

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 28th 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

COMMISSIONER, PRECINCT NO. 4

INELDA T. GARCIA, DEPUTY
COUNTY CLERK

ABSENT:

NATIVIDAD VALENCIA

----- 0 -----

The meeting was called to order by Judge Antonio O. Garza Jr. He then asked Ms. JuaNita Brodecky, Rio Hondo resident, 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 24, 1994, at 4:27 P. M.:

(4) **PUBLIC HEARING ON THE INCORPORATION OF
THE COMMUNITY OF LOS INDIOS**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Hearing on the Incorporation of the Community of Los Indios was opened for public comment.

Ms. Dylbia Jeffries, County Counsel, stated that the Community of Los Indios had resubmitted the application for Incorporation, and that the fifty (50) signatures on the Petition were confirmed by the Elections Office as registered voters, the community consisted of approximately 850 residents, and the new plat with the correct boundaries was approved by the County Engineer. Ms. Jeffries stated that the criteria met the legal standards and recommended that the election for the Incorporation be set for August 13, 1994.

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

The signed Petition and Boundary Description follow:

(5) **POSSIBLE SETTING OF DATE AND PLACE FOR AN INCORPORATION ELECTION FOR THE COMMUNITY OF LOS INDIOS**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the date for an Incorporation Election for the Community of Los Indios was set for August 13, 1994.

----- 0 -----

(1) **APPROVAL OF COUNTY CLAIMS**

At this time Mr. Mark Yates, County Auditor, presented the late claims as to Chrysler Credit Corporation, Corpus Christi, Texas, Warrant No. 100683, in the amount of \$15,394.15, and Victor's Paint and Auto Shop, Brownsville, Texas, Warrant No. 100684, in the amount of \$485.00, for approval.

Commissioner Rosenbaum moved that the County Claims be approved as recommended by the County Auditor, inclusive of the late claims as to Chrysler Credit Corporation, Warrant No. 100683, in the amount of \$15,394.15, and Victor's Paint and Auto Shop, Warrant No. 100684, in the amount of \$485.00.

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

AYE: Commissioners Rosenbaum and Matz

NAY: None

ABSTAIN: Commissioner Cascos as to the claim of:

LANDAIR TRAVEL

Warrant No. 100476 - \$240.00, and

Warrant No. 100477 - \$161.00.

The Affidavit is as follow:

**NOT ON CONSIDERATION OF PETITION FOR
AGENDA CONSOLIDATION OF ROAD SYSTEM**

At this time, Judge Garza indicated that the petition form submitted by Ms. JuaNita Brodecky, Rio Hondo resident, was reviewed by County Counsel, and although the matter was not on the Agenda; she could proceed to obtain the required number of signatures.

----- 0 -----

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

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 94-27 and the Salary Schedules for the Cameron County Juvenile Department, Fund No. 44-574, and Health Women, Infant and Children (WIC) Department, Fund No. 32-630, were approved.

The Budget Amendment and Salary Schedules are as follow:

(3) APPROVAL OF THE MINUTES OF JUNE 21, 1994

Commissioner Cascos, moved that the Minutes of the Regular Meeting held June 21, 1994, at 1:30 P.M. be approved.

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

AYE: Commissioners Rosenbaum, Cascos and Matz

NAY: None

ABSTAIN: Judge Garza, with the exception of the Executive Session portion.

----- 0 -----

(6) AUTHORIZATION TO HOLD A PUBLIC HEARING FOR A CAMERON COUNTY DUNE PROTECTION PERMIT

Commissioner Rosenbaum moved that the Public Hearing for a Cameron County Dune Protection Permit be opened for comment.

The motion was seconded by Commissioner Matz and carried unanimously.

Mr. Andy Cueto, County Engineer, reported that the Application submitted by Ms. Irma Wiley, d/b/a Beach Riding Outpost, that being a horse stable and riding facility, was considered by the Dune Protection Committee. He stated that the Committee inspected the site and noted that no dunes would be altered or destroyed by the proposed activity and the Committee recommended approval of said Application.

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

Commissioner Rosenbaum moved that the Cameron County Dune Protection Permit for Ms. Irma Wiley, d/b/a Beach Riding Outpost, be authorized as recommended by the Dune Protection Committee.

The motion was seconded by Commissioner Matz and carried unanimously.

----- 0 -----

(7) ACTION SELECTING 1994 TCDP PROJECTS FOR THE COLONIA CONSTRUCTION FUND AND COMMUNITY DEVELOPMENT FUND

Mr. Frank Bejarano, Program Development and Management Director, reviewed the following Project Request Summary for the Colonia and Community Development Fund and highlighted the cost of the Projects and the number of residents to benefit from said improvements:

Commissioner Cascos moved that the Olmito Project for the Colonia Development Fund and Los Cuates Project for the Colonia Development Fund be selected as the 1994 TCDP Projects.

The motion was seconded by Commissioner Rosenbaum.

There was some discussion concerning other Projects requested and Judge Garza noted that the City of San Benito was requesting funds for the Leal Subdivision Project.

Upon motion duly made by Commissioner Cascos that the Olmito Project for the Colonia Development Fund and Los Cuates Project for the Community Development Fund be selected as the 1994 TCDP Projects, seconded by Commissioner Rosenbaum, the motion carried the following vote:

AYE: Commissioners Rosenbaum, Cascos and Judge Garza

NAY: None

ABSTAIN: Commissioner Matz.

----- 0 -----

**(8) AUTHORIZATION TO APPROVE CHANGE
ORDER TO ROOFING CONTRACT FOR COUNTY
AIRPORT**

Mr. Andy Cueto, County Engineer, reviewed the Change Order as requested by the Project Architect for the roofing of the County Airport, in the amount of \$9,870.00 over the Budgeted amount.

Commissioner Cascos moved that the Change Order to the Roofing Contract for the County Airport be approved, in the amount not to exceed \$10,000.00, said funds to be allocated from the Fund Balance.

The motion was seconded by Commissioner Matz and carried unanimously.

The Change Order is as follows:

(9) **IN THE MATTER TO ENTER INTO AN ACCELERATED ACQUISITION SCHEDULE FOR FM/509 WITH THE FIRM OF ALLEN, WILLIFORD, AND SEALS (REJECTED)**

Mr. Andy Cueto, County Engineer, explained the need for the Right-of-Way acquisitions before the end of September, 1994, in order to obtain funding from the Texas Department of Transportation (TxDOT) for the construction of FM/509 Roadway in 1995.

He stated that the acquisition schedule with Allen, Williford, and Seals was accelerated by ninety (90) days and that the action increased the cost of the Contract by approximately \$70,000.00. He noted that the amount was still within the Budgeted amount for the entire acquisition of the Scheduled Project Road Map.

Commissioner Cascos expressed his concern with the additional cost of \$70,000.00 to the County and suggested that the Cities of Harlingen and San Benito share the cost at \$35,000.00 each.

Commissioner Cascos moved that the County not appropriate the premium from within Project Road Map in order to accelerate the (FM 509) Project.

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

AYE: Commissioner Rosenbaum and Cascos

NAY: Commissioner Matz and Judge Garza.

Judge Garza remarked that the matter would be considered in one (1) week and he hoped that it would be supported because "it is the right thing to do". He noted that the objective was to keep the Project within the FM 509/590 Budget, and the excess of what was Budgeted would be picked up by the Cities of San Benito and Harlingen. He stated that it was a Cameron County Project that would benefit the Cities of San Benito and Harlingen, but ultimately it would benefit the entire County. He added that the County had the opportunity to take advantage of an accelerated schedule and to work with the Texas Department of Transportation (TDoT) Commissioner in the extension of Loop FM 509/590, which would ultimately afford the County the opportunity to "cash flow" the Bridge at Los Indios.

Ms. Rosemary Martinez, Budget Officer, clarified that the Budget, as present for Project Road Map, was all inclusive, that being that all the Professional Fees were allocated to each Road, and that the County would not know the amount spent for Professional Services until the completion of the Projects.

Commissioner Matz questioned the County Engineer as to whether or not he had attempted negotiations with the Engineering Company concerning the increased cost. He indicated that he was "appalled" that they would request almost fifty percent (50%) more for the acceleration. He stated that he had a hard time understanding how the increased costs could be justified and to what extent they were using "local contractors or agents" for the services.

Judge Garza indicated that the County Engineer had negotiated extensively and suggested that the County Engineer visit with the Commissioner and review the changes and perhaps call the Engineer on said matter.

----- 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 Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the "Consent" Agenda Items were approved as follow, exclusive of Item No. 16, and noting that Item No. 22 would include the award, said award to be ratified at the next Meeting:

- (10) ADOPTION OF RESOLUTION SUPPORTING HAZARDOUS MATERIALS TRANSPORTATION ACTION PLANNING (HMTA) GRANT SPONSORED BY THE DEPARTMENT OF EMERGENCY MANAGEMENT FOR THE CAMERON COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

The Resolution is as follows:

- (11) APPROVAL TO REFUND TAXES TO VALLEY MORTGAGE CORPORATION, IN THE AMOUNT OF \$731.92, FOR THE ERRONEOUS PAYMENT OF TAXES
- (12) APPROVAL OF INTERLOCAL AGREEMENTS FOR CONTRACT BETWEEN CAMERON COUNTY AND THE CITIES OF:
BROWNSVILLE,
PORT ISABEL,
SAN BENITO,
LOS FRESNOS,
LA FERIA, AND
WILLACY COUNTY.

The Interlocal Agreements follow:

- (13) AUTHORIZATION FOR COUNTY JUDGE TO SIGN INTERLOCAL PARTICIPATION AGREEMENT FOR TEXAS ASSOCIATION OF COUNTIES RISK MANAGEMENT POOL

The Agreement follows:

- (14) AUTHORIZATION TO OPEN BIDS ON THE SHOPPER'S WORLD BUILDING DEMOLITION AND CORNER IMPROVEMENTS AT WASHINGTON STREET AND 14TH STREET PROJECT

The Bids opened and received follow:

- (15) PRELIMINARY APPROVAL
- a) **Precinct No. 1:**
G. T. Estates Subdivision, being a 14.09 acres out of lot No. 7, Block NO. 110, El Jardin Resubdivision
- (17) APPROVAL OF THE 1994 MEMBERSHIP DUES TO THE SOUTH TEXAS JUDGES AND COMMISSIONERS' ASSOCIATION IN THE AMOUNT OF \$100.00
- (18) ACKNOWLEDGMENT ON CAMERON COUNTY PARKS SYSTEM HURRICANE ACTION PLAN FOR THE 1994 HURRICANE SEASON

The Plan follows:

- (19) AUTHORIZATION TO REJECT BIDS FOR:
- 1) CLOSED CIRCUIT TELEVISION SYSTEM FOR THE TAX DEPARTMENT, AND
 - 2) CLOSED CIRCUIT CAMERA AND INTERCOM SYSTEM FOR THE DETENTION CENTER.

- (20) AUTHORIZATION TO ADVERTISE FOR ONE (1) VAN, SPECIALIZED SURVEILLANCE MODIFICATIONS, FOR THE TASK FORCE
- (21) AUTHORIZATION TO ADVERTISE FOR ONE (1) AUTO AND PICK-UP TRUCK, IN STOCK, FOR THE TASK FORCE
- (22) AUTHORIZATION TO OPEN BIDS FOR ONE (1) JEEP, IN STOCK, FOR THE PARKS DEPARTMENT

The bids opened and received follow:

- (23) AUTHORIZATION TO OPEN ANNUAL BIDS FOR:
 - 1) COPIER TONER/DEVELOPER
 - 2) LAUNDRY SUPPLIES
 - 3) LIGHT BULBS
 - 4) PATROL TIRES
 - 5) TAMALES
 - 6) TORTILLAS

The Bids opened and received follow:

- (24) APPROVAL OF TEXAS DEPARTMENT OF HEALTH (TDH) DOCUMENT NO. C4000019, CHANGE NO. 11, ATTACHMENT NO. 05B, AMENDMENT FOR TUBERCULOSIS ELIMINATION DIVISION, TO EXTEND SERVICES FOR TUBERCULOSIS PREVENTION AND CONTROL

The Change Order follows:

- (25) AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGETS:
 - a) Commissioner Precinct No. 3 and/or other members of the Court, to attend a reception honoring Honorable Kika de la Garza, in support of the Rural Empowerment Zone designation for the Rio Grande Valley, in Washington, D.C., on August 1-3, 1994, and
 - b) Election Administrator and Assistant to attend the "IACREOT Conference" in Las Vegas, Nevada, on July 16-22, 1994.

----- 0 -----

ITEM NO. 10

**ADOPTION OF RESOLUTION SUPPORTING HAZARDOUS MATERIALS
TRANSPORTATION ACTION PLANNING (HMTA) GRANT SPONSORED BY
THE DEPARTMENT OF EMERGENCY MANAGEMENT FOR THE CAMERON
COUNTY LOCAL EMERGENCY PLANNING COMMITTEE**

The Resolution is as follows:

ITEM NO. 12

**APPROVAL OF INTERLOCAL AGREEMENTS FOR CONTRACT BETWEEN
CAMERON COUNTY AND THE CITIES OF:**

**BROWNSVILLE,
PORT ISABEL,
SAN BENITO,
LOS FRESNOS,
LA FERIA, AND
WILLACY COUNTY.**

The Interlocal Agreements follow:

ITEM NO. 13

**AUTHORIZATION TO COUNTY JUDGE TO SIGN INTERLOCAL
PARTICIPATION AGREEMENT FOR TEXAS ASSOCIATION OF COUNTIES
RISK MANAGEMENT POOL**

The Agreement follows:

ITEM NO. 14

**AUTHORIZATION TO OPEN BIDS ON THE SHOPPER'S WORLD BUILDING
DEMOLITION AND CORNER IMPROVEMENTS AT WASHINGTON STREET
AND 14TH STREET PROJECT**

The Bids opened and received follow:

ITEM NO. 18

**ACKNOWLEDGMENT ON CAMERON COUNTY PARKS SYSTEM
HURRICANE ACTION PLAN FOR THE 1994 HURRICANE SEASON**

The Plan follows:

ITEM NO. 22

**AUTHORIZATION TO OPEN BIDS FOR ONE (1) JEEP, IN STOCK, FOR THE
PARKS DEPARTMENT**

The bids opened and received follow:

ITEM NO. 23

AUTHORIZATION TO OPEN ANNUAL BIDS FOR:

- 1) **COPIER TONER/DEVELOPER**
- 2) **LAUNDRY SUPPLIES**
- 3) **LIGHT BULBS**
- 4) **PATROL TIRES**
- 5) **TAMALES**
- 6) **TORTILLAS**

The Bids opened and received follow:

ITEM NO. 24

APPROVAL OF TEXAS DEPARTMENT OF HEALTH (TDH) DOCUMENT NO. C4000019, CHANGE NO. 11, ATTACHMENT NO. 05B, AMENDMENT FOR TUBERCULOSIS ELIMINATION DIVISION, TO EXTEND SERVICES FOR TUBERCULOSIS PREVENTION AND CONTROL

The Change Order follows:

(26) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the

Court met in Executive Session at 2:10 P. M. to discuss the following matter:

- a. Authorization for Judge Antonio O. Garza, Jr. to execute, on behalf of Cameron County, a Resolution authorizing Brownsville Independent School District to represent Cameron County in the Sale of the Amber Motel Property, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2) and Section 551.072.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the

Court reconvened in Regular Session at 2:20 P.M.

----- 0 -----

(16) FINAL APPROVAL

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, final approval was given on the following subdivision, as recommended by the County Engineer:

- a) **Precinct No. 4:**

Country Estates Subdivision, being a 20.00 acre tract of land, same being all of Blocks No. 4 and No. 5 of the Emil A. Johnson Subdivision.

----- 0 -----

(27) ACTION RELATIVE TO EXECUTIVE SESSION

- a. Authorization for Judge Antonio O. Garza, Jr., to execute, on behalf of Cameron County, a Resolution authorizing Brownsville Independent School District to represent Cameron County in the Sale of the Amber Motel Property.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Judge should execute a Resolution concerning said matters, subject to the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, County Judge Antonio O. Garza, Jr. was authorized to execute a Resolution, on behalf of Cameron County, authorizing Brownsville Independent School District to represent Cameron County in the sale of the Amber Motel Property, along the terms and conditions as outlined in Executive Session.

----- 0 -----

"CONSENT" AGENDA ITEM

(22) AUTHORIZATION TO OPEN AND AWARD BIDS FOR ONE (1) JEEP, IN STOCK, FOR THE PARKS DEPARTMENT

Cardenas Motors, Brownsville, Texas
 One (1) Jeep (in stock) - \$13,750.00

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**.

----- 0 -----

APPROVED this **12th** day of **JULY**, 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