

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 3rd day of MARCH, 1994, there was conducted a SPECIAL PUBLIC 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:
10:00 A. M.

PRESENT:

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

KIM M. MORENO, DEPUTY
COUNTY CLERK

ABSENT:

ANTONIO O. GARZA, JR.

----- 0 -----

The meeting was called to order by Judge Pro-tem Carlos H. Cascos. He then asked the entire Court to lead 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 February 28, 1994, at 9:45 A. M.:

(22) **Executive Session**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 10:05 A.M. to discuss the following matters:

- a) Discussion of claim dated February 17, 1994, regarding wrongful death of Romulo Gonzalez, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code Section 551.071 (1)(A); and
- b) Discussion of settlement offer, advise from attorney concerning appeal, and discussion of status of Case No. B-88-145, Flores vs. Cameron County, United States District Court, Southern District, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code Section 551.071(1)(A) and (B).

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Court reconvened in Regular Session at 11:15 A.M.

----- 0 -----

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

- a) Action regarding claim dated February 17, 1994, regarding wrongful death of Romulo Gonzalez.

Judge Pro-tem Cascos reported that after some discussion, it was the consensus of the Court as determined by polling that said matter be acknowledged.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the claim dated February 17, 1994, regarding the wrongful death of Romulo Gonzalez was acknowledged.

- b) Authorization to make settlement offer, Case No. B-88-145, Flores vs. Cameron County, United States District Court, Southern District, Brownsville Division.

Authorization to appeal offer, Case No. B-88-145, Flores vs. Cameron County, United States District Court, Southern District, Brownsville Division.

Judge Pro-tem Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should file an appeal regarding Case No. B-88-145, Flores vs. Cameron County.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, County Counsel was directed to file an appeal regarding Case No. B-88-145, Flores vs. Cameron County, United States District Court, Southern District, Brownsville Division.

----- 0 -----

"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 Matz, seconded by Commissioner Rosenbaum and carried unanimously, the "Consent" Agenda Items were approved as follows:

- (12) APPROVAL OF LICENSE AGREEMENT FOR THE USE OF THE COUNTY AIRPORT BETWEEN CAMERON COUNTY AND THE U.S. ARMY RESERVE, 812TH QUARTERMASTER COMPANY

The License Agreement follows:

- (13) AUTHORIZATION TO ALLOW THE COURTHOUSE SECURITY COMMITTEE TO NEGOTIATE WITH PROPOSER FOR SECURITY SERVICES
- (14) AUTHORIZATION TO OPEN BIDS FOR FLEXIBLE BASE MATERIALS, CRUSHED LIMESTONE AND SELECT CALICHE FLEXIBLE BASE

The Bids received and opened follow:

- (15) AUTHORIZATION TO SUBMIT A CONTINUATION APPLICATION TO THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION FOR THE CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE GRANT

The Resolution follows:

- (16) AUTHORIZATION TO SUBMIT A CONTINUATION APPLICATION TO THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION FOR THE DISTRICT ATTORNEY'S ADJUDICATION OF DRUG OFFENDERS GRANT

The Resolution follows:

- (17) AUTHORIZATION TO REJECT AND RE-ADVERTISE FOR BIDS FOR SALE OF LAW LIBRARY BOOKS
- (18) AUTHORIZATION TO OPEN BIDS FOR VEHICLE LEASE - TASK FORCE DEPARTMENT

The Bids received and opened follow:

- (19) AUTHORIZATION TO SOLICIT PROPOSALS FOR PROFESSIONAL SERVICES (ARCHITECTURAL AND ENGINEERING) FOR DESIGN AND PROJECT MANAGEMENT OF EDWIN K. ATWOOD PARK AND POCKET PARK DEVELOPMENT ON SOUTH PADRE ISLAND
- (20) AUTHORIZATION TO CONTRACT FOR PURCHASE AND USE OF CELLULAR PHONE FOR COUNTY COMMISSIONER PRECINCT NO. 4
- (21) AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THE BUDGETS:
- a) **Constable Precinct No. 7 to attend the "Twenty Hour Civil Process School" on March 15 - 18, 1994, in Austin, Texas;**
 - b) **Justices of the Peace Precinct No. 2 and Precinct No. 3 to attend the "Justice of the Peace Seminar" on March 22 - 25, 1994, in Dallas, Texas;**
 - c) **Seven (7) Parks System employees to attend "Texas Recreation and Park Society Annual Conference" on April 4 - 7, 1994, in San Antonio, Texas;**
 - d) **Commissioners Court to attend "Texas Department of Transportation Texas Airport Operators Conference" on April 20 - 22, 1994, in Austin, Texas;**

- e) **Eight (8) Health Department employees to attend "WIC State Agency Meeting" on March 7 - 10, 1994, in Austin, Texas; and**
- f) **Commissioners Court and Bridge Systems Director to attend "The Binational Meeting" on March 7 - 9, 1994, in Laredo, Texas.**

----- 0 -----

ITEM NO. 12

**APPROVAL OF LICENSE AGREEMENT FOR THE USE OF THE COUNTY
AIRPORT BETWEEN CAMERON COUNTY AND THE U.S. ARMY RESERVE,
812TH QUARTERMASTER COMPANY**

The License Agreement follows:

ITEM NO. 14

**AUTHORIZATION TO OPEN BIDS FOR FLEXIBLE BASE MATERIALS,
CRUSHED LIMESTONE AND SELECT CALICHE FLEXIBLE BASE**

The Bids received and opened follow:

ITEM NO. 15

AUTHORIZATION TO SUBMIT A CONTINUATION APPLICATION TO THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION FOR THE CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE GRANT

The Resolution follows:

ITEM NO. 16

**AUTHORIZATION TO SUBMIT A CONTINUATION APPLICATION TO THE
GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION FOR THE DISTRICT
ATTORNEY'S ADJUDICATION OF DRUG OFFENDERS GRANT**

The Resolution follows:

ITEM NO. 18

**AUTHORIZATION TO OPEN BIDS FOR VEHICLE LEASE - TASK FORCE
DEPARTMENT**

The Bids received and opened follow:

**NOT ON APPROVAL OF HUD GRANT APPLICATION
AGENDA FOR THE COUNTY EXTENSION SERVICE**

At this time, Ms. Elaine Fries, County Extension Agent, explained that the Expanding Nutrition Program was considering applying for a \$55,000.00 two (2) year Grant to expand the Nutrition Program in the Colonias and other limited resource areas. She stated that the Grant Application required Court approval and that the monies had to be administered by the County but would not require a local match.

Ms. Rosemary Martinez, Budget Officer, explained that there was a deadline for submission of the Grant Application and that all Grants had to be approved by the Court.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the Report given by Ms. Elaine Fries, County Extension Agent, was acknowledged.

The Resolution is as follows:

(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: Judge Pro-tem Cascos as to the claim of:
WATERS IMPLEMENT CO., INC.:
Warrant No. 93681 - \$ 177.53.

The Affidavit is as follows:

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

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Fiscal Year 1993 Budget Amendment No. 93-42 and the Fiscal Year 1994 Budget Amendment No. 94-15 were approved.

The Budget Amendments are as follows:

(3) **IN THE MATTER OF MINUTES' OF FEBRUARY 2
AND 8, 1994 (TABLED)**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, this Item was TABLED until March 15, 1994.

(4) **IN THE MATTER OF THE INTERLOCAL
AGREEMENT WITH CCDD NO. 5 FOR BRIDGE
IMPROVEMENTS RELATIVE TO THE
DRAINAGE PROJECT (TABLED)**

Ms. Rosemary Martinez, Budget Officer, reported that at a recent Workshop with the members of the Cameron County Drainage District No. 5, it appeared that some of the County Bridges would be undersized and would require replacement as part of the improvements required for the Drainage District Project. She explained that the Court directed the County Attorney to review the proposed Bridge Improvements with a Representative from the Drainage District and to provide possible recommendations and funding sources for said improvements.

At this time, Ms. Martinez presented the Court with the following options and possible source of funding:

At this time, Mr. Robert Heinz, President Cameron County District No. 5, explained that the Bridges needed to be improved before the Drainage District Project could continue and added that the Resolution was required by the Water Board before the Bonds could be issued.

Ms. Martinez explained that the Interlocal Agreement between the Cameron County and the Cameron County Drainage District No. 5, would provide the funds for the Bridge improvements, at a cost of 1.3 million, to be reimbursed by the County over a five (5) year period.

Commissioner Valencia moved that the Interlocal Agreement with the Cameron County Drainage District No. 5, for the Bridge improvements relative to the Drainage Project, be approved.

There was a lengthy discussion regarding the source of funding for the Bridge Improvements and the impact of the funding on each County Precinct and the suggestion was made to table the matter.

Upon motion duly made by Commissioner Valencia, seconded by Commissioner Matz, the vote was as follows:

AYE: Commissioners Matz and Valencia

NAY: Judge Pro-tem Cascos and Commissioner Rosenbaum.

Commissioner Valencia moved that the Interlocal Agreement with the Cameron County Drainage District No.5, for the Bridge improvements relative to the Drainage Project, be approved, subject to the funding source.

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

AYE: Commissioners Matz and Valencia

NAY: Judge Pro-tem Cascos and Commissioner Rosenbaum.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, this Item was TABLED until March 15, 1994.

(5) **AUTHORIZATION FOR ACCEPTANCE OF
CAMERON PARK COMMUNITY CENTER**

Mr. Andy Cueto, County Engineer, reported that the Cameron Park Community Center was substantially completed and recommended acceptance of the Project.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Cameron Park Community Center was accepted.

----- 0 -----

(6) **IN THE MATTER REGARDING INSURANCE
COMMITTEE RECOMMENDATIONS FOR
GROUP HEALTH AND LIFE FOR THE PLAN
YEAR BEGINNING MAY 1, 1994 (TABLED)**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, this Item was TABLED until March 15, 1994.

----- 0 -----

(7) **AUTHORIZATION TO SUBMIT CJD GRANT FOR
THE JUVENILE PROBATION DEPARTMENT
"CHOICES" PROGRAM**

At this time, Ms. Imelda Gracia, Juvenile Probation Department, explained that the Grant Application for the "Choices" Program would provide a Coordinator to aid additional students in the Program, and would not require funding from the County.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Criminal Justice Division Grant Application for the Juvenile Probation Department "CHOICES" Program was approved.

The Resolution is as follows:

(8) **APPROVAL OF RESOLUTION TO HOLD A PUBLIC HEARING ON THE PROPOSED AMENDED ORDER NO. 94.01, REGULATING TRAFFIC ON THE PUBLIC BEACHES IN THE UNINCORPORATED AREAS OF SOUTH PADRE ISLAND, PROHIBITING SWIMMING IN THE BRAZOS-SANTIAGO PASS, AND PROHIBITING GLASS BOTTLES ON THE PUBLIC BEACHES IN THE UNINCORPORATED AREAS OF SOUTH PADRE ISLAND**

Commissioner Valencia moved that the Resolution to hold a Public Hearing on the proposed Amended Order No. 94.01, regulating traffic of the Public beaches in the unincorporated areas of South Padre Island, prohibiting swimming in the Brazo-Santiago Pass, and prohibiting Glass Bottles on the Public Beaches in the unincorporated areas of South Padre Island, be adopted.

The motion was seconded by Commissioner Matz and carried unanimously.

The Resolution is as follows:

(9) **APPROVAL OF RESOLUTION TO HOLD A PUBLIC HEARING ON THE PROPOSED ORDER ADOPTING PROCEDURES FOR THE ABATEMENT OF REFUSE AND OTHER NUISANCE**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Resolution to hold a Public Hearing on the proposed Order, adopting procedures for the abatement of Refuse and other Nuisance, was adopted.

The Resolution is as follows:

**(10) IN THE MATTER TO ACCEPT OR DECLINE
OFFER FROM THOMAS HOWEL GROUP (USA)
INC. TO PAY FOR DAMAGES OF A TOLL BOOTH
AT THE GATEWAY BRIDGE (REJECTED)**

At this time, Mr. Joe Galvan, Bridge Systems Director, stated that the offer from Thomas Howel Group (USA) Inc. for damages of a toll booth at the Gateway Bridge was lower than actual replacement cost and he recommended that the offer be rejected.

Commissioner Matz moved that the offer from Thomas Howel Group (USA) Inc. for damages of a toll booth at the Gateway Bridge be rejected.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

----- 0 -----

**(11) IN THE MATTER REGARDING THE INCREASE
OF PERSONNEL IN THE HARLINGEN TAX
OFFICE AND INCREASED SAID BUDGET
(DENIED)**

At this time, Mr. Tony Yzaguirre, Tax Assessor-Collector, explained that the Harlingen Office had experienced a steady increase in transactions and he requested additional personnel to handle the work load. He explained he had received numerous complaints from people waiting in long lines to pay their property taxes and/or renewing their license tags and he presented the Court with some statistics relevant to the increase in transactions.

Commissioner Valencia questioned the amount of money involved and Mr. Yzaguirre responded that the cost would be in the amount of \$29,000.00 until the end of the Fiscal Year, and \$52,000.00 thereafter.

Commissioner Valencia expressed his objections to the increase of personnel, adding that there was no money in the Budget for such an increase.

Judge Pro-tem Cascos suggested that the County Auditor and Budget Officer prepare the semi-annual Budget Review for all the Departments before the decision was made concerning the matter.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the increase of personnel in the Harlingen Tax Office was not authorized but the matter would be reviewed, along with other Departments, during the six (6) month Review Process.

----- 0 -----

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.

----- 0 -----

APPROVED this **15th** day of **March**, 1994.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

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