

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 14th day of JUNE, 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:
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. Juan Montoya, Precinct No. 1 Supervisor, 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 June 9, 1994, at 2:14 P. M.:

(1) **APPROVAL OF COUNTY CLAIMS**

Mr. Mark Yates, County Auditor, presented a late claim as to Manuel Zamora, Warrant No. 99784, in the amount of \$480.00 for approval.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the County Claims were approved as recommended by the County Auditor, inclusive of the late claim as to Warrant No. 99784, in the amount of \$480.00.

At this time, Mr. Yates reported that the total expenditure for the Indigent Health Care was in the amount of \$1,658,193.60 and added that as of Monday there was \$28,000.00 left in that account. He stated that payments had been suspended pending additional Budget allocations and direction from the Court.

Commissioner Cascos questioned whether the cities of San Benito and Harlingen were current with their "Bridge" payments and Mr. Yates responded that both had tendered their year-end 1992 and 1993 payments. He stated that the quarterly installments had not been invoiced pending the final Interlocal Agreement.

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(2) **IN THE MATTER OF BUDGET AMENDMENTS
AND/OR SALARY SCHEDULES (PASSED)**

There were no Budget Amendments or Salary Schedules for approval at this time.

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

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(3) **APPROVAL OF THE MINUTES OF JUNE 7, 1994**

Commissioner Valencia moved that the Minutes of the Regular Meeting held June 7, 1994, be approved.

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

AYE: Commissioners Rosenbaum, Matz and Valencia

NAY: None

ABSTAIN: Commissioner Cascos

"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 Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the "Consent" Agenda Items were approved as follow, exclusive of Item No. 5:

At this time, Commissioner Matz requested that the following statement be added to the Resolution on Coastal Management, Item No. 18, to read:

"Recognizing that meetings will be held June 30, 1994, with General Land Office and Cameron County Representatives on the Beach Access and Dune Protection Rules and provided that the Coastal Management Plan finally

proposed by the General Land Office will be responsive to Local Community concerns."

- (4) AUTHORIZATION FOR COUNTY JUDGE TO SIGN LEASE AGREEMENT WITH FIRST BANK OF PORT ISABEL FOR THE OFFICE SPACE OF THE TAX ASSESSOR COLLECTOR TO EXPIRE ON SEPTEMBER 30, 1994

The Lease Agreement follows:

- (6) AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CARTER-BURGESS ENGINEERING, HOUSTON, TEXAS, FOR PRELIMINARY DESIGN SERVICES ON THE INNOVATIVE/ALTERNATIVE WASTEWATER SYSTEM TO SERVE VALLE HERMOSO AND VALLE ESCONDIDO COLONIAS, WITH GRANT FUNDING PROVIDED BY THE TEXAS WATER DEVELOPMENT BOARD

The Contract follows:

- (7) PRELIMINARY AND FINAL APPROVAL
 - a) **Precinct NO. 4:**
R A and J Subdivision, being a North 5.15 acres of land in Lot No. 181, Adams Garden Subdivision "C".
- (8) PRELIMINARY APPROVAL
 - a) **Precinct No. 2:**
Cardoza Subdivision, being 7.754 acres in Lot No. 10, Block No. 18, Barreda Gardens Subdivision, No. 5.
- (9) AUTHORIZATION TO APPOINT THE FOLLOWING INDIVIDUALS TO THE BOARD OF DIRECTORS FOR CAMERON COUNTY WATER IMPROVEMENT DISTRICT NO. 17:
FOUR (4) YEAR TERM APRIL, 1992 THROUGH 1996
LEON BENCE
EVELYN M. SMITH, AND
BEULAH G. GONZALEZ;
FOUR (4) YEAR TERM APRIL, 1993 THROUGH 1997
BEA MURRAY, AND
LINDA BENCE.

- (10) AUTHORIZATION TO OPEN ANNUAL BIDS 1994/1995 FOR "PAN DULCE" AND BREAD

The Bids received and opened follow:

- (11) AUTHORIZATION TO AWARD ANNUAL BIDS FOR TWO (2) AIR CONDITIONING UNITS - MAINTENANCE

GEORGE CUNNINGHAM, Harlingen, Texas

One (1) 15 Ton-Judicial Building = \$18,830.00

One (1) 7 Ton-Juvenile Probation

- (12) AUTHORIZATION TO AWARD ANNUAL BIDS 1994/1995 FOR LASER PRINTING OF TAX STATEMENTS - TAX DEPARTMENT

HAMER ENTERPRISES, McAllen, Texas

- (13) AUTHORIZATION TO AWARD ANNUAL BIDS FOR TYPEWRITERS

DAVIS OFFICE SYSTEMS, Harlingen, Texas

Electronic Typewriter - w/trade = \$4,326.00

- (14) RATIFICATION OF LEASE AMENDMENT EXTENDING LEASE TERM FOR ANDY BOWIE PARK CONCESSION: ISLAND FUN SPOT

The Lease Amendment follows:

- (15) RATIFICATION OF LEASE AMENDMENT EXTENDING LEASE TERM FOR ANDY BOWIE CONCESSION: LITTLE MARCELLA'S

The Lease Amendment follows:

- (16) RATIFICATION OF LEASE AMENDMENT FOR DANIEL BRYANT, D/B/A, AMIGOS DE LA PLAYA

The Lease Amendment follows:

- (17) APPROVAL OF APPLICATION FOR MOBILE BEACH VENDING PERMIT FOR DANIEL BRYANT, D/B/A, ISLAND FUN SPOT

The Application follows:

- (18) ADOPTION OF RESOLUTION REGARDING COASTAL MANAGEMENT PLAN

The Resolution follows:

- (19) AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGETS:

- a) Justice of the Peace, Precinct No. 2, Place No. 1, to attend the "Annual Justice of the Peace and Constable's Association State Convention" in Amarillo, Texas, on July 5-10, 1994;
- b) Commissioner Matz and other Commissioners, if interested, to attend the "Border Trade Alliance Summer Conference" in San Diego, California, on July 22-26, 1994;

- c) One (1) Health Department employee to attend the "Texas Vaccine Preventable Diseases Seminar" in Austin, Texas, on July 11-13, 1994; and
- d) Precinct No. 4 Deputy Constable to attend "Highway Street Level Narcotics Techniques" Course in Houston, Texas, on July 18-21, 1994.

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ITEM NO. 4

**AUTHORIZATION FOR COUNTY JUDGE TO SIGN LEASE AGREEMENT
WITH FIRST BANK OF PORT ISABEL FOR THE OFFICE SPACE OF THE TAX
ASSESSOR COLLECTOR TO EXPIRE ON SEPTEMBER 30, 1994**

The Lease Agreement follows:

ITEM NO. 6

AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CARTER-BURGESS ENGINEERING, HOUSTON, TEXAS, FOR PRELIMINARY DESIGN SERVICES ON THE INNOVATIVE/ALTERNATIVE WASTEWATER SYSTEM TO SERVE VALLE HERMOSO AND VALLE ESCONDIDO COLONIAS, WITH GRANT FUNDING PROVIDED BY THE TEXAS WATER DEVELOPMENT BOARD

The Contract follows:

ITEM NO. 10

**AUTHORIZATION TO OPEN ANNUAL BIDS 1994/1995 FOR "PAN DULCE"
AND BREAD**

The Bids received and opened follow:

ITEM NO. 14

**RATIFICATION OF LEASE AMENDMENT EXTENDING LEASE TERM FOR
ANDY BOWIE PARK CONCESSION: ISLAND FUN SPOT**

The Lease Amendment follows:

ITEM NO. 15

**RATIFICATION OF LEASE AMENDMENT EXTENDING LEASE TERM FOR
ANDY BOWIE CONCESSION: LITTLE MARCELLA'S**

The Lease Amendment follows:

**ITEM NO. 16 RATIFICATION OF LEASE AMENDMENT FOR DANIEL BRYANT, D/B/A,
AMIGOS DE LA PLAYA**

**ITEM NO. 17 APPROVAL OF APPLICATION FOR MOBILE BEACH VENDING PERMIT FOR
DANIEL BRYANT, D/B/A, ISLAND FUN SPOT**

The Lease and Application follow:

ITEM NO. 18

ADOPTION OF RESOLUTION REGARDING COASTAL MANAGEMENT PLAN

The Resolution follows:

(5) **IN THE MATTER OF ACCEPTANCE OF
MINOR/MORROW ROAD, PRECINCT NO. 4, INTO
THE ROAD SYSTEM (TABLED)**

Mr. Andy Cueto, County Engineer, explained that the County Engineer's Office needed additional clarification concerning the roads involved and suggested that the Item be tabled.

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

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WORKSHOP

(1) **DISCUSSION OF THE 1994 TEXAS COMMUNITY
DEVELOPMENT PROGRAM GRANT
APPLICATIONS PROCESS AND POSSIBLE
PROJECTS**

At this time, Mr. Frank Bejarano, Program Development and Management Director, presented the following Project Requests for the 1994 Texas Community Development Program and highlighted the Project Application Process, the Grant categories available and the time frames required:

Mr. Bejarano suggested that if the Commissioners had any additional Projects, the Projects could be included in the Project Selection Process to be considered by the Court in two (2) weeks.

Commissioner Cascos moved that the presentation regarding the 1994 Texas Community Development Program be acknowledged.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(2) **DISCUSSION TO EVALUATE VARIOUS OPTIONS
REGARDING ROAD AND BRIDGE
CONSOLIDATION**

At this time, Ms. Juanita Brodecky, Rio Hondo resident, highlighted the concerns expressed the previous week regarding the consolidation of roads. She stated that she had prepared the following "Petition" form and requested the Court's opinion as to the "legalities" of the form in order for her to proceed to obtain the proper number of signatures:

Judge Garza suggested that County Counsel Dylbia Jeffries should review the petition to determine

- 1) whether the Petition met all the legal requirements,
- 2) the number of voter signatures necessary,
- 3) the Court's time-line to call an election after the petitions are submitted, and
- 4) the time frame available to obtain the signatures.

Judge Garza remarked that other resources, such as the Comptroller's Office and the Texas Department of Transportation, should be contacted for recommendations in pursuing consolidation and suggested that one of the Commissioners should take the lead to coordinate the efforts.

Commissioner Matz stated that he would take the lead in coordinating the efforts and added that he was a proponent of the Road and Bridge Systems consolidation. He stated that "depending on the response, the Court might want to consider an Independent Study of the resources, the roads, and how to implement" the consolidation system.

Mr. Juan Montoya, Precinct No. 1 Supervisor, noted the problems of distance in consolidation and centralization and suggested combining two (2) Precincts, such as Precinct No. 1 and No. 2 which are currently working together. He added that the residents wanted to personally contact their own Road Commissioners for services and accountability.

There was a lengthy discussion concerning the need to consolidate the road system in order to remove the "caliche politics" and Commissioner Cascos remarked that consolidation would not remove the "politics".

Commissioner Cascos noted that he was a proponent of consolidation, if done properly, and added that there were several options to consolidation, such as quasi-consolidation, consolidation of equipment, personnel and/or materials. He stated that the most ideal consolidation would be to consolidate the use of equipment and personnel and to prioritize the "significant" paving Projects. He noted that he had been working together with the Commissioner of Precinct No. 3 in paving roads, and that he and the Commissioner of Precinct No. 1 had been acquiring equipment jointly in the last several years and that it appeared to be working. He noted that the Court would need to be in harmony to pursue and to support consolidation in order for consolidation to succeed.

Mr. Andy Cueto, County Engineer, suggested that before any decision was made, that the situation needed to be analyzed as to the needs, resources and options available.

The discussion regarding road and bridge consolidation was acknowledged.

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(19) EXECUTIVE SESSION

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

- a. Discuss with Counsel the Estate of Port Isabel Plastics, Inc., Case No. 91-00369-B-7, U.S. Bankruptcy Court, Southern District of Texas, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A).

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Court

reconvened in Regular Session at 2:24 P.M.

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(20) ACTION RELATIVE TO EXECUTIVE SESSION

a.Action concerning discussion of the Estate of Port Isabel Plastics, Inc., Case No. 91-00369-B-7, U.S. Bankruptcy Court, Southern District of Texas.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Judge should execute the appropriate waivers concerning said matter, along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the County Judge was authorized to execute the appropriate waivers in the case styled Estate of Port Isabel Plastics, Inc., Case No. 91-00369-B-7.

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

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APPROVED this **21st** day of **JUNE**, 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