

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 20th 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**

**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. Steve Thompson, Manager at Laguna Atascosa Wildlife Refuge, 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 15, 1993 at 3:47 P. M.

(26) EXECUTIVE SESSION

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 1:35 P. M. to discuss the following matters:

- a) Discuss possible License/Lease Agreement between Cameron County and UETA, Inc., pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- b) Confer with Counsel concerning case: Natalia Flores vs. Cameron County, Texas, et al (USDC Brownsville Division No. B-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 Valencia and carried unanimously, the Court reconvened in Regular Session at 2:40 P. M.

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(27) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Discuss possible License/Lease Agreement between Cameron County and UETA, Inc.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel be directed to continue negotiations with UETA, Inc. and the other possible Licensees.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel was directed to continue negotiations with UETA Inc. and the other possible Licensees regarding the possible License/Lease Agreement with Cameron County.

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

Judge Garza reported that the Court received a Status Report from County Counsel and after some discussion, it was the consensus of the Court as determined by polling, that this Item be placed on the next Agenda as requested by County Counsel.

Commissioner Valencia moved that the case concerning Natalia Flores vs. Cameron County, Texas, et al (USDC Brownsville Division No. B-88-145) be placed on the Agenda for the next Meeting.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(20) AUTHORIZATION FOR COUNTY ENGINEERING DEPARTMENT TO PREPARE A RIGHT-OF-WAY FEASIBILITY STUDY FOR UPCOMING 1993 RIGHT-OF-WAY BOND ISSUE

Mr. Andy Cueto, County Engineer, explained that his Office had prepared a Preliminary Map for a Feasibility Study for the 1993 Right-of-Way Bond Issue and added that he did not have the Staff nor the equipment to complete the study and he requested that the Court consider an outside contractor for the Project.

Mr. Cueto stated that he had discussed the Project with the Engineering Firm of Shiner, Mosely and Associates, Inc., Corpus Christi, Texas, and that they could complete the Project at a cost of \$9,500.00. He added that the Firm had prepared the Regional Mobility Study and were familiar with the area and the work involved.

Commissioner Rosenbaum moved that the County Engineer be authorized to contract with the Engineering Firm of Shiner, Mosely and Associates, Inc., Corpus Christi, Texas, for the preparation of the Right-of-Way Feasibility Study for the

upcoming 1993 Right-of-Way Bond Issue and that the Budget Officer be directed to prepare a Budget Amendment in the amount of \$9,500.00.

The motion was seconded by Commissioner Matz and carried unanimously.

The Contract is as follows:

(1) APPROVAL OF COUNTY CLAIMS

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

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

AYE: Commissioners Rosenbaum, Cascos, Matz and Valencia

NAY: None

ABSTAIN: Judge Garza, as to the claim of Brownsville Community Health Clinic, Warrant No. 76006 in the amount of \$158.52.

The Affidavit is as follows:

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

The Budget Officer noted that there were no Budget Amendments or Salary Schedules for approval at this time.

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(3) APPROVAL OF MINUTES OF MARCH 6, 1993

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Minutes of the Regular Meeting held on April 6, 1993 at 1:30 P. M. were approved.

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(4) IN THE MATTER TO OPEN BIDS FOR FLOOR TILE REPAIR - THIRD (3RD) FLOOR JUDICIAL BUILDING (REJECTED)

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, approval was given to open bids as received for the tile repair for the third (3rd) floor in the Judicial Building.

Mr. Michael Forbes, County Purchasing Agent, stated that after discussing the matter with the Maintenance Supervisor, it was determined that the bid specifications needed to be changed and he recommended to reject all the bids and re-bid.

At this time, Commissioner Cascos moved that the opening of the bids be re-considered.

The motion was seconded by Commissioner Matz and carried unanimously.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, all the bids received were rejected.

Commissioner Cascos moved that the re-advertisement of the floor tile repair for the third (3rd) floor be authorized.

The motion was seconded by Commissioner Matz and carried unanimously.

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**(5) AUTHORIZATION TO OPEN BIDS FOR AIR
CONDITIONERS FOR JUVENILE PROBATION
DEPARTMENT**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids, as received, for the air conditioners for the Juvenile Probation Department.

The bids received and opened are as follows:

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the bids were referred to the Purchasing Agent for tabulation and recommendation to the Court of the best bid.

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**(6) AUTHORIZATION TO OPEN ANNUAL BIDS FOR VHF
MOBILE RADIOS**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, approval was given to open bids, as received, for annual bids for the VHF mobile radios.

The bids received and opened are as follows:

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the bids were referred to the Purchasing Agent for tabulation and recommendation to the Court of the best bid in one (1) week.

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(7) **COMMISSIONER CASCOS LEFT THE COURTROOM AT THIS TIME.**
**AUTHORIZATION TO OPEN BIDS FOR SEA RANCH
MARINA DREDGING (AMENDED BID)**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, approval was given to open bids, as received, for the Sea Ranch Marina Dredging Amended Bid.

The bids received and opened are as follows:

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the bids were referred to the Project Manager and the Parks Director for tabulation and recommendation to the Court of the best bid in one (1) week.

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(8) **PRESENTATION BY STEVE THOMPSON, U.S. FISH AND WILDLIFE SERVICE, OF REVENUE SHARING ACT PAYMENT TO CAMERON COUNTY IN THE AMOUNT OF \$189,449.00**

Mr. Steve Thompson, Manager at Laguna Atascosa, thanked the Court for their support towards the management and conservation of the natural resources and for the assistance provided to the Wild Life Co-Existence Committee and he presented the Court with "Certificates of Recognition" for their efforts.

Mr. Thompson presented the Court a check in the amount of \$189,449.00 from the United States Department of Fish and Wildlife which represented the Department's annual "in lieu of taxes" payment.

COMMISSIONER CASCOS RETURNED TO THE COURTROOM AT THIS TIME.

Commissioner Valencia moved that the Report and Receipt of the Revenue Sharing Act payment to Cameron County in the amount of \$189,449.00, by Mr. Steve Thompson, U. S. Fish and Wildlife Service, be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

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(9) **PRESENTATION CONCERNING STATUS ON THE CREATION OF CAMERON COUNTY DRAINAGE DISTRICT NO. 5**

Mr. Jack Brown, Public Engineer, briefly reviewed the status of the Drainage District No. 5 Project, the areas that would benefit and the cost associated with the Project.

Mr. Brent Branhan, Acting City Manager, Harlingen, Texas, offered facilities within the City to conduct the Public Hearings and added that the Proposed Election would be scheduled for late August, 1993.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the presentation by Mr. Jack Brown, Public Engineer, concerning the status on the creation of Cameron County Drainage District No. 5 was acknowledged.

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(10) **AUTHORIZATION TO RECEIVE AND FILE A PETITION FROM CAMERON COUNTY QUALIFIED VOTERS OWNING PROPERTY WITHIN THE PROPOSED DISTRICT, REQUESTING CREATION OF CAMERON COUNTY DRAINAGE DISTRICT NO. 6 AND CONSIDER SETTING A DATE FOR A PUBLIC HEARING ON THE PETITION**

Commissioner Rosenbaum moved that the Petition requesting the creation of Cameron County Drainage District No. 6 from the qualified voters owning property within the proposed District be approved, and that the date for a Public Hearing on the Petition be set within two (2) weeks.

The motion was seconded by Commissioner Matz and carried unanimously.

The Order is as follows:

**(11) IN THE MATTER RELATIVE TO THE XX FARM
SUBDIVISION REGARDING AN ELECTRICAL PERMIT
(DENIED)**

Mr. Brian Janis, Attorney-at-Law, explained that the owners of the subdivision were attempting to obtain an Electrical Permit but were told that the property needed to be platted in order to meet County Standards. He explained that the owners had operated a Recreational Vehicle Mobile Park for many years and that the property was not substandard and was not subdivided and that they had no intentions of subdividing. He added that no records were found in the County Engineer's Office or the County Clerk's Office concerning said platting.

Mr. Ray Rodriguez, Health Department Chief Sanitarian, explained that the Health Department had no information or documentation as to the services being provided and he was trying to avoid having a potential health hazard in that area.

Mr. Andy Cueto, County Engineer, explained that the original subdivision was platted as a "reserved tract" with the intent to subdivide and that there were no records to the contrary.

There was a lengthy discussion concerning the request for the waiver of the County Subdivision Standards and the fact that the use of the R V Park had not been questioned, and Mr. Doug Wright, Cameron County Counsel, clarified that the property was recorded as a "reserved" plat and that the current operation of the R V Park was technically against the Law.

Judge Garza polled the County Engineer, the Health Department and the County Attorney and it appeared to be the consensus that the property should be "platted".

Commissioner Valencia moved that the request for the Electrical Permit be denied based on the recommendation that the property be platted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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**(12) IN THE MATTER OF THE CAMERON COUNTY'S
HEALTH AND LIFE INSURANCE RENEWAL FOR 1993
(TABLED)**

Mr. Rolando Martinez, Health Administrator, presented the following Insurance Committee's recommendations concerning the Health and Life Insurance renewal for the County employees:

Mr. Martinez stated that the Insurance Plan's renewal year was May 1, 1993 and that the Committee was recommending Alternate Proposal III as the Plan for the County.

There was a lengthy discussion concerning the benefits and the cost of the Health Insurance Plan as recommended and the suggestion was made to hold a "Workshop" in order to explore all the options available.

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

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(13) **CONSIDERATION AND ACTION TO HELP SPONSOR A HEALTH FAIR ON MAY 15TH WITH THE CAMERON PARK HEALTH FAIR COMMITTEE IN THE AMOUNT OF \$400.00**

Mr. Rolando Martinez, Health Administrator, explained that the Health Department would be holding a Health Fair at the Cameron Park area and were requesting financial assistance from the Court for the security and custodial services needed at the Fair.

At this time, Ms. Aurora Alaniz, representative from the Texas Department of Human Services "Colonia Project", explained that the actual cost for the services would be approximately \$158.00.

Commissioner Cascos moved that up to \$200.00 be appropriated to Budget Line Item No. 047 to help Sponsor a Health Fair on May 15, 1993 with the Cameron Park Health Fair Committee, said funds to be allocated from Lapsed Salaries within the Health Department.

The motion was seconded by Commissioner Matz and carried unanimously.

(14) **APPROVAL OF VOTING MACHINE LEASE AND SERVICE AGREEMENT REGARDING POINT ISABEL I. S. D.**

Commissioner Matz moved that the Voting Machine Lease and Service Agreement regarding the Point Isabel Independent School District (I.S.D.) be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Agreement is as follows:

**NOT ON APPROVAL OF FUNDS FOR EARLY VOTING
AGENDA LOCATION AT LAGUNA HEIGHTS**

At this time, Commissioner Matz requested that an additional site for Early Voting be established at the Laguna Heights area.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, approval was given to appropriate up to \$600 for the establishment of an Early Voting site at Laguna Heights.

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(15) APPROVAL OF APPOINTMENT OF ELECTION OFFICIALS:

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the following Election Officials were appointed:

Judge: Precinct No. 12 - Barbara Anzaldua
Alternates: Precinct No. 2 - Maria Elena Ramos
Precinct No. 11 - Lucila Vega
Precinct No. 48 - Ethel Newland
Precinct No. 35 - Martha Garza
Precinct No. 67 - Ella May Kimberly
Precinct No. 52 - Barbara Kennett.

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(16) APPROVAL OF PROCLAMATION HONORING HELEN FOEHNER, EXECUTIVE DIRECTOR FOR THE WEST CAMERON COUNTY CHAPTER OF THE AMERICAN RED CROSS AND PROCLAIMING APRIL 27, 1993, AS "HELEN FOEHNER DAY."

Commissioner Valencia moved to adopt a Proclamation honoring Ms. Helen Foehner, Executive Director for the West Cameron County Chapter of the American Red Cross proclaiming, April 27, 1993 as "Helen Foehner Day."

The motion was seconded by Commissioner Matz and carried unanimously.

The Proclamation is as follows:

(17) **AUTHORIZATION TO MODIFY FUNDING REQUEST TO
THE GOVERNOR'S OFFICE CRIMINAL JUSTICE
DIVISION FOR THE CAMERON COUNTY DISTRICT
ATTORNEY'S JUSTICE ADVOCACY NETWORK
APPLICATION**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the modification to the funding request to the Governor's Office Criminal Justice Division for the Cameron County District Attorney's Justice Advocacy Network Application was approved.

The Application is as follows:

(18) **IN THE MATTER OF REQUEST BY DISTRICT CLERK
FOR FUNDS FOR AUTOMOBILE (DENIED)**

Commissioner Valencia moved that the request by the District Clerk for funds for an automobile be approved.

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

AYE: Commissioners Rosenbaum and Valencia

NAY: Commissioner Cascos and Judge Garza

ABSTAIN: Commissioner Matz.

At this time, Ms. Aurora de la Garza, District Clerk, explained the need for a vehicle due to the extensive travel to different Banks throughout the County as required to comply with the Court Ordered Trust Accounts.

There was a discussion regarding the number of staff members responsible for the Trust Accounts, the possibility of additional travel allowances and the liability associated with the use of personal autos and the County Auditor recommended the use of "mileage reimbursements" instead of a County vehicle.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the additional travel allowances for "mileage reimbursements" was authorized for the District Clerk's Office.

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

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, Mr. Robert Lopez, Harlingen, Texas, was appointed to serve on the Veterans Land Board County Committee for Cameron County, as a substitute for Mr. Rolando Martinez who was previously appointed.

Commissioners Rosenbaum and Cascos jointly moved that Mr. Ernie Avalos, Brownsville, Texas, be appointed to serve on the Veterans Land Board County Committee for Cameron County.

The motion was seconded by Commissioner Matz and carried unanimously.

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(21) **REQUEST FOR PRELIMINARY APPROVAL**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, preliminary approval was given to the following subdivision, on the recommendation by the County Engineer's Office:

- a) **Precinct No. 4** -Los Ranchitos Subdivision - being 142.79 acres comprised of all of Tract X-Y out of the William Esparza Tract and part of a 60.0 acre tract and all of a 10.26 acre tract out of Shares W, X and Y San Pedro de Carricitos Grant.

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(22) **REQUEST FOR FINAL APPROVAL**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, final approval was given to the following subdivision, on the recommendation by the County Engineer's Office:

- a) **Precinct No. 3** -Latina Subdivision - being 16.759 acres of Lot No. 33 out of the Juan Gonzalez Subdivision, being a re-survey of Survey 639, out of Share 22, of the Espiritu Santo Grant.

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(23) **REQUEST FOR PRELIMINARY AND FINAL APPROVAL**

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, preliminary and final approval was given to the following subdivision, on the recommendation by the County Engineer's Office:

- a) **Precinct No. 3** -Harveys Subdivision Unit Two (2) - being 2.505 acres of land out of Block Nos. 44-45, Fresno Land and Irrigation Company Subdivision.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, preliminary and final approval was given to the following subdivision, on the recommendation by the County Engineer's Office:

- b) **Precinct No. 3** -Anaya Subdivision - being the West 4.84 acres out of the North 11.98 acres out of the East 23.98 acres of Block 70, Wilson Tract Subdivision.

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

Mr. Andy Cueto, County Engineer, requested that the Court designate the funding for a two (2) course overlay paving improvement to El Ranchito Mobile Home Park as requested by Commissioner Valencia.

Commissioner Valencia stated that his Department would do the work and that monies from the residents were being held in Trust for some of the cost of the Project.

Judge Garza questioned whether the County could pave a private road in a Mobile Home Park and a lengthy discussion followed concerning the need to accept the road as a County Road in order to do the improvements.

Mr. Cueto explained that the records indicated that the County had paved the road previously but that the residents were assessed for the costs associated with the improvements.

Mr. Doug Wright, Cameron County Counsel, explained that the Court needed to make the decision of whether or not to accept the subdivision, and the County Engineer expressed his concerns regarding the drainage problems in that area.

Commissioner Valencia moved to accept the subdivision, against the County Engineer's recommendation, and to direct the Engineer's Office to prepare the Plans and Specifications for the paving improvements to El Ranchito Mobile Home Park.

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

AYE: Commissioners Rosenbaum and Valencia

NAY: Commissioners Cascos, Matz and Judge Garza.

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

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

- a) Judge Adolph G. Betancourt, County Court-at-Law No. 2, to attend Texas College of Probate Judges Seminar at South Padre Island on May 12-14, 1993;
- b) Two (2) Computer Center Personnel to Galveston, Texas, to attend All Texas Regional Users Group Meeting on May 19-20, 1993;
- c) Commissioner Matz to Austin, Texas, on April 14, 1993, on Legislative Matters;
- d) Ms. Maria San Pedro, R.N., Health Department, to Austin, Texas, on April 26-29, 1993, to attend Orientation;
- e) Ms. Odilia Pedraza, Health Department, to Austin, Texas, on April 14-16, 1993, to attend Texas HIV Spring Conference;
- f) Two (2) Deputy Constables from Precinct No. 6 to attend Civil Process School in Corpus Christi, Texas, on May 4-7, 1993; and
- g) County Judge to attend Texas College of Probate Judges Workshop in South Padre Island on May 12-14, 1993.

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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 **11th** day of **MAY**, 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