for crossing into Mexico.

Mr. Brown added that the truck crossing area at the Toll Facility would need to be modified in order to accommodate the oversized load and estimated the costs for the materials for a bypass to be approximately \$2,000.00.

Judge Garza stated that it was his understanding that the Transportation Company was going to assume the cost of the modification in anticipation of future usage of the by-pass.

Mr. Ricardo Solis, Harlingen Chamber of Commerce, stated that the Transportation Company's position was that they anticipated using this port of entry more often and expect other users and they hoped that some of the modification expenses could be defrayed.

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, reported that the action that the Transportation Company would like for the Court to take was not necessarily to grant some sort of cost sharing, but to consider it at a future date. She stated that she had discussed with Mr. Brown, the possibility of allowing a "credit" for the oversized carriers that use the by-pass since it was difficult to determine how many will be using the by-pass at this time. She added that the Transportation Company was not expecting that the Court take a position at this time, but that the Court would assume the cost of the renovation for materials and that the labor would be provided by Precinct No. 4.

Mr. Brown recommended a fee of \$350.00 for the oversized loads since the traffic would be shut down for a very short duration, that being about fifteen (15) minutes.

Commissioner Matz stated that he supported the modifications in the amount of approximately \$3,500.00 in materials and about two (2) days of labor and suggested that negotiations could proceed at a later date.

Mr. Solis stated that a flat fee of \$1,000.00 and that the County incur all the expenses of the modifications had been suggested but the actual fees had not been discussed.

There was some discussion as to what would be an equitable fee considering the number of axles of the vehicles, weight, and damages that could result and a flat fee of \$500.00 was suggested.

Judge Garza stated that he favored the fees to be established by the Court and that the County provide the improvements for the by-pass in order to eliminate any credits or off-sets.

Commissioner Matz moved that Cameron County make the improvements to allow for the by-pass of the truck crossing area and that the fee of \$500.00 be established for the oversized loads at the Los Indios Bridge.

The motion was seconded by Commissioner Valencia and carried unanimously.

**(8) IN THE MATTER TO CONSTRUCT TRUCK PARKING AREA AND VEHICLES PARKING AREA AT LOS INDIOS BRIDGE AND TO SET FEES FOR PARKING (TABLED)**

Mr. Jack Brown, Project Manager, presented the Design Plans for a proposed Truck and Vehicle Parking Areas at the Los Indios Bridge and reviewed the following estimated costs for said construction:

Mr. Ricardo Solis, Harlingen Chamber of Commerce, stated that the Proposals had been analyzed and discussions held with several Custom Brokers from Brownsville and Matamoros, and it was determined that there was a great need for parking spaces for trucks to conduct "switching" and forwarding of their products. He said that the "switching-yard" operations were not currently available and would be an incentive to create trade.

There was additional discussion regarding the need for the vehicle parking and the funding source for the parking lots and the suggestion was made to Table the Item in order to resolve several issues of concern.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, this Item was TABLED.

**(7) IN THE MATTER TO PROVIDE FUNDING FOR CONSTABLE PRECINCT NO. 4, FOR OFFICE RENT, UTILITIES AND NEEDED EQUIPMENT, TOTALING \$2,475.00 (TABLED)**

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

**(1) APPROVAL OF COUNTY CLAIMS**

Commissioner Valencia moved that all the County Claims be approved as presented and on the recommendation of the County Auditor.

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

**AYE:** Commissioners Matz and Valencia

**NAY:** None

**ABSTAIN:** Judge Garza as to the claim of E. de la Garza, Inc., Warrant No. 71288 in the amount of \$345.37; and Commissioner Cascos as to the claim of Waters Implement Company, Inc., Warrant No. 71545 in the amount of \$21.57 and Landair Travel, Inc., Warrant No. 71408 in the amount of \$261.00.

**The Affidavits are as follows:**

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

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Fiscal Year 1993 Budget Amendment No. 11 and the Salary Schedule for the County Attorney's Office, Department No. 90-475 were approved.

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

**(3) IN THE MATTER OF MINUTES OF JANUARY 11, 1993  
(TABLED)**

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

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**(5) AUTHORIZATION TO ADOPT "ORDER EXPRESSING  
INTENT TO REIMBURSE COSTS" IN CONNECTION  
WITH THE \$5,500,000.00 CERTIFICATES OF  
OBLIGATION, SERIES 1993**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the "Order Expressing Intent to Reimburse Costs" in connection with the \$5,500,000.00 Certificates of Obligation, Series 1993, was adopted.

**The Order is as follows:**

**(9) AUTHORIZATION TO APPROVE THE SPECIFICATIONS FOR ANTI-CAR THEFT SYSTEM AND TO APPROVE AD FOR REQUEST FOR PROPOSALS**

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, explained that the Court had previously authorized that the specification for Anti-Theft Proposals be created and after meeting with Mr. Jack Brown, Project Manager, and Mr. Rayburn MacNelly, County Auditor, the following Specifications were prepared:

Commissioner Cascos offered several suggestions regarding the wording and other specific requirements to be included in the Proposal.

Ms. Martinez responded that since the Court was requesting Proposals and not Bids, that it allowed more latitude regarding the disclosures required from the companies submitting Proposals. She added that after the Selection Process, the Agreement, to be drafted by the County Attorney, would specify some of those Items in more detail.

Mr. Doug Wright, Cameron County Counsel, stated that he suggested that the detailed requirements be delayed until the selection process had narrowed the number of Proposals being considered.

Commissioner Matz moved that the specifications for the Anti-Car Theft System be approved as presented and that the advertisement for Request for Proposals be authorized.

The motion was seconded by Commissioner Cascos and carried unanimously.

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**(10) AUTHORIZATION TO APPROVE THE ACQUISITION OF AND MONTHLY BILL FOR TWO MOBILE PHONES AT \$100.00 PER MONTH FOR TABC**

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, explained that the Court had approved the phone request last year, but because of the timing, the Texas Alcohol and Beverage Commission (TABC) did not obtain the phones; however, they are now making the same request to make the phones available for Spring Break. She added that the cost for unlimited minutes with Southwestern Bell was \$100.00 per month per unit and included a \$25.00 installation charge per unit.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the acquisition of and the monthly bill for two (2) mobile phones for the Texas Alcohol and Beverage Commission (TABC) in the amount of \$100.00 per month per unit, plus installation, was authorized, said funds to be allocated from Lapsed Salaries.

At this time, Commissioner Matz presented a "Summary Form" used by the City of Harlingen for Agenda Items which requests the particulars of an Item being considered, such as the source of funds, staff recommendations and Attorney's comments and suggested that the Court might consider incorporating some of the ideas and added that the question that was a major concern to him was "source of funds".

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(11) **IN THE MATTER OF THE MEMORANDUM OF AGREEMENT WITH TEXAS GENERAL LAND OFFICE CONCERNING OIL SPILL PREVENTION AND RESPONSE (TABLED)**

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

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(12) **APPROVAL FOR THE CAMERON COUNTY HEALTH DEPARTMENT TO APPLY AS A MEDICAID FAMILY PLANNING PROVIDER**

Mr. Rolando Martinez, Health Administrator, explained that the Health Department would provide Medicaid Family Planning Services in conjunction with Maternity Services, Early Periodic Screening and Developmental Testing.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Cameron County Health Department was authorized to apply as a Medicaid Family Planning Provider.

**The Application is as follows:**

**(13) AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE DREDGING OF SEA RANCH MARINA**

Mr. Kenneth Conway, Parks Director, explained that this was a Budgeted Capital Improvement Item and that the specification for the Project were complete for the bidding process.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the advertisement for bids for the Dredging of the Sea Ranch Marina was authorized.

At this time, Commissioner Matz requested that Mr. Conway provide a brief report regarding the activities on Saturday, January 16, 1993, concerning the Dune Rehabilitation Project.

Mr. Conway reported that Dune's Day 1993 had full media coverage and attracted six hundred (600) volunteers and that 13,315 Christmas Trees were placed at Andy Bowie Park. He added that the tree contributions increased by fifty (50%) percent from the previous year and that McAllen was the leading contributing City.

Commissioner Matz expressed favorable comments regarding the trucking efforts from McAllen to South Padre Island and called attention to the importance of dune creations to stop beach erosion.

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**(14) IN THE MATTER FOR PRELIMINARY AND FINAL APPROVAL (TABLED)**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the following subdivision were TABLED, on the recommendation of the County Engineer's Office:

- a) Arriaga Subdivision, Precinct No. 1, being a 1.0 acre out of a certain 8.69 Acre Tract out of Lot 4, Block 406, El Jardin Re-Subdivision;
- b) Ramiro Gonzalez Subdivision, Precinct No. 1, being a 10.0 Acre Tract of land out of Block 4, El Jardin Subdivision Share 32, Espiritu Santo Grant.

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**(15) REQUEST FOR FINAL APPROVAL**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, final approval was given to the following subdivision, on the recommendation of the County Engineer:

- a) Buena Vida Park Subdivision, Precinct No. 3, being a Re-subdivision of Lots 1 and 2, 5-11, 14-19, 22-26, 28-30, 39-41, 44-64, and 70-73, Buena Vida Mobile Home Park.

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**(16) CONSIDERATION OF REQUEST OF STAFF'S RECOMMENDATIONS FOR 911- RURAL ADDRESSING PROPOSALS**

Mr. Andy Cueto, County Engineer, reported that the Request for Proposals for the Rural Addressing System were received in September and after review, the staff was recommending to negotiate, on a non-binding basis, a Contract with Miller Management Services, Inc., Columbia, Missouri.

Commissioner Matz moved that the County Engineer be directed to negotiate, on a non-binding basis, the Proposal by Miller Management Services, Inc., Columbia, Missouri, for the 911-Rural Addressing System, and to report to the Court with a

final Proposal and at that point, to review the Proposal with the individual members of the Court, as recommended by the County Engineer.

The motion was seconded by Commissioner Cascos and carried unanimously.

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**(17) IN THE MATTER OF PUBLIC HEARING REGARDING THE CANCELLATION OF "BOCA CHICA ESTATES SUBDIVISION, PHASE I" (NO ACTION TAKEN)**

**(18) CONSIDERATION AND ACTION RELATED TO THE CANCELLATION OF "BOCA CHICA ESTATES SUBDIVISION, PHASE I"**

- a) Boca Chica Estates Subdivision, Phase I, being a 77.755 Acre Tract of 251.532 Acre Tract, out of a 1245.25 Acre Tract in Share 1, of San Martin Grant in Cameron County, Texas.

At this time, Mr. Andy Cueto, County Engineer, explained that the Public Hearing was advertised to be conducted at 1:30 P. M.

Mr. Doug Wright, Cameron County Counsel, stated that he reviewed the statutes and that unless the Court had ordered the Public Hearing and the proper Notices published, pursuant to the Statutes, that it appeared that the procedures were not followed and he questioned whether the Application for Cancellation had been considered by the Court.

Mr. Cueto responded by reviewing the procedures followed by the County Engineer's Office and added that the matter had not been previously considered by the Court.

There was some discussion concerning the Application, the area of the subdivision involved and the reasons for the request and the suggestion was made to accept the Application for Cancellation and to direct the advertisement pursuant to the Statutes.

Commissioner Matz moved to accept the Application for Cancellation of the "Boca Chica Estates Subdivision, Phase I", and to direct County Counsel to prepare the necessary Legal Advertisement and to place the Item properly before the Court at some future date.

The motion was seconded by Commissioner Valencia and carried unanimously.

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**(19) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the following travel and or travel expenses were approved, subject to availability of funds in their budget:

- a) Three (3) Health Department Employees to travel to San Antonio, Texas, on January 26-29, 1993 for "A New Threat From An Old Enemy" Tuberculosis Workshop;
- b) County Auditor and one (1) Assistant to Austin, Texas, for the evaluation of Justice of the Peace Computer Reporting software, on January 13, 1993;
- c) Mr. Ken Conway, Parks Director, to travel to Austin, Texas, on January 19-20, 1993 regarding Legislative Matters, and any member of the Commissioners Court to attend the TRAPS Breakfast on January 27, 1993; and
- d) One (1) Precinct No. 4 employee to travel to San Antonio, Texas, on January 20-21, 1993, to attend Meeting with Commissioner Valencia, to be ratified at the next meeting.

**(20) EXECUTIVE SESSION**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 11:50 A. M. to discuss the following matters:

- a) To consider the Health Department to lease property for a temporary WIC Site and authorize the County the County Judge to execute said Lease, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) To confer with Counsel regarding case styled The State of Texas vs. Gary D. Smith and wife, Vesta Henderson Smith, and Herman J. Keillor, and wife Judith Ann Keillor, Cause No. CL-B-31-579, County Court-at-Law No. 2, Cameron County, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- c) To discuss Loop 590, Section 6, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- d) For negotiation of Real Estate Lease concerning property located in Rutherford Harding Subdivision, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Court reconvened in Regular Session at 12:40 P. M.

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

- a) To consider the Health Department to lease property for a temporary WIC Site and authorize the County the County Judge to execute said Lease.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that Mr. Doug Wright, Cameron County Counsel, be directed to lead the negotiations of the Lease along the terms and conditions as outlined in Executive Session, in conjunction with Ms. Yvette Salinas, WIC Director, and Mr. Rolando Martinez, Health Administrator.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, County Counsel was directed to lead the negotiations, in conjunction with Ms. Yvette Salinas, WIC Director, and Mr. Rolando Martinez, Health Administrator, regarding the Lease of property for a temporary WIC Site, along terms and conditions outlined in Executive Session.

**The Lease Agreement is as follows:**

- b) In the matter to confer with Counsel regarding case styled The State of Texas vs. Gary D. Smith and wife, Vesta Henderson Smith, and Herman J. Keillor, and wife Judith Ann Keillor, Cause No. CL-B-31-579, County Court-at-Law No. 2, Cameron County. (TABLED).

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, this Item was TABLED.

- c) To discuss Loop 590, Section 6.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the Court proceed to appraise certain property within said Section, as recommended by the County Engineer.

Commissioner Valencia moved to proceed with the appraisal of certain property within Loop 590, Section 6, as recommended by the County Engineer.

The motion was seconded by Commissioner Cascos and carried unanimously.

d) For negotiation of Real Estate Lease concerning property located in Rutherford Harding Subdivision.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel be directed to proceed with discussions with interested parties in and about the Rutherford Harding Subdivision area with respect to the possible lease, sale, acquisition or disposition of said property.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, County Counsel was directed to proceed with discussions with interested parties regarding the Real Estate Lease concerning property located in the Rutherford Harding Subdivision area with respect to the possible lease, sale, acquisition or disposition of said property.

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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 **25th** day of **January**, 1993.

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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**