

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 24TH day of MAY, 1994, there was conducted a REGULAR 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:

1:30 P. M.

PRESENT:

JUDGE 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 Mayor Charles Weekley, City of San Benito, 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 May 20, 1994, at 10:16 A. M.:

**(5) AUTHORIZATION TO PRESENT A RESOLUTION  
TO HELP THE CAMERON COUNTY APPRAISAL  
DISTRICT OBTAIN ACCESS TO THE COUNTY  
CLERK'S RECORDS**

Mr. J. D. Garcia, Chief Appraiser, explained that the County Clerk had been helpful in persuading Business Records Corporation to complete the access of the County Clerk's Records, however, the process was not complete and they felt that it would hasten the efforts, if the Commissioners Court supported the action.

Mr. Joe G. Rivera, County Clerk, explained that he had discussed the matter with Business Records and was informed that they were in the process of upgrading and adding a "file server" and that should expedite the retrieval of information. He stated that it was his understanding that the Appraisal District would be able to "tie-in" by phone or by modem within the next forty-five (45) days in order to retrieve the information. He added that he had no objections to the Resolution being adopted by the Court, but he felt that there was no need for it.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the presentation of a Resolution by the Cameron County Appraisal District, to obtain access to the County Clerk's Records, was acknowledged.

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**(9) AUTHORIZATION TO REVIEW STATUS OF  
RIGHT-OF-WAY ACQUISITION FOR PROJECT  
ROAD MAP, IN PARTICULAR LOOP 509/590**

At this time, Mr. Michael Martin, Assistant Engineer, explained that Mr. Ruben Cardenas, Transportation Commissioner, informed them of the opportunity to obtain additional funds for the right-of-way acquisitions for FM 509 from the Expressway 77-83 to Highway 286.

Mr. Martin stated that the Engineering Department contacted Allen, Williford and Seale, Consultant Engineers, to determine if the right-of-way acquisitions could be accelerated and they have provided a verbal commitment to do it before the end of August, 1994.

He stated that the County Engineer's Office was currently working on obtaining the increased cost for the accelerated acquisitions of the right-of-way.

Judge Garza explained that several weeks ago Mayor Bill Card, Harlingen, had the opportunity to discuss the completion of the FM 509/590 Project on the current year funding cycles with Mr. Ruben Cardenas, Transportation Commissioner. He stated that Mayor Card related the information to the County Engineer's Office, who then discussed the matter with the County Judge and it was decided that it was important to relay the information to the Engineering Firm contracted for the acquisition of right-of-way, that being Allen, Williford and Seale, Inc. He added that the County Engineer made contact with the Engineering Firm as described on the following letter dated May 24, 1994, which clarified the action being taken and the target dates involved:

At this time, Mayor Card expressed his appreciation for the immediate efforts taken by the County on this issue and acknowledged the "extra-ordinary" means taken by Commissioner Cardenas in order to locate sufficient Discretionary Funds for the Project.

He added that the \$9,000,000.00 Project Road Map, approved by the voters about a year ago, identified the Projects that would be implemented, and that to the best of his knowledge, none of the right-of-ways had been acquired. He stated that Commissioner Cardenas informed him that the right-of-ways must be acquired, in order to obtain funding to complete the Projects.

Mayor Charles Weekley, San Benito, spoke in favor of obtaining the right-of-ways for completion of the FM 509 Project.

Commissioner Matz reported that at the Texas Department of Transportation Hearing (TxDoT), earlier in the day, the Commission adopted a Resolution to include District 21 and the "Corridor 20 I-69" Study. He stated "that being able to say that 'the right-of-way had been acquired and construction will begin October 1, 1994' on FM 509/590, would make the case that much stronger". He suggested that the Valley be represented at least quarterly at the Commission Meetings, in order to call attention to the growth and needs of the area.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the status Report on Right-of-Way acquisition for Project Road Map, in particular to Loop FM 509/590, was acknowledged.

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(11) **IN THE MATTER OF HEARING ON THE INCORPORATION OF THE COMMUNITY OF LOS INDIOS (TABLED)**

(12) **IN THE MATTER OF POSSIBLE SETTING OF DATE AND PLACE FOR AN INCORPORATION ELECTION FOR THE COMMUNITY OF LOS INDIOS (TABLED)**

At this time, Judge Garza stated the legal requirements with respect to the 1) certification of the number of registered voters, the 2) notice of the Public Hearing, and 3) the boundaries as provided were found to be in order. He stated that it was his understanding that the incorporators had used an "old" map, that had encompassed a portion of Mexico and questioned whether the Court could proceed to set the date for an election, subject to the final review by the County Engineer.

Ms. Dylbia Jeffries, County Counsel, responded that the Court could proceed with setting the date for the election, and that the Public Hearing requirement concerned the number of inhabitants within the boundaries.

At this time, Judge Garza solicited public comments.

Mayor Bill Card, Harlingen, Texas, clarified the City of Harlingen's position with regards to the incorporation of Los Indios. He stated that the City of Harlingen wanted to extend the annexation to a point that the Los Indios Bridge would be within two (2) miles of the City's Extra-Territorial Jurisdiction (ETJ), in order to control the growth and development of the area.

Mayor Card explained that the metes and bounds would be drawn so that the ingress and egress and the Bridge would be excluded from the Los Indios incorporation and included within Harlingen's two (2) mile ETJ, and added that

Harlingen did not want to get into the area being incorporated for their own growth and development.

Mayor Card stated that the City of Harlingen was offering to assist Los Indios in any way that they could in the incorporation efforts, and that if the City of Harlingen had the ingress and egress to the Bridge, the City could provide the protection and security for the area.

He stated that it appeared that the terms were agreeable to the incorporators, but that there were some legal questions as to whether they should complete the incorporation process before they could change the metes and bounds. He added that it was the City of Harlingen's point of view that the appropriate time to change the metes and bounds was before the actual legal action was taken for incorporation.

He noted that the Town of Los Indios was experiencing problems with the "transmigrants" and that they lack adequate security, and other services that they would have to provide when they become incorporated.

At this time, Douglas Wright, County Counsel, suggested to table the matter for further Public Hearing, in order to determine the location of the boundaries and number of population.

Ms. Natalie Flores-Prim, Harlingen City Manager, stated that other individuals concerned were not aware of the Public Hearing and suggested that the matter be Tabled.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, these Items were TABLED for one (1) week.

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**(1) APPROVAL OF COUNTY CLAIMS**

At this time, Mr. Mark Yates, County Auditor, requested that the following late claims be approved:

Reyna Construction - Warrant No. 98281 - \$28,431.03,  
Victim Assistance - Warrant No. 98582 - \$2,710.00, and  
Valley Office System - Warrant No. 98583 - \$968.48.

Commissioner Matz moved that the County Claims be approved as presented, inclusive of the late claims as to Warrant No. 98281 in the amount of \$28,431.03, Warrant No. 98582 in the amount of \$2,710.00, and Warrant No. 98583 in the amount of \$968.48, and as recommended by the County Auditor.

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

AYE: Commissioners Rosenbaum, Matz and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claim of:

**E. DE LA GARZA, INC.**  
Warrant No. 98213 - \$7,525.03,  
Warrant No. 98214 - \$5,744.85,  
Warrant No. 98215 - \$4,980.99,  
Warrant No. 98216 - \$7,611.70, and  
Warrant No. 98217 - \$5,562.59.

Commissioner Cascos as to the claims of:

**LANDAIR TRAVEL**  
Warrant No. 98440 - \$2,440.00, and  
Warrant No. 98441 - \$1,500.70.

**The Affidavits are as follow:**

**(2) 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. 94-23 and Salary Schedules for the Sheriff's Department, Funds No. 10-512, No. 10-518, No. 10-560, No. 10-562, No. 90-512, and the Health (WIC) Department, Funds No. 32-630, and No. 32-631 were approved.

**The Budget Amendment and Salary Schedules are as follow:**

**(3) IN THE MATTER OF MINUTES (NONE)**

The Deputy Clerk stated that there were no Minutes for approval at this time.

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**(4) AUTHORIZATION TO APPOINT THREE CAMERON COUNTY RESIDENTS TO THE TROPICAL TEXAS CENTER FOR MENTAL HEALTH AND MENTAL RETARDATION COMMITTEE**

Commissioner Matz moved that the following three (3) Cameron County residents be appointed to serve the Tropical Texas Center for Mental Health and Mental Retardation Committee:

Mr. Ramon K. Acosta, Harlingen, Texas;  
Ms. Marlys Cortinas, Brownsville, Texas; and  
Dr. Marco Rubio-Ardila, Los Fresnos, Texas.

The motion was seconded by Commissioner Cascos and carried unanimously.

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**(6) PRESENTATION AND ACKNOWLEDGMENT OF 1994 TEXAS COMMUNITY DEVELOPMENT PROGRAM APPLICATION PROCESS AND FUNDING CATEGORIES**

Mr. Frank Bejarano, Program Development and Management Director, explained that the new Community Development Application process would begin on June 2, 1994, and shortly would present the Projects for selection by the Court for the next Fiscal Year as outlined in the following memorandum dated May 20, 1994:

Mr Bejarano added that the State would begin a two (2) year funding cycle, whereby the 1994 Applications would be funded for two (2) years and the money could be utilized within the first fiscal year.

Commissioner Matz moved that the Presentation of 1994 Texas Community Development Program Application Process and Funding Categories be acknowledged.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(7) **AUTHORIZATION TO PROCEED WITH ACQUISITION OF ITEMS REQUIRED TO START UP THE NEW JAIL FACILITY AND TO APPROPRIATE REQUIRED AMOUNT FROM THE STATE FUNDING RECEIVED ON MAY 16, 1994**

Ms. Rosemary Martinez, Budget Officer, reviewed the following list of items for the new Jail Facility and added that the total amount should be amended by \$13,000.00, to include a security monitoring system, for a total of \$341,000.00:

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the acquisition of items required for the new Jail Facility and the appropriation in the amount of \$341,000.00, from the State Funding received on May 16, 1994 was authorized.

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**(8) AUTHORIZATION TO DIRECT COUNTY ENGINEER TO INVESTIGATE EXPANSION OF PARKING LOT LOCATED ON CORNER OF 10TH, HARRISON AND VAN BUREN STREETS**

Ms. Rosemary Martinez, Budget Officer, explained that a "parking nightmare" was created with the utilization of the parking lot for the new Jail Facility and added that Bond Counsel confirmed that the Certificate of Obligation Funds could be utilized for expansion of existing parking lot. She stated that the County Engineer had indicated that the Engineering Department had too many Projects, and could not handle the work, at this time, and suggested that the work be contracted to expedite the completion.

Ms. Martinez stated that Holdar Engineering, Brownsville, Texas, was recommended, since they had done the site survey on the Parking Lot for \$900.00, and added that it should not exceed said amount.

Commissioner Rosenbaum moved that an Engineer be contracted to investigate the expansion of the Parking Lot located on the corner of Tenth (10th) Street, between Harrison and Van Buren Streets.

The motion was seconded by Commissioner Matz and carried unanimously.

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**(10) AUTHORIZATION TO DISCUSS POSSIBLE CONTRACT FOR RISK MANAGEMENT SEMINAR FOR BENEFIT OF COUNTY EMPLOYEES**

Mr. Doug Wright, County Counsel, explained that he had discussed the matter of Educational Seminars for County employees with several groups, and was waiting for a proposal from an instructor from the National College of District Attorneys, concerning a Risk Management Seminar.

There was some discussion concerning funding, and the Budget Officer suggested that Lapsed Salaries would be available towards the end of the summer.

Judge Garza suggested that firm commitments be obtained from the Department Heads regarding the attendance to the Seminars.

Commissioner Matz moved that the possible Contract for Risk Management Seminars for the benefit of County employees be discussed.

The motion was seconded by Commissioner Cascos and carried unanimously.

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**(13) IN THE MATTER OF COUNTY ENGINEER'S OFFICE TO COMMENCE RELOCATION PLANS AND PREPARATIONS TO THE DANCY BUILDING, FIRST FLOOR (TABLED)**

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

**"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 Cascos and carried unanimously, the

"Consent" Agenda Items were approved as follow:

- (14) AUTHORIZATION TO RATIFY BEACH CLEANING SERVICE CONTRACT BETWEEN CAMERON COUNTY AND MARTA L. HERNANDEZ FOR LITTER COLLECTION IN ANDY BOWIE PARK AND ON PUBLIC BEACHES NORTH OF ANDY BOWIE PARK

The Service Contract follows:

- (15) APPROVAL OF APPLICATION FOR RENEWAL OF MOBILE BEACH VENDING PERMIT FOR HECTOR ZAMORA GARCIA, DBA HECTOR'S ROLLING SNACKS

The Application follows:

- (16) AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE AMENDMENT NO. 2 TO SUB-RECIPIENT AGREEMENT BETWEEN CAMERON COUNTY AND THE CITY OF HARLINGEN, ON TEXAS CAPITAL FUND GRANT CONTRACT NO. 708602

The Amendment follows:

- (17) APPROVAL TO CONTINUE LEASING SPACE 400 AND 402 BOCA CHICA TOWER IN THE AMOUNT OF \$17,945.04 FOR THE PERIOD OF JUNE 1, 1994 THROUGH MAY 31, 1995

The Lease Agreement follows:

- (18) APPROVAL TO CONTINUE LEASING SPACE 50 X 75 BARN FROM BOBBY & REGINA PARKER IN THE AMOUNT OF \$350.00 PER MONTH, FOR THE PERIOD OF JUNE 1, 1994 THROUGH MAY 31, 1995

The Lease Agreement follows:

- (19) AUTHORIZATION TO ADVERTISE FOR SALE OF DUMP TRUCK FOR PRECINCT NO. 4

- (20) AUTHORIZATION TO OPEN REQUEST FOR PROPOSALS (RFP) NO. 940401 FOR INMATE PAY PHONES EQUIPMENT AND SERVICE

The Proposals received and opened **fbw**

- (21) AUTHORIZATION TO ADVERTISE FOR REQUEST FOR PROPOSALS FOR INMATE DIAGNOSTIC SERVICES

- (22) AUTHORIZATION TO OPEN BIDS FOR ONE (1) 15 PASSENGER VAN (IN STOCK) FOR SHERIFF'S DEPARTMENT

The Bids received and opened follow:

- (23) AUTHORIZATION TO AWARD ANNUAL BIDS FOR:

**LABATT INST. EV., HARLINGEN, TEXAS**

a) Drink Mix - Price per/oz 0.0555

**E. DE LA GARZA, BROWNSVILLE, TEXAS**

b) Ice Tea Mix - Price per/oz. 0.0762

c) Ice Tea Bags - Price per/oz. 0.1478

**HYGEIA, HARLINGEN, TEXAS**

a) 2% Low Fat - Price per/½ pt. 0.1602.

- (24) AUTHORIZATION FOR THE BROWNSVILLE POLICE OFFICER'S ASSOCIATION TO HOLD ITS NINTH (9TH) ANNUAL RED FISH TOURNAMENT ON JULY 17, 1994, AT BOCA CHICA BEACH
- (25) APPROVAL OF COUNTY TREASURER'S QUARTERLY REPORTS ENDING DECEMBER 31, 1993, AND MARCH 30, 1994

The Reports follow:

- (26) ACKNOWLEDGMENT OF CONTINUING EDUCATION BY COMMISSIONER CARLOS H. CASCOS, CPA, IN ACCORDANCE WITH ARTICLE 81.0025 OF THE TEXAS LOCAL GOVERNMENT CODE

The Certificate follows:

- (27) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING:
  - a) County Engineer to attend the "Texas Department of Transportation Commission Meeting" on May 24, 1994, in Austin, Texas;
  - b) Commissioner Precinct No. 3 and/or County Judge to testify before the Texas Department of Transportation on May 24, 1994, in Austin, Texas, on Cameron County Highway requirements;
  - c) Health Administrator and two (2) employees to attend the "Annual Statewide Indigent Health Care Workshop" on July 7-8, 1994, in Corpus Christi, Texas;
  - d) Health Administrator to attend two (2) meetings on May 25-27, 1994, in Austin, Texas;
  - e) Chief Juvenile Officer to attend the "Texas Commission on Children and Youth Juvenile Justice Advisory Group Meeting" in Austin, Texas, on May 25-27, 1994; and
  - f) Program Development & Management Director to attend the "1994 Texas Community Development Program Application Workshop" in Austin, Texas, on June 6-8, 1994.

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**ITEM NO. 14**

**AUTHORIZATION TO RATIFY BEACH CLEANING  
SERVICE CONTRACT BETWEEN CAMERON COUNTY  
AND MARTA L. HERNANDEZ FOR LITTER COLLECTION  
IN ANDY BOWIE PARK AND ON PUBLIC BEACHES  
NORTH OF ANDY BOWIE PARK**

**The Service Contract follows:**

**ITEM NO. 15**

**APPROVAL OF APPLICATION FOR RENEWAL OF  
MOBILE BEACH VENDING PERMIT FOR HECTOR  
ZAMORA GARCIA, DBA HECTOR'S ROLLING SNACKS**

**The Application follows:**

**ITEM NO. 16**

**AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE  
AMENDMENT NO. 2 TO SUB-RECIPIENT AGREEMENT  
BETWEEN CAMERON COUNTY AND THE CITY OF  
HARLINGEN, ON TEXAS CAPITAL FUND GRANT  
CONTRACT NO. 708602**

**The Amendment follows:**

**ITEM NO. 17**

**APPROVAL TO CONTINUE LEASING SPACE 400 & 402  
BOCA CHICA TOWER IN THE AMOUNT OF \$17,945.04  
FOR THE PERIOD OF JUNE 1, 1994 THROUGH MAY 31,  
1995**

**The Lease Agreement follows:**

**ITEM NO. 18**

**APPROVAL TO CONTINUE LEASING SPACE 50 X 75 BARN  
FROM BOBBY & REGINA PARKER IN THE AMOUNT OF  
\$350.00 PER MONTH FOR THE PERIOD OF JUNE 1, 1994  
THROUGH MAY 31, 1995**

**The Lease Agreement follows:**

**ITEM NO. 20**

**AUTHORIZATION TO OPEN REQUEST FOR PROPOSALS  
(RFP) NO. 940401 FOR INMATE PAY PHONES EQUIPMENT  
AND SERVICE**

**The Proposals received and opened  
follow:**

**ITEM NO. 22**

**AUTHORIZATION TO OPEN BIDS FOR ONE (1) 15  
PASSENGER VAN (IN STOCK) FOR SHERIFF'S  
DEPARTMENT**

**The Bids received and opened follow:**

**ITEM NO. 25**

**APPROVAL OF COUNTY TREASURER'S QUARTERLY  
REPORTS ENDING DECEMBER 31, 1993, AND MARCH 30,  
1994**

**The Reports follow:**

**ITEM NO. 26**

**ACKNOWLEDGMENT OF CONTINUING EDUCATION BY  
COMMISSIONER CARLOS H. CASCOS, CPA IN  
ACCORDANCE WITH ARTICLE 81.0025 OF THE TEXAS  
LOCAL GOVERNMENT CODE 1993**

**The Certificate follows:**

**(26) EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Court met in Executive Session at 2:20 P. M. to discuss the following matter:

- a) Discuss with County Legal Counsel possible litigation and liability issues which require Counsel, pursuant to the Code of Professional responsibility of the State Bar of Texas to maintain confidential and privileged, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 3:00 P.M.

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

- a) In the Matter to Discuss with County Legal Counsel possible litigation and liability issues which require Counsel, pursuant to the Code of Professional responsibility of the State Bar of Texas to maintain confidential and privileged, (NO ACTION TAKEN).

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 no action be taken.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, no action was taken on the matter regarding the possible litigation and liability issues which require Counsel, pursuant to the Code of Professional responsibility of the State Bar of Texas to maintain confidential and privileged.

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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 7th day of **June**, 1994.

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**ANTONIO O. GARZA, JR.**  
**COUNTY JUDGE**

**ATTEST:**

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