

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 7th day of SEPTEMBER, 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:

PRESENT:

1:30 P. M.

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 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. Frank Bejarano, Program Development & Management Director, 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 September 3, 1993 at 9:27 A. M.

NOT ON AGENDA CONSIDERATION AND ACTION CONCERNING THE FUNDING FOR "PEOPLE AGAINST VIOLENT CRIMES" AND JUVENILE LAW ENFORCEMENT

At this time, Judge Garza stated that there appeared to be some confusion concerning two (2) Programs that are being funded through Grants that were not included in the Budget for the Fiscal Year 1994 Budget. He stated that the "People Against Violent Crime" Grant was funded on a Grant Cycle ending November 30, 1993 and the other Grant was the "Detention Center Juvenile Law Enforcement" Grant being funded through October 31, 1993.

Judge Garza stated that the Court would support funding the two (2) Projects at the conclusion of the Grant Cycle, that being November 30, 1993 for People Against Violent Crime and October 31, 1993 in the case of Juvenile Law Enforcement, with those funds not being budgeted on the Budget that has been filed, but from the Surplus Fund or Lapsed Salaries, whichever Fund has the available monies.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the commitment to fund "People Against Violent Crime" and "Juvenile Law Enforcement" at the conclusion of their Grant cycle was approved, said Programs to be funded from the Surplus Fund or Lapsed Salaries, whichever has the available funds.

At this time, Mr. Woody Peables, People Against Violent Crime, thanked the Court for their Support, explained the efforts to obtain additional Funds for next year, and questioned whether they should continue to promote fund raisers and Judge Garza responded that they should consider to continue the fund raising.

At this time, Ms. Rosemary Martinez, Budget Officer, explained that current funding for the People Against Violent Crimes Grant was approximately \$30,000.00, that being the State Grant and the local contributions, and added that they had been raising between \$4,000.00 and \$5,000.00 to assist them in their operations. She explained that Mr. Peables had requested \$61,000.00 from the Fiscal Year 1994 Budget but that the funding level was up to the Court. She added that the current level of operation funding would be \$30,000.00 plus the fund raising of \$5,000.00 or \$35,000.00 a year.

Judge Garza stated that it was his understanding that the Court would fund at the same level as the Grant and that the Organization would remain engaged in fund raising efforts, unless the Court entertained adding \$5,000.00 to the commitment. Commissioner Valencia moved that the commitment be made for the \$35,000.00 instead of \$30,000.00.

The motion was seconded by Commissioner Rosenbaum and carried the unanimously.

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(1) APPROVAL OF COUNTY CLAIMS

Commissioner Valencia moved to approve the County Claims as presented by the County Auditor's Office.

The motion was seconded by Commissioner Rosenbaum 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, Warrant No. 84065 in the amount of \$182,74.

The Affidavit is as follows:

**(12) APPROVAL OF REQUEST BY MR. P. G. CAVAZOS,
CHAIRMAN OF THE SUB-COMMITTEE HISTORIC
ROADS AND SITES REVIEW OF THE CAMERON
COUNTY HISTORICAL COMMISSION**

At this time, Mr. P. G. Cavazos, Chairman of the Historical Committee, requested that the name of "El Carmen Boulevard" be restored due to the long historical significance, and he briefly reviewed some of the history associated with the name as detailed in the following information:

Judge Garza clarified that some time ago the Court adopted a Policy that all changes and additions to any of the existing roads in Cameron County would not only be channeled through the County Engineer's Office but would include the Historical Commission before any decisions are made.

At this time, Commissioner Cascos recommended that someone be designated to contact the Historical Commission, such as the County Engineer's Office, and that they be a part of the mailing list in order to make them aware of the changes.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the request by Mr. P. G. Cavazos, Chairman of the Historical Roads and Sites Review Sub-Committee of the Cameron County Historical Commission, was approved to: a) restore the name of (El) Carmen Boulevard, b) replace (El) Carmen Highway Markers, and c) relocate the (Villa) Cavazos Highway Marker.

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**(10) CONSIDERATION AND ACTION GRANTING
DAVEWAY ELECTRONICS, INC., A LICENSE TO
OPERATE BORDER GUARD AT THE COUNTY'S
INTERNATIONAL TOLL BRIDGES**

Mr. Joe Galvan, Bridge Systems Director, stated that approximately two (2) weeks ago the Court authorized the negotiations for the licensing of Daveway Electronics, Inc. Brownsville, Texas, to locate "Border Guards" at the International Bridges, and added that Legal Counsel had prepared and reviewed the Licensing Agreement for approval by the Court.

Mr. Douglas Wright, County Counsel, stated that he did not review the original proposals received but he added the language to include the "Cameron County Bridge Systems".

Commissioner Valencia moved that Daveway Electronics, Inc., Brownsville, Texas, be granted a License to operate the "Border Guards" at the County's International Toll Bridges.

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

AYE: Commissioners Rosenbaum, Matz and Valencia

NAY: None

ABSTAIN: Commissioner Cascos.

The License Agreement is as follows:

(16)

IN THE MATTER OF REQUEST FROM LAGUNA MADRE HUMANE SOCIETY FOR ENHANCED ANIMAL CONTROL AND FOR FUNDING ASSISTANCE TO BUILD AN ANIMAL SHELTER IN PORT ISABEL (ACKNOWLEDGED)

Ms. Linda Stafford, Director of the Laguna Madre Humane Society and Chairman of the Animal Control Advisory Board, appeared before the Court to explain the animal control problems in Laguna Heights and to request financial assistance to build an animal shelter in the area. She stated that there were large numbers of stray animals and frequently being hit by vehicles and remained on the roadways for long periods before the County Animal Control Officer responded to the calls for assistance.

Ms. Stafford reported that the City of Port Isabel had recently set aside \$25,000.00, to be matched by donations, in order to build an animal shelter that would be central to South Padre Island, Port Isabel and Laguna Heights, in order to address the need for animal control. She stated that they were \$15,000.00 short of the estimated cost of \$50,000.00 for the shelter and requested assistance from the County.

At this time, the following individuals presented their concerns for the lack of animal control in the area:

- a) Chris Thompkins, resident,
- b) Mr. Kirk Thompson, resident, and
- c) Ms. Hazel Urie, Port Isabel.

At this time, Mr. Manuel Hinojosa, Port Isabel City Manager, explained that the City of Port Isabel was committed to the animal control in the area but needed financial assistance from all communities and the County. He added that the estimated cost of the designed facility was approximately \$50,000.00 and that the City of Port Isabel could only afford a \$25,000.00 commitment towards the facility, and added that it was only for the construction and not the operation and maintenance of the facility. He stated that pledges were being matched by the members of the Humane Society and the Animal Control Board in order to start the Building.

Commissioner Cascos questioned whether the School District had been contacted, since it was also a part of their community, and whether a Budget had been prepared as to the cost to operate the facility and the source of funding, and Mr. Hinojosa responded that they were working on a Budget.

Commissioner Matz explained that the City of Harlingen had a City-owned facility which was turned over to the Humane Society to operate and had been quite successful, and suggested that the group contact the facility for guidance.

Judge Garza stated that he would be very reluctant to add another expenditure item due to the fact that the Budget had not been adopted. He stated that the Court was committed to Animal Control and had invested about \$70,000.00 for a County Facility.

There was a lengthy discussion concerning the needs of the Community for Animal Control, and the problems associated with limited resources at the County level.

Commissioner Cascos moved that the request from the Laguna Madre Humane Society for enhanced animal control and for funding assistance to build an animal shelter in Port Isabel be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

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(2) APPROVAL OF BUDGET AMENDMENTS AND/OR

SALARY SCHEDULES

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Fiscal Year 1993 Budget Amendment No. 35 and the Salary Schedule for the Sheriff's Department, Department No. 19-504 and 19-505 was approved.

The Budget Amendment and Salary Schedule are as follows:

(3) IN THE MATTER OF MINUTES (TABLED)

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, this Item was Tabled.

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(4) APPROVAL OF CONTRACT WITH THE OFFICE OF COURT ADMINISTRATION TO PROVIDE FUNDING FOR THE ADMINISTRATIVE PRESIDING JUDGES' ASSISTANCE PROJECT FOR FISCAL YEAR 1994

Commissioner Cascos moved that the Contract with the Office of Court Administration be approved, said Contract to provide funding for the Administrative Presiding Judges' Assistance Project for Fiscal Year 1994.

The motion was seconded by Commissioner Matz and carried unanimously.

The Contract is as follows:

- (5) **APPROVAL TO REFUND TAXES TO HARLINGEN NATIONAL BANK IN THE AMOUNT OF \$2,271.63 FOR THE ERRONEOUS PAYMENT OF TAXES**
- (6) **APPROVAL TO REFUND TAXES TO HECTOR SAN, INC., IN THE AMOUNT OF \$1,436.26 FOR THE ERRONEOUS PAYMENT OF TAXES**
- (7) **APPROVAL TO REFUND TAXES TO BRIDGEPOINT LAND ASSOCIATES LTD IN THE AMOUNT OF \$3,010.33 FOR THE ERRONEOUS PAYMENT OF TAXES**
- (8) **APPROVAL TO REFUND TAXES TO FEDERAL DEPOSIT INSURANCE CORP. IN THE AMOUNT OF \$1,926.90 FOR THE ERRONEOUS PAYMENT**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, the erroneous payment of taxes were refunded to the following:

- Harlingen National Bank - \$2,271.63,
- Hector San, Inc., - \$1,436.26,
- Bridgepoint Land Associates, Ltd. - \$3,010.33 and
- Federal Deposit Insurance Corporation - \$1,926.90.

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- (9) **APPROVAL TO EXECUTE COOPERATIVE AGREEMENT FOR CHILD SUPPORT ENFORCEMENT SERVICES BETWEEN ATTORNEY GENERAL AND CAMERON COUNTY (DISTRICT CLERK)**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the County Judge was authorized to execute the Cooperative Agreement for Child Support Enforcement Services between the Attorney General and the Cameron County District Clerk.

The Cooperative Agreement is as follows:

(11) APPROVAL OF REQUEST TO DESIGNATE A REPRESENTATIVE AND AN ALTERNATE TO SERVE ON THE AMIGOS DEL VALLE, INC., BOARD OF DIRECTORS

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, Commissioner Valencia was designated to serve as a Representative and Commissioner Rosenbaum as an Alternate on the Amigos del Valle, Inc., Board of Directors.

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(13) AUTHORIZATION TO APPOINT THREE (3) DIRECTORS TO THE CAMERON COUNTY DRAINAGE DISTRICT NO. 5

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the following individuals were appointed to serve as Directors to the Cameron County Drainage District No. 5:

- 1) Mr. Robert L. Hensz, Harlingen,
- 2) Mr. Jaret E. Cummings, Harlingen, and
- 3) Mr. Nathan Berry, Palm Valley.

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(14) IN THE MATTER FOR COUNTY ENGINEER TO BEGIN PROCESS OF REDISTRICTING FOR 1994 ELECTIONS (TABLED)

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

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(15) AUTHORIZATION TO ADVERTISE FOR BIDS FOR IOWA STREET HEALTH CLINIC SITE WORKS

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the advertisement for bids for the Iowa Street Health Clinic Site Works was authorized.

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(17) PRESENTATION AND ACKNOWLEDGEMENT OF TOLL BRIDGE SYSTEM ACTION PLAN

Mr. Joe Galvan, Bridge Systems Director, explained that several goals and objectives had been established to maximize the Bridge Systems Operations and he briefly reviewed the following Action Plan:

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Toll Bridge System Action Plan was acknowledged.

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(18) AUTHORIZATION TO SET A \$5.00 FEE TO COURT COSTS TO A DEFENDANT CONVICTED OF A FELONY OFFENSE IN A DISTRICT COURT; A \$3.00 FEE TO COURT COSTS TO A DEFENDANT CONVICTED OF A MISDEMEANOR OFFENSE IN A COUNTY COURT; A \$5.00 FEE TO BE COLLECTED AT THE TIME OF FILING IN A CIVIL CASE FILED IN COUNTY COURT OR DISTRICT COURT IN EACH CIVIL CASE FILED; \$1.00 FEE FOR FILING ANY DOCUMENT NOT SUBJECT TO THE SECURITY FEE

Ms. Rosemary Martinez, Budget Officer, explained that Legislation was created that would allow the Court to impose a "Courthouse Security Fee" on Court cases and documents filed in order to increase the security services at the Courthouse, said fees to be designated for said purpose.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Courthouse Security Fee was established as follows:

\$5.00 - Court Costs to a defendant convicted of a Felony Offense in a District Court;

\$3.00 - Court Costs to a defendant convicted of a misdemeanor offense in a County Court;

\$5.00 - Fee to be collected at the time of filing in a Civil Case filed in a County Court or District Court in each Civil Case filed; and

\$1.00 - Fee for filing any document not subject to the Security Fee.

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(19) BUDGET HEARING ON THE PROPOSED FISCAL YEAR 1994 BUDGET FOR CAMERON COUNTY, AS REQUIRED BY CHAPTER 111.067 VERNON'S ANNOTATED CIVIL STATUTES, LOCAL GOVERNMENT

Upon on motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Budget Hearing was opened for public comment.

Ms. Rosemary Martinez, Budget Officer, presented the overview of the General Fund as detailed in the proposed Fiscal Year 1994 Budget as follows:

At this time, Judge Garza solicited public comments and Mr. Joe G. Rivera, County Clerk, remarked that he would have preferred that the Budget reflect a four (4) to five (5) percent salary increase for the employees, instead of the three (3) percent salary increase.

Mr. Frank Bejarano, Planning and Development Director, stated that the position of "Human Resource Director" was not included as had been discussed and Ms. Martinez responded that the Budget did not contain any new positions and that the three percent (3%) salary increase was to be funded from Surplus Fund. She recommended that the Department Heads be allowed the latitude to decide how to distribute the increase among the Department.

There was some discussion concerning the latitude in establishing the salary increases, the need for the latitude to shift "lapsed salaries" prior to the Budget year and the need for proper documentation concerning salaries in order to avoid conflicts.

At this time, Mr. Joe Galvan, Bridge Systems Director, presented his Budget concerns which related to the Action Plan previously presented which reflected the request for additional staff and monies for maintenance and operations.

At this time, Ms. Martinez recommended that the Court aggressively address the Health Insurance issues, that the revenues be monitored as closely as the expenses and that appropriations that impact future Budgets be reviewed very closely.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Public Hearing was closed.

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(20) **AUTHORIZATION TO SET THE SALARIES OF
THE ELECTED OFFICIALS FOR FISCAL YEAR
1994 AS PUBLISHED**

At this time, Commissioner Matz stated that he felt it was not appropriate, considering the tight Budget, to accept the three (3) percent raise, but if approved, he requested that the amount of the increase be transferred to the Constable for Precinct No. 8 for his equipment needs.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Salaries of the Elected Officials for Fiscal Year 1994 were authorized as published.

The Salaries are as follows:

(21) AUTHORIZATION TO ADOPT THE PROPOSED FISCAL YEAR BUDGET

Commissioner Cascos moved that the proposed Fiscal Year Budget be adopted.

The motion was seconded by Commissioner Rosenbaum.

At this time, Commissioner Matz expressed his concerns for additional funding for the County Airport and presented the following "Road Miles" and the percent of fund distribution per **Precincts as follows:**

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the proposed 1994 Fiscal Year Budget was adopted.

The Proposed Budget is as follows:

(22)

**AUTHORIZATION TO ADOPT ORDER SETTING
THE 1993 TAX RATE**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Order setting the 1993 Tax Rate was adopted.

The Order is as follows:

**(23) AUTHORIZATION TO OPEN ANNUAL BIDS
1993/1994 FOR VOTING SUPPLIES**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids for 1993/1994 for Voting Supplies.

At this time, Mr. Michael Forbes, Purchasing Agent, was directed to open the bids received and to report to the Court prior to the end of the Meeting.

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**(24) AUTHORIZATION TO OPEN BIDS FOR PAVING
IMPROVEMENTS AT ISLA BLANCA PARK**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, approval was given to open bids for Paving Improvements at Isla Blanca Park.

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 County Engineer and the Parks Director for tabulation and recommendation to the Court of the best bid in one (1) week.

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(25) ACTION REGARDING ESTABLISHMENT OF MONTHLY RENTAL RATES FOR RESIDENTS, PARK MANAGER AND RESIDENTS PARK RANGER AT ANDY BOWIE COUNTY PARK

Mr. Kenneth Conway, Parks Director, explained that he research the matter concerning the value of time of the Park Manager and Parks Ranger and his estimated that the rent, combined with the time value in providing off-duty night watch activities, was equal to or comparable to the rent for a one (1) bed-room apartment, and he recommended that the rent for a one (1) bedroom be set at \$150.00 per month, plus utilities, and \$175.00 per month, plus utilities, for a two (2) bedroom apartment.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the monthly rental rates for the Resident Parks Manager and the Residents Parks Ranger at Andy Bowie County Park were approved, as outlined by the Parks Director.

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

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

- a) Mr. Elizardi, Jail Administrator and Jail Medical Staff to travel to Harris County Jail for conference with Mr. Don Nichols to obtain information regarding Inmate Services on September 1-3, 1993;
- b) Mr. and Mrs. Woody Peables, People Against Violent Crimes, to attend the Texas Crime Victim Clearinghouse Conference in Austin, Texas, on September 14 - 17, 1993;
- c) Three (3) Health Department Employees to attend the Symposium in Managing the IUD Patient Conference on September 9-11, 1993 in Dallas, Texas;
- d) Ms. Maria San Pedro, Health Department, to attend Immunization Program Managers and Symposium on Managing the IUD Patient on September 9 - 11, 1993 in Dallas, Texas;
- e) Mr. Juan Montoya, Precinct No. 1, to attend the Colonias Conference on September 7, 1993, at the Holiday Inn in Harlingen, Texas; and
- f) Ms. Josefa Rodriguez, Women Infant and Children Immunization LVN, to attend Nutrition and Cardiovascular Disease Seminar on September 12, 1993 in McAllen, Texas.

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(27) EXECUTIVE SESSION

At this time, Mr. Doug Wright, County Counsel, explained that the County Engineer had requested that Item "b" not be discussed during Executive Session.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Court met in Executive Session at 3:50 P. M. to discuss the following matter:

- a) Discuss litigation relative to Court Orders regulating traffic on public beaches in Cameron County, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);

- b) Discuss easement acquisition for Los Tomates Bridge Shares 9, 10, 11, and 12 Concepcion de Carrisitos Grant, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes).
NOT DISCUSSED.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Court reconvened in Regular Session at 4:10 P. M.

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(28) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Action regarding discussion on litigation relative to Court Orders regulating Traffic on public beaches in Cameron County.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to direct County Counsel to proceed with the defense on said matter, along the terms and conditions as agreed to in Executive Session.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, County Counsel was directed to proceed with the defense relating to the Court Orders regulating traffic on Public Beaches in Cameron County, along the terms and conditions as agreed to in Executive Session.

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(23) **AUTHORIZATION TO OPEN ANNUAL BIDS
1993/1994 FOR VOTING SUPPLIES**

At this time, Mr. Mike Forbes, Purchasing Agent, stated that bids received and opened were as follows:

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

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APPROVED this **30th** day of **SEPTEMBER**, 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

