

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 13th day of APRIL, 1993 there was conducted a REGULAR 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:
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

JOE G. RIVERA
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Mr. Doug Wright, Cameron County Counsel, 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 April 8, 1993 at 11:53 A. M.

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

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Fiscal Year 1993 Budget Amendment No. 21 was approved as presented.

The Budget Amendment is as follows:

(3) APPROVAL OF MINUTES OF MARCH 30, 1993

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

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**(4) AUTHORIZATION TO AWARD BIDS FOR TWO (2)
PICKUP TRUCKS FOR PRECINCT NO. 3**

Commissioner Cascos moved that the low bid of Tipotex Chevrolet, Brownsville, Texas, in the amount of \$21,655.16, with trade, be accepted for two (2) pickup trucks for Precinct No. 3, as recommended by the Purchasing Agent.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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**(5) IN THE MATTER OF AWARDING BIDS FOR TWO (2)
BACKHOES FOR PRECINCT NO. 1 AND NO. 4**

At this time, Commissioner Valencia stated that he needed a larger backhoe than the bid received and requested that the bid for the backhoe for Precinct No. 4 be rejected and re-bid.

Commissioner Cascos moved that the low bid of Case Implement, San Benito, Texas, in the amount of \$47,956.40 be accepted for one (1) backhoe for Precinct No. 1 and that the bid for Precinct No. 4 be rejected and re-advertised for a larger machine.

The motion was seconded by Commissioner Matz and carried unanimously.

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**(6) IN THE MATTER OF A NEW POSITION WITH ITS' JOB
DESCRIPTION AND SALARY FOR THE COMPUTER
SERVICES CENTER (TABLED)**

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

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(1) APPROVAL OF COUNTY CLAIMS

Commissioner Matz moved that the County Claims be approved as presented and on the recommendation of the County Auditor's Office.

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

AYE: Commissioners Rosenbaum, Matz and Valencia

NAY: None

ABSTAIN: Commissioner Cascos as to the claim of Tony Gonzalez Pharmacy, Warrant No. 75772 in the amount of \$79.90; and Judge Garza as to the claims of E. De La Garza, Inc., Warrant No. 75626 in the amount of \$2,886.29, Warrant No. 75627 in the amount of \$1,617.89, Warrant No. 75714 in the amount of \$1,375.87 and Warrant No. 75715 in the amount of \$126.76.

The Affidavits are as follows:

(18) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 1:40 P. M. to discuss the following matters:

- a) Discuss potential litigation concerning the Los Indios International Bridge Project, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Discuss Parcels No. 14 and No. 15, No. 23 and No. 25, Dakota Avenue South, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- c) Discuss Dakota Avenue South, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- d) Confer with Legal Counsel concerning case: Natalia Flores vs. Cameron County, Texas, et al (USDC Brownsville Division No. 88-145), pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Regular Session at 2:25 P. M.

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(19) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Discuss potential litigation concerning the Los Indios International Bridge Project.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that Mr. Brian Janis, Attorney-at-Law, be authorized to proceed with the defense of said suit up to and including the filing of any appropriate action in State or District Court.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, Mr. Brian Janis, Attorney at Law, was authorized to proceed with the defense concerning the potential litigation with the Los Indios International Bridge Project, up to and including the filing of any appropriate action in State or District Court.

- b) Discuss Parcels No. 14 and No. 15, No. 23(NO ACTION TAKEN) and No. 25, Dakota Avenue South.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the Right-of-Way Agent, Ms. Blanca Betancourt, be directed to proceed with the acquisition of Parcels No. 14, No. 15, and No. 25, Dakota Avenue South, along the terms and conditions as outlined in Executive Session and that No Action be taken on Parcel No. 23.

Commissioner Rosenbaum moved that the Right-of-Way Agent, Ms. Blanca Betancourt, be directed to proceed with the acquisition of Parcels No. 14, No. 15, and No. 25, Dakota Avenue South, along the terms and conditions as outlined in Executive Session and that No Action be taken on Parcel No. 23.

- The motion was seconded by Commissioner Matz and carried unanimously.
- c) Discuss Dakota Avenue South.

Judge Garza reported that there were no specific Parcels to be acquired and after some discussion, it was the consensus of the Court as determined by polling, to outline, for the Right-of-Way Agent, the terms and conditions that the Court would find acceptable in the acquisition of Parcels along the area of Dakota Avenue South from Maverick Road to the Southmost Road.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the general outline of the terms and conditions acceptable to the Court concerning the acquisition of Parcels along the area of Dakota Avenue South from Maverick Road to the Southmost Road was approved.

d) Confer with Legal Counsel concerning case: Natalia Flores vs. Cameron County, Texas, et al (USDC Brownsville Division No.-88-145).

Judge Garza reported that the Court received a Status Report from Counsel and after some discussion, it was the consensus of the Court as determined by polling, that the Item be placed on the next Agenda for further review, as requested by Mr. Arnold Aguilar, Attorney-At-Law with the Law Firm of Willette and James, Brownsville, Texas.

Commissioner Matz moved that the matter concerning the case of Natalia Flores vs. Cameron County, Texas, et al (USDC Brownsville Division No. B-88-145) be placed on the Agenda for further review, as requested by Mr. Arnold Aguilar, Attorney-At-Law with the Law Firm of Willette and James, Brownsville, Texas.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(7) **CONSIDERATION AND ACTION AUTHORIZING THE DIRECTOR OF COMPUTER SERVICES TO REQUEST PROPOSALS TO OBTAIN A "CASELOAD MANAGEMENT SYSTEM" SOFTWARE PACKAGE AND HARDWARE FOR THE CAMERON/WILLACY COUNTIES COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT**

Commissioner Cascos moved that the Director of the Computer Services be authorized to request Proposals for a "Caseload Management System" Software Package and hardware for the Cameron/ Willacy Counties Community Supervision and Corrections Department.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(8) **CONSIDERATION AND ACTION AUTHORIZING THE DIRECTOR OF COMPUTER SERVICES TO SOLICIT PROPOSALS TO OBTAIN A TAX COLLECTION SOFTWARE PACKAGE FOR THE OFFICE OF THE TAX ASSESSOR-COLLECTOR**

Mr. Tony Yzaguirre, County Tax Assessor-Collector, stated that Mr. Norio Nishiguchi, Computer Center Director, and Mr. Rudy Juarez, Project Manager, were assisting in the preparation of the Request for Proposals for the software for the Tax Office.

Judge Garza suggested that a representative from the County Auditor's Office be included in the group that was preparing the proposals.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the County Tax Assessor-Collector, the County Auditor and the Director of the Computer Services Center were authorized to prepare the "Request for Proposals" for the Tax Collection Software Package for the Tax Assessor-Collector's Office.

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(9) **IN THE MATTER OF FINAL PAYMENT TO SCOGGINS
CONSTRUCTION COMPANY FOR WORK DONE AT LOS
INDIOS INTERNATIONAL BRIDGE (NO ACTION TAKEN)**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, No Action was taken since the matter was considered during the appropriate Executive Session Item.

(13) **AUTHORIZATION TO APPOINT A COMMITTEE
COMPOSED OF THREE RESIDENT REAL PROPERTY
OWNERS TO THE VETERANS LAND BOARD COUNTY
COMMITTEE FOR CAMERON COUNTY**

At this time, Judge Garza stated that this Item had previously been on the Agenda and that Commissioners Cascos, Matz and Valencia had been designated to appoint a member to the Committee.

At this time, Commissioner Cascos stated that he needed to contact the individual and would make his recommendation the following week.

Commissioner Matz recommended Mr. Frank Morris, Harlingen, Texas, and Commissioner Valencia recommended Mr. Rolando Mancillas, Harlingen, Texas, to serve on the Veterans Board.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the following Resident Real Property owners were appointed to serve on the Veterans Land Board County Committee for Cameron County:

Mr. Frank Morris, Harlingen, Texas, and

Mr. Rolando Mancillas, Harlingen, Texas.

(14) **AUTHORIZATION TO AWARD CONTRACT OR REJECT
BID FOR GENERAL CONTRACTOR FOR CAMERON
PARK RESOURCE CENTER PROJECT**

Mr. Luis Figueroa, Architect with the Architectural Firm of Rike-Ogden-Figueroa-Guerra, McAllen, Texas, stated that one (1) bid was received last week, that the matter was discussed with Texas A & M University and that they were recommending that the Contract for the General Contractor be awarded to Reyna Construction, Weslaco, Texas, subject to final review by County Counsel.

Commissioner Cascos moved that the bid for the General Contractor for the Cameron Park Resource Center Project be awarded to Reyna Construction, Weslaco, Texas.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(15) **AUTHORIZATION TO APPROVE CHANGE ORDER NO. 1
FOR CAMERON PARK COMMUNITY RESOURCE
CENTER PROJECT**

Mr. Luis Figueroa, Architect with the Architectural Firm of Rike-Ogden-Figueroa-Guerra, McAllen, Texas, stated that Change Order No. 1 would reduce the amount of the Contract by \$65,446.00. He explained that the bid included three (3) items previously sub-contracted by the County and Texas A & M University, and added that the estimated completion date will be within one hundred and eighty (180) days.

Commissioner Cascos moved that Change Order No. 1 for the Cameron Park Community Resource Center Project be authorized.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Change Order is as follows:

(16) IN THE MATTER FOR THE ENGINEER'S OFFICE TO PREPARE PLANS AND SPECIFICATIONS FOR PAVING IMPROVEMENTS TO EL RANCHITO MOBILE HOME PARK (TABLED)

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

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(17) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES

Upon motion by Commissioner Rosenbaum, 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) Drug Task Force and Financial Disruption Task Force to attend the Annual Texas Narcotic Control Program Statewide Conference on May 9-12, 1993;
- b) Consideration and approval for one (1) Officer (Drug Task Force) to attend Money Laundering School in Phoenix, Arizona, on June 7-10, 1993;
- c) Two (2) Officers from the Drug Task Force to attend S.A.F.E. School in Dallas, Texas, on April 12-16, 1993; and
- d) Ms. Yvette Salinas, Women, Infant, and Children (WIC) Director, to attend Meeting on April 14-15, 1993, (in Austin).

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NOT ON APPROVAL TO ATTEND AGENDA LEGISLATIVE HEARING

At this time, Mr. Katus Blakey, Legislative Assistant with Representative Jim Solis, announced that a Legislative Hearing would be held April 14, 1993, at 2:30 P. M. in Austin, Texas, concerning House Bill 1870 and added that written testimony would also be accepted.

Judge Garza suggested that Mr. Blakey and Commissioner Matz submit, for the record, the Resolutions approved by the Court supporting different legislative matters being considered.

At this time, Judge Garza stated that Commissioner Matz, and possibly Commissioner Valencia, would attend the Legislative Hearing in Austin, Texas on April 14, 1993, said travel to be ratified at the next Meeting.

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(10) CONSIDERATION AND ACTION ON PAYMENT SCHEDULE FOR BALANCE OF ANNUAL PERCENTAGE PAYMENT DUE FROM SEA RANCH ENTERPRISES, INC.

Mr. Kenneth Conway, Parks Director, referred to the following "Demand Letter" and requested the Court's ratification of this action, adding that Sea Ranch Enterprises agreed to an eight (8%) percent interest penalty on the outstanding balance of \$10,000.00:

Commissioner Matz moved to acknowledge and ratify that the Sea Ranch Enterprises, Inc. met the terms of the "Demand Letter" as outlined, concerning the payment schedule for the balance of the Annual Percentage Payment.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(11) **APPROVAL OF FOUR (4) YEAR, (8) EIGHT MONTH
LEASE FOR CONCESSION IN ISLA BLANCA COUNTY
PARK BETWEEN JUAN J. MARTINEZ, DBA JETTIES
BAIT STAND AND CAMERON COUNTY**

Mr. Kenneth Conway, Parks Director, stated that Mr. Juan J. Martinez, concessionaire with the Parks System, had been operating out of a small portable building for the past eleven (11) years and had recently constructed a new concrete block which was now ready for occupancy. He added that the new Lease would be for a period of four (4) years and eight (8) months, with the anniversary and fiscal accounting dates ending December 31.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the four (4) year eight (8) month Lease for the concession stand in Isla Blanca County Park between Juan J. Martinez, doing business as (dba) Jetties Bait Stand and Cameron County, was approved as recommended by the Parks Director.

The Lease is as follows:

(12) **ACKNOWLEDGEMENT OF 2ND QUARTER INCOME
REPORT FOR CAMERON COUNTY PARK SYSTEM**

At this time, Mr. Kenneth Conway, Parks Director, reported that this past Easter week had "been the biggest one ever experienced" and added that they had to close both Isla Blanca and Andy Bowie for short periods of time because of overcrowding. He reported that there were over two thousand (2,000) vehicles during the week-end at Isla Blanca Park and a comparable number at Andy Bowie Park and that Thomaes Park was packed, and added there were no serious incidents.

Mr. Conway reviewed the Second (2nd) Quarter Report which reflected increases in excess of ten percent (10%) compared to the same Quarter last year and added that it represented the "best" quarter experienced by the Parks System.

Commissioner Valencia moved that the Second (2nd) Quarter Income Report for the Cameron County Park System be acknowledged.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Report is as follows:

(5) **AUTHORIZATION TO AWARD BIDS FOR TWO (2)
BACKHOES FOR PRECINCT NO. 1 AND NO. 4**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, Item No. 5 was reconsidered.

At this time, Commissioner Valencia stated that the bids received included the cost of the larger backhoe and that Case Implement Company was the low bidder on both the large and small backhoes; therefore, there was no need to re-advertise as suggested earlier.

Commissioner Valencia moved that the low bid of Case Implement, San Benito, Texas, be accepted for two (2) backhoes, that being for the larger machines for Precincts No. 1 and No. 4 as outlined.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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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 27th day of **APRIL**, 1993.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

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