

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 9th day of NOVEMBER, 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. Frank Bejarano, Program Development and 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 November 4, 1993, at 4:43 P. M, and the Supplemental Agenda filed November 5, 1993, noting that pursuant to the applicable National Resources Code, said Agenda was first filed on October 27, 1993, at 3:57 P. M.

"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:

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, Item No. 9 through Item No. 18 were approved as follows:

- (9) **CONSIDERATION AND ADOPTION OF THE LETTER DATED SEPTEMBER 9, 1993, FROM COUNTY ATTORNEY'S OFFICE TO HONORABLE BENJAMIN EURESTI**

The Letter follows:

- (10) **AUTHORIZATION TO OPEN ANNUAL BIDS:**

- a) **Uniform Rentals**
- b) **Patrol Tires**
- c) **Light Bulbs**

The bids received and opened follow:

- (11) **AUTHORIZATION TO OPEN BIDS FOR ONE (1) WATER TRUCK FOR PRECINCT NO. 4 - CASH OR LEASE PURCHASE**

The bids received and opened follow:

- (12) **AUTHORIZATION TO OPEN BIDS FOR ONE (1) PICK-UP TRUCK FOR ENGINEERING DEPARTMENT**

The bids received and opened follow:

- (13) **AUTHORIZATION TO OPEN BIDS FOR SALE OF FUEL SYSTEM**

NO BIDS WERE RECEIVED.

- (14) **APPROVAL OF COUNTY TREASURER'S QUARTERLY REPORT ENDING SEPTEMBER 30, 1993**

The Quarterly Report follows:

- (15) **REQUEST FOR PRELIMINARY AND FINAL APPROVAL**

- a) **PRECINCT NO. 2:**
Ponderosa Ranches Subdivision, being a 12.0 acre tract in the east one half (1/2) of Block No. 21, El Jardin Heights Subdivision, (Volume 5, Page 49, Cameron County Map Records) Share 19, Espiritu Santo Grant; and
- c) **PRECINCT NO. 4:**
Corner 507 Subdivision, being 26.71 acres lying North of F.M. 508 out of Survey 28.

PRELIMINARY APPROVAL:

- b) **PRECINCT NO. 4:**
White Boots Subdivision, being a 24.56 acre Subdivision of Block No. 12, Dougherty 7, Paillet Subdivision.

- (16) **REQUEST FOR FINAL APPROVAL**

- a) **PRECINCT NO. 4:**
Simpson Subdivision, being a 10.47 acre Subdivision comprised of the south thirty-three (33) feet of Lot No. 4, all of Lot No. 5 and all of Lot No. 6, C.D. Lovelace Subdivision; and

- b) **PRECINCT NO. 3:**
Stuart Place Resort Section III, being a 7.316 acre tract of land out of Stuart Place Resort Section and reserved as recorded in Cabinet I, Page 544-B.

(17) REQUEST FOR PRELIMINARY APPROVAL

- a) **PRECINCT NO. 4:**
Del Valle No. 4 Subdivision, being a Subdivision of 15.21 acres out of Block No. 66, San Benito Land and Water Company Subdivision.

(18) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES, SUBJECT TO AVAILABLE FUNDS IN THE BUDGETS

The Travel Items Follow:

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- (9) **CONSIDERATION AND ADOPTION OF THE
LETTER DATED SEPTEMBER 9, 1993, FROM THE
COUNTY ATTORNEY'S OFFICE TO THE
HONORABLE BENJAMIN EURESTI**

The Letter follows:

(10) AUTHORIZATION TO OPEN ANNUAL BIDS:

- a) Uniform Rentals**
- b) Patrol Tires**
- c) Light Bulbs**

The bids received and opened follow:

- (11) AUTHORIZATION TO OPEN BIDS FOR ONE (1)
WATER TRUCK FOR PRECINCT NO. 4 - CASH OR
LEASE PURCHASE**

The bids received and opened follow:

- (12) AUTHORIZATION TO OPEN BIDS FOR ONE (1)
PICK-UP TRUCK FOR THE ENGINEERING
DEPARTMENT**

The bids received and opened follow:

- (14) **APPROVAL OF COUNTY TREASURER'S
QUARTERLY REPORT ENDING SEPTEMBER 30,
1993**

The Quarterly Report follows:

(18) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES, SUBJECT TO AVAILABLE FUNDS IN THE BUDGETS

- a) Two (2) people to attend the "TB in Texas" Course on November 15-16, 1993, in Austin, Texas;
- b) County Clerk and two (2) Deputies to attend the "1993 Texas Vital Statistics Annual Conference" in Austin, Texas, December 5-7, 1993;
- c) Two (2) County Engineer and Right-of-Way employees to attend a Workshop in McAllen, Texas, on November 17, 1993;
- d) One (1) County Engineer and Right-of-Way employee to attend a Workshop in Dallas, Texas, on November 18-19, 1993;
- e) Four (4) County Engineer and Right-of-Way employees to attend a Workshop in McAllen, Texas, on December 13, 1993; and
- f) Chief Juvenile Officer to attend the "TCA 1993 Regional Conference and Board Meeting" on November 13-16, 1993, in Galveston, Texas.

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(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 Matz and carried the following vote:

AYE: Commissioners Rosenbaum, Matz and Valencia

NAY: None

ABSTAIN: Commissioner Cascos as to the following claims of:

Landair Travel

Warrant No. 87896 - \$1,145.00

Waters Implement

Warrant No. 88042 - \$ 20.36.

The Affidavit is as follows:

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

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 94-04 and the Salary Schedule for the County District Attorney, Department No. 90-475, were approved.

The Budget Amendment and Salary Schedule are as follows:

(3) **APPROVAL OF MINUTES OF OCTOBER 20, 1993,
AND NOVEMBER 2, 1993 (TABLED)**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Minutes of the Special Meeting held October 20, 1993, were approved, and the Minutes of the Regular Meeting held November 2, 1993, were TABLED.

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(4) **IN THE MATTER OF PRESENTATION OF HIGH
PERFORMANCE AWARD TO THE CAMERON
COUNTY HOUSING AUTHORITY BY THE UNITED
STATES DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT (TABLED)**

The matter was passed over for one (1) week due to the absence of a Representative from the Cameron County Housing Authority .

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(5) **AUTHORIZATION TO APPOINT A
REPRESENTATIVE TO THE CAMERON COUNTY
APPRAISAL DISTRICT BOARD OF DIRECTORS**

Commissioner Cascos moved that Mr. Tony Yzaguirre, County Tax Assessor-Collector, be appointed to serve as a representative to the Cameron County Appraisal District Board of Directors.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(6) **AUTHORIZATION TO ADOPT A RESOLUTION
CONCERNING THE EXTENSION OF U. S. HWY
77/83 FROM INTERNATIONAL BOULEVARD TO
THE PROPOSED LOS TOMATES BRIDGE SITE**

Upon motion by Commissioner Cascos , seconded by Commissioner Rosenbaum and carried unanimously, the Resolution concerning the extension of U.S. Highway 77/83 from International Boulevard to the proposed Los Tomates Bridge site was adopted.

The Resolution is as follows:

At this time, Mr. Andy Cueto, County Engineer, requested that a Resolution that would "rank" the Grant Applications for the San Pedro Community Project and the Palo Alto Project be adopted, noting that the concerned parties were in agreement, and added that the Resolution would be part of the Applications, to be ratified at the next Meeting.

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(7) **AUTHORIZATION TO RE-DESIGN THE GATEWAY TRUCK TURNING LANE AND RE-BID THE PROJECT**

Commissioner Cascos moved that the re-design of the truck turning lane at the Gateway International Bridge be authorized and that the Project be re-bid.

The motion was seconded by Commissioner Matz and carried unanimously.

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(8) **RATIFICATION OF APRIL 27, 1993, TERMINATION OF MR. DIONICIO GALVAN, MR. LORENZO TORRES, MR. ARNOLDO GONGORA, AND MR. RUDY ARMENDARIZ, FORMER GATEWAY TOLL BRIDGE EMPLOYEES. THE COURT WILL CONSIDER A MOTION THAT THE "PRIOR ACTION OF THIS COURT TERMINATING THE EMPLOYMENT OF MR. DIONICIO GALVAN, MR. LORENZO TORRES, MR. ARNOLDO GONGORA, AND MR. RUDY ARMENDARIZ ON APRIL 27, 1993, BE HEREBY RATIFIED; THAT THIS RATIFICATION IS A PRECAUTIONARY ACTION WITHOUT ADMISSION THAT ITS' PRIOR TERMINATION OF THESE SAME EMPLOYEES WAS NOT EFFECTIVE."**

Commissioner Matz moved that the motion that the "prior action of the Court terminating the employment of Mr. Dionicio Galvan, Mr. Lorenzo Torres, Mr. Arnaldo Gongora, and Mr. Rudy Armendariz, former Gateway Toll Bridge employees, on April 27, 1992, be hereby ratified; that this ratification is a precautionary action without admission that its' prior termination of these same employees was not effective."

The motion was seconded by Commissioner Cascos and carried unanimously.

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SUPPLEMENTAL AGENDA

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Hearing was opened for public comment to discuss the following:

- a) Discuss proposed acceptance of donation of land on South Padre Island for Public Park and Public Off-Beach Parking purposes.

At this time, Mr. Kenneth Conway, Parks Director, explained that the 1992 Public Beach Access and Dune Protection Plan provided the incentives to private landowners to donate land for public beach access and added that the County was in the process of accepting a donation of land to meet the Plan's objectives. He stated that the donated land would afford an additional 401 public off-beach parking spaces and he proceeded to review the particulars of the donation as outlined in the following Proposal:

At this time, Judge Garza solicited public comments in opposition to the potential designation of said area as "Pedestrian Only", prohibiting motor vehicle operations, thereon.

No one spoke in opposition and Judge Garza noted that the "Notices" were duly published, pursuant to the National Resources Code and the Open Meetings Act.

At this time, Judge Garza solicited public comments in support of the land donation and the prohibition of vehicular traffic on said portion and noted that he had received the following "Letters" from Ms. Peggy Trahan, and Ms. T-Bird Sitgreaves, Mayor and Alderwoman of South Padre Island, respectively, supporting said designation:

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

- b) Consider designation of an approximately 7021.81 foot section of beach as "Pedestrian Only", prohibiting motor vehicle operations, thereon.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the designation of an approximately 7021.81 foot section of beach as "Pedestrian Only", prohibiting motor vehicle operations, thereon, was approved, subject to the final adoption of the appropriate Order, noting that in all respects, said Order being the Official Statement of the Court.

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(19) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Court met in Executive Session at 1:55 P. M. to discuss the following matters:

- a) Discuss with County Counsel concerning pending and or contemplated litigation and matters, involving Cameron County International Bridge System, whereby the duty of Counsel to client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, clearly conflicts with the Texas Open Meetings Act, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- b) Discuss litigation on Case No. 92-06-02450-A, Hokanson, et. al. versus Cameron County, 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 3:10 P. M.

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(20) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Discuss action regarding discussion with County Counsel concerning pending and or contemplated litigation and matters involving Cameron County International Bridge System, whereby the duty of Counsel to client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, clearly conflicts with the Texas Open Meetings Act.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to acknowledge the Report from County Counsel and to direct said action, along the terms and conditions as outlined in Executive Session.

Commissioner Cascos moved that the Report from County Counsel be acknowledged and that action be directed along the terms and conditions as outlined in Executive Session concerning the pending and or contemplated litigation and matters involving Cameron County International Bridge System whereby the duty of Counsel to client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, clearly conflicts with the Texas Open Meetings Act.

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

AYE: Commissioners Cascos, Matz and Judge Garza

NAY: Commissioners Rosenbaum and Valencia.

- b) Discuss action regarding discussion on Case No. 92-06-02450-A, Hokanson, et. al. versus Cameron County.

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, to continue the defense of said matter, along the terms and conditions as agreed to in Executive Session and to adopt the "Letter" written by C. Douglas Wright, County Counsel, dated September 9, 1993, to Judge Ben Euresti.

Commissioner Cascos moved that County Counsel be directed to continue the defense regarding the Case styled No. 92-06-02450-A, Hokanson, et. al. versus Cameron County, along the terms and conditions as agreed to in Executive Session and that the "Letter" written by C. Douglas Wright, County Counsel, dated September 9, 1993, to Judge Ben Euresti, 107th Judicial District Court, be adopted.

The motion was seconded by Commissioner Matz and carried unanimously.

The "Letter" is as follows:

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

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APPROVED this **19th** day of **NOVEMBER**, 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

