

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 12th day of JULY, 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. Richard Santillana, Adult Probation 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 July 8, 1994, at 10:31 A. 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 Matz, seconded by Commissioner Rosenbaum and carried unanimously, the

"Consent" Agenda Items were approved as follow, exclusive of Items No. 23, No. 24, and No. 26:

- (18) AUTHORIZATION FOR PROGRAM DEVELOPMENT AND MANAGEMENT (PD&M) DIRECTOR TO EXECUTE ON THE JOB TRAINING (OJT) CONTRACT WITH THE CAMERON COUNTY PRIVATE INDUSTRY COUNCIL (PIC) FOR THE PERIOD OF JULY 1, 1994, TO JUNE 30, 1995

The Contract follows:

- (19) AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE COLONIA CONSTRUCTION FUND CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR SEWER IMPROVEMENTS IN VILLA PANCHO

The Contract follows:

- (20) ACTION RELATIVE TO INTERIM RENTAL RATES FOR NEW SEA RANCH MARINA BOAT SLIPS

The Rental Rates follow:

- (21) APPROVAL OF REQUEST FOR RENEWAL OF MOBILE BEACH PERMIT NO. 2515 FOR ALAN SACKS, D/B/A, LEMON ICE OF TEXAS

The Mobile Beach Permit follows:

- (22) AUTHORIZATION TO ISSUE OUT PERMIT FOR THE CAMERON COUNTY DUNE PROTECTION

The Permit follows:

- (25) AUTHORIZATION TO GRANT UNDERGROUND ELECTRIC EASEMENT TO CENTRAL POWER AND LIGHT COMPANY, AT THE NEW JUVENILE DETENTION CENTER IN SAN BENITO, TEXAS

The Easement follows:

- (27) APPROVAL TO ENTER INTO LICENSE AGREEMENT WITH BOWEN AND SMITH FOR USE OF TOWER SPACE

The Agreement follows:

- (28) FINAL APPROVAL

- a) **Precinct No. 4:**
Los Ranchitos Subdivision Section No. 2 - being a 50.944 acres, comprised of 16.706 acres out of part of the 60.0 acre Wells Tract and 34.238 acres out of a 79.89 acre tract in the 159.9 acre William Esparza Tract, all out of Shares "W", "X" and "Y", San Pedro de Carricitos Grant;

- b) **Precinct No. 4:**
Los Ranchitos Subdivision Section No. 3 - being 56.927 acres, comprised of 23.488 acres out of part of the 60.0 acres Wells Tract and 23.218 acre out of a 79.89 acre tract and all of a certain 10.220 acre tract in the 159.9 acre William Esparza Tract, all out of Shares "W", "X", and "Y", San Pedro de Carricitos Grant; and
- c) **Precinct No. 2:**
Hacienda Del Norte Subdivision - being a re-plat of 62.302 acres comprised of part of Lot No. 45 and all of Lots No. 46, No. 47, and No. 48, Block No. 14, Map No. 4, of Barreda Gardens Share No. 1, Espiritu Santo Grant.

(29) PRELIMINARY APPROVAL

- a) **Precinct No. 3:**
Garcia Estates Subdivision - being a subdivision of 16.85 acres consisting of all of Lot No. 3, Block No. 4, of Plat No. 4 of the Citrus Gardens Subdivision out of Share No. 19, Espiritu Santo Grant; and
- b) **Precinct No. 4:**
Country Acres Estates - being 42.55 acres of land comprised of 7.92 acres of Block No. 6, Alva Bryan Tract, as recorded in Volume No. 4, Page No. 63.

(30) AUTHORIZATION TO PARTICIPATE IN HOUSTON GALVESTON AREA COUNCIL INTERLOCAL AGREEMENT FOR COOPERATIVE PURCHASING

The Agreement follows:

(31) AUTHORIZATION TO AWARD ANNUAL BIDS FOR:

ELECTRIC FIXTURE SUPPLY, Brownsville, Texas

- A) F40 T12 COOL WHITE 40 WATT\$ 1.08
- B) F96 T12 COOL WHITE 90 WATT\$ 2.15
- C) HO96 T12CW 75 WATT\$ 2.00
- D) INCANDESCENT BULBS - F/W 150 WATT/130V\$ 0.60
- E) INCANDESCENT BULBS - F/W 75 WATT/130V\$ 0.30
- F) BALLAST 40T12 120V\$ 9.00
- G) BALLAST 40T 12 277V\$ 9.80
- H) BALLAST 90T12 120V\$15.00

TONY'S TORTILLAS, Brownsville, Texas

- A) Chicken Tamales - Regular Size - \$2.48 per dozen

DORA'S RESTAURANT, Brownsville, Texas

- B) Pork or Beef Tamales - Regular Size - \$2.49 per dozen

L & L TORTILLA, Brownsville, Texas

- A) Tortillas - Flour \$0.04 each

TONY'S TORTILLAS, Brownsville, Texas

- B) Tortillas - Corn \$0.0145 each

(32) AUTHORIZATION TO RATIFY THE AWARDED BID FOR ONE (1) JEEP FOR THE PARKS DEPARTMENT

CARDENAS MOTORS, Brownsville, Texas

JEEP 4 x 4, in stock, without trade \$13,750.00

(33) AUTHORIZATION TO OPEN BIDS/PROPOSALS FOR:

- a) Auto and Two (2) Pick-Ups, in stock, and
- b) Request for Proposal (RFP) - Van Specialized Surveillance Modifications for the Task Force

The Bids opened and received follow:

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

- a) Justice of the Peace Precinct No. 1, to attend the "Constables and Justice of the Peace Conference" in Amarillo, Texas, on July 6-9, 1994;
- b) Financial Distribution Task Force Coordinator to attend the "TNCP HIDTA Meeting" in San Antonio, Texas, on June 27, 1994;
- c) Parks Director to attend Workshop of the "1995 Texas Outdoor Recreation Plan" in Austin, Texas, on July 27-28, 1994;
- d) Election Administrator and Assistant to attend the "Election Law Seminar" in Austin, Texas, on August 10-12, 1994;
- e) District Clerk and Chief Deputy to attend the "County Investment Officer Training Program" offered by the Texas Association of Counties in Austin, Texas, July 22, 1994; and
- f) Parks Director to attend the complete revision of "1994 Cameron County Beach Access and Dune Protection Plan" with General Land Office Staff in Austin, Texas, on July 5-6, 1994.

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ITEM NO. 18

**AUTHORIZATION FOR PROGRAM DEVELOPMENT AND
MANAGEMENT (PD&M) DIRECTOR TO EXECUTE ON
THE JOB TRAINING (OJT) CONTRACT WITH THE
CAMERON COUNTY PRIVATE INDUSTRY COUNCIL
(PIC) FOR THE PERIOD OF JULY 1, 1994, TO JUNE 30,
1995**

The Contract follows:

ITEM NO. 19

**AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE
COLONIA CONSTRUCTION FUND CONTRACT WITH
THE TEXAS DEPARTMENT OF HOUSING AND
COMMUNITY AFFAIRS (TDHCA) FOR SEWER
IMPROVEMENTS IN VILLA PANCHO**

The Contract follows:

ITEM NO. 20

**ACTION RELATIVE TO INTERIM RENTAL RATES FOR
NEW SEA RANCH MARINA BOAT SLIPS**

The Rental Rates follow:

ITEM NO. 21

**APPROVAL OF REQUEST FOR RENEWAL OF MOBILE
BEACH PERMIT NO. 2515 FOR ALAN SACKS, D/B/A,
LEMON ICE OF TEXAS**

The Mobile Beach Permit follows:

ITEM NO. 22

**AUTHORIZATION TO ISSUE OUT PERMIT FOR THE
CAMERON COUNTY DUNE PROTECTION**

The Permit follows:

ITEM NO. 25

**AUTHORIZATION TO GRANT UNDERGROUND
ELECTRIC EASEMENT TO CENTRAL POWER AND
LIGHT COMPANY, AT THE NEW JUVENILE DETENTION
CENTER IN SAN BENITO, TEXAS**

The Easement follows:

ITEM NO. 27

**APPROVAL TO ENTER INTO LICENSE AGREEMENT
WITH BOWEN AND SMITH FOR USE OF TOWER SPACE**

The Agreement follows:

ITEM NO. 30

**AUTHORIZATION TO PARTICIPATE IN HOUSTON
GALVESTON AREA COUNCIL INTERLOCAL
AGREEMENT FOR COOPERATIVE PURCHASING**

The Agreement follows:

ITEM NO. 33

AUTHORIZATION TO OPEN BIDS/PROPOSALS FOR:

- a)Auto and Two (2) Pick-Ups, in stock, and**
- b)Request for Proposal (RFP) - Van Specialized Surveillance
Modifications for the Task Force**

The Bids opened and received follow:

NOT ON AGENDA CONSIDERATION TO ENTER INTO AN ACCELERATED ACQUISITION SCHEDULE FOR FM/509 PROJECT WITH THE FIRM OF ALLEN, WILLIFORD AND SEALS

Judge Garza explained that the Court had previously considered the matter concerning an Amendment to the Contract with the Engineering Firm of Allen, Williford and Seals, for the additional work necessary to complete the acquisition of Right-of-Way (R-O-W) on Farm to Market (FM) 509/590 Road Project. He stated that the issue was "deadlocked" with Commissioners Rosenbaum and Cascos against the approval of the Amendment that would accelerate the acquisition of the Right-of-Way by September, 1994, in order for the Construction Project to begin, in accordance with the understanding between Cameron County and the Texas Department of Transportation.

Judge Garza added that, although the matter was not on the Agenda, he wanted to poll Commissioner Valencia as to his position on the Item, in order that the County Engineer could contact the Engineering Firm and direct them to proceed with the acquisition, said matter to be ratified at next Meeting.

Commissioner Valencia expressed his support for the Amendment for the Accelerated Acquisition Schedule for Farm to Market (FM) 509 Road with the Firm of Allen, Williford and Seals.

It appeared to be the consensus of the Court, as determined by polling, that the Accelerated Acquisition Schedule for the Farm to Market (FM) 509 Road Project, with the Firm of Allen, Williford and Seals should be amended, said matter to be ratified at the next Meeting.

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- (4) **RECONSIDERATION OF CALLING OF ELECTION FOR THE INCORPORATION OF LOS INDIOS**
- (5) **PUBLIC HEARING ON THE INCORPORATION OF THE COMMUNITY OF LOS INDIOS**
- (6) **IN THE MATTER TO ESTABLISH EARLY VOTING LOCATION(S) FOR INCORPORATION OF LOS INDIOS**

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

Mr. Ruben Barrera, Attorney representing the City of Harlingen, explained that the City of Harlingen had learned "that the Special Election had been set for August 13, 1994, for the purpose of voting for the Incorporation of Los Indios" through the newspapers. He stated that Los Indios was within the Extra-Territorial Jurisdiction (ETJ) of the City of Harlingen, and added that the City of Harlingen adopted a Resolution on April 20, 1994, "which ordered the City staff to proceed with the annexation of approximately 405 acres of land, which, in essence, encompassed the Right-of-Way of the proposed Farm to Market (FM) 509 Road". He stated that the Resolution "directed staff to prepare a Service Plan for the annexation and to schedule Public Hearings in accordance with Texas Municipal Law".

Mr. Barrera stated that at about the same time Los Indios filed an Application for Incorporation, which was subsequently withdrawn because it included parts of Mexico. He stated that the City of Harlingen continued the annexation proceedings and adopted the Annexation Ordinance on June 2, 1994, and the ETJ was extended beyond the existing ETJ.

Mr. Barrera stated that it was his "understanding that the representative from Los Indios had from time to time articulated the desire to go forward and at other times had articulated the desire not to go forward with the incorporation." He stated that it was the understanding of the City of Harlingen Staff, based on the last discussion with the Los Indios Representatives, that they were not going to proceed with the matter of Incorporation.

Mr. Barrera stated "that the City of Harlingen was never apprised with the situation and that the City abided and complied with the law, in terms of the annexation procedures, in terms of adopting the Resolution, in terms of adopting the Service Plans and the Public Hearings".

At this time, Mr. Barrera briefly outlined the annexation procedures and how those procedures affected the ETJ's efforts to incorporate.

He stated "that the City of Harlingen was never informed of the incorporation efforts and that the City was requesting that the Court take whatever action necessary to require Los Indios to comply with the procedures, and added that Los Indios should comply with the law, just as Harlingen complied with the law".

Judge Garza asked Mr. Barrera for specific Legal citations that would give the County Judge the latitude or the authority to direct Los Indios to go before the City of Harlingen. He stated that the way he interpreted the law, the Court's function or the County Judge's function was almost entirely "ministerial". He added that "Los Indios had taken the appropriate steps, provided the required number of signatures, provided the geographical boundaries, and if the

Court refused to proceed, then the Court would be staring at a 'mandamus' action". He added "that if the Court proceeded, then he supposed that the City of Harlingen would have a 'quo-warranto' proceeding against the Court."

Judge Garza asked what would give the County Judge the jurisdiction to decide on whether or not the "consent" had been given, and what authority would remove him from the role of strictly "ministerial", and added that unless the County Judge was misreading the cases, the Court or the County Judge did not have broad authority or discretion on this matter.

Mr. Barrera cited several cases that implied that the Court had the discretion to justify the City of Harlingen's request and Judge Garza responded that he did not read the cases mentioned that broadly.

Commissioner Cascos stated "that he had a hard time believing that the Cities of Harlingen and/or San Benito members involved did not know what was going on". He stated that the dialogue that he had heard between the two (2) Communities was that the City of Harlingen was being very supportive of Los Indios, and that now the concern expressed was that the City of Harlingen needed to give written approval, "subject to" certain restrictions.

At this time, Mr. William Card, City of Harlingen Mayor, clarified "that from day one (1) the City of Harlingen had been strongly and enthusiastically supportive of the citizens of Los Indios in their Incorporation efforts, and from day one (1) they had told the citizens that, because of the investment in the Los Indios Free Trade Bridge, they were concerned with the protection of the ingress and egress for the Bridge only".

He stated that they started working very closely with Los Indios in early May of this year, and that the pros and cons of the issues were discussed. He stated that on the basis of the initial petition that was filed with the Commissioner's Court which was flawed, and had to be withdrawn, that the City continued with the annexation proceedings. He added that the City of Harlingen offered Los Indios help in the form of training for their Fire Department, additional Police support and Service Plans.

Mayor Card said Harlingen proceeded with, what was felt was legal action on the ETJ, and added that now the metes and bounds do not clear the ingress and egress, from Highway 281 to the Bridge site. He stated that Harlingen would help Los Indios in their Incorporation efforts, as long as Harlingen could protect the ingress and egress to the Bridge.

Commissioner Cascos questioned what were the choices for the Court if it was a point of Law, and Judge Garza responded that was the issue that he was trying to clarify.

Mr. Barry Jones, Attorney for Los Indios Community, stated "that for the most part, the Community agreed with what Mayor Card stated, as far as the background, and that the Community felt that it needed to initially control the area around the Bridge until they had Elected Officials who could then decide, on behalf of the Community, whether to withdraw their jurisdiction of the area and allow Harlingen and San Benito, to exercise their zoning control". He stated that they agreed that it was essentially "ministerial action" for the County Judge to proceed with calling an election, and added that they disputed the legal arguments made by Mr. Barrera.

Mr. Jones stated that the Los Indios Community also disputed the validity of the Annexation Ordinance of the City of Harlingen and that the matter must be decided between Harlingen and Los Indios. He requested that the "County Judge and the Court acknowledge that a valid petition had been filed and to go forward with the Election as Ordered".

At this time, he cited several cases that supported their position, and asked that the Incorporation Election be allowed to proceed on August 13, 1994, and that the location and Presiding Officers be named. He added that the disputes between the City of Harlingen and Los Indios, if there were any, and if the Election favored incorporation, would be resolved, and if the results were against incorporation, that there would be very few problems.

At this time, Judge Garza asked County Counsel whether this Item was appropriately before the Court or, appropriately before the County Judge, and added that obviously there were very limited cases where the County Judge

had certain amount of jurisdiction or authority and he requested clarification.

Mr. Douglas Wright, County Counsel, stated "that it was his opinion that the Court does not have any jurisdiction to make any changes on what had already been done, and that through practice, most Incorporations do go through the Commissioner's Court, simply because there are (written) Minutes made and the County Judge presides over the Commissioner's Court".

He stated that the "County Judge was the one who decided the question as to whether the number of inhabitants in the area complied with the Statues and that the decision could not be dictated and attacked in Court, as long as the County Judge acted in good faith, and that the County Judge was the one to make the decision, and it was a Ministerial function".

Judge Garza asked if there were any misunderstandings with the County Judge having the latitude to make the decision and that the decision did not necessarily have to be done in open Court.

He requested that the Attorney for the City of Harlingen submit briefs that clearly convinced the County Judge that he had some latitude, then the decision would become whether or not the County Judge would want to exercise that discretion. He requested that the documents be submitted by noon July 13, 1994, by both parties, and that he would consider the matters as a County Judge. He added that he was not convinced that he did have the latitude and had no other recourse but to sign the (Election) Order.

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

Judge Garza noted that Item No. 6 would be part of the Order, depending on the decision the next day.

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At this time, Ms. Tencha de la Peña, Elections Administrator, noted that if the Election was called for August 13, 1994, that they would have thirteen (13) days to print the ballots for the Early Voting, which would start on July 25, 1994.

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(35) 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 matters:

- a. To discuss matters pertaining to lease of Park Land in Isla Blanca Park, South Padre Island, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b. To discuss possible litigation and property acquisition pursuant to the preliminary recommendations on the Cameron Park Colonia Study and General Plan, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 and 551.072; and

- c. To discuss settlement offer on Briones vs. Cameron County, Cause No. B-93-154-6, U. S. District Court, Southern District Texas, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (A)(1).

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

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(36) ACTION RELATIVE TO EXECUTIVE SESSION

- a. Action regarding discussion of matters pertaining to lease of park land in Isla Blanca Park, South Padre Island.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel and the Parks Director should be authorized to execute a Lease Agreement concerning said matter, along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, County Counsel and the Parks Director were authorized to execute a Lease pertaining to the Park Land in Isla Blanca Park, South Padre Island, along the terms and conditions as outlined in Executive Session.

- b) Action regarding possible litigation and property acquisition pursuant to the preliminary recommendations on the Cameron Park Colonia Study and General Plan.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the Report presented by the County Engineer and the Consultants should be acknowledged.

Commissioner Matz moved that the Report concerning the Cameron Park Study and General Plan presented by the County Engineer and the Consultants be acknowledged.

The motion was seconded by Commissioner Valencia and carried unanimously.

- c) Action regarding approval of settlement offer as discussed on Briones vs. Cameron County, Cause No. B-93-154-6.

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

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the settlement regarding the case styled Briones vs. Cameron County, Cause No. B-93-154-6 was directed, along the terms and conditions as outlined in Executive Session and as recommended by County Counsel.

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(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented the late claims as to Mr. Terry Lockamy, Warrant No. 101357, in the amount of \$458.33, Judge Menton Murray, Warrant No. 101358, in the amount of \$514.92, and Scoggins Construction, Warrant No. 101359, in the amount of \$264,311.80, for approval.

Commissioner Matz moved that the County Claims be approved as recommended by the County Auditor, inclusive of the late claims as to Warrant No. 101357, in the amount of \$458.33, Warrant No. 101358, in the amount of \$514.92, and Warrant No. 101359, in the amount of \$264,311.80.

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

AYE: Commissioners Rosenbaum, Matz and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claims of:

E. DE LA GARZA, INC.

Warrant No. 100696 - \$ 99.50,
Warrant No. 100697 - \$151.65,
Warrant No. 100778 - \$275.25, and

Warrant No. 100779 - \$217.35.

Commissioner Cascos as to the claim of:

LANDAIR TRAVEL

Warrant No. 100868 - \$2,118.00.

At this time, Commissioner Cascos stated that he no longer was affiliated with Landair Travel, either as a stock holder or Officer; and therefore had no further Conflict of Interest.

The Affidavits are as follow:

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

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 94-28 and the Salary Schedules for the Health Department, Funds No. 24-631 and No. 32-631 were approved.

The Budget Amendment and Salary Schedules are as follow:

(3) **APPROVAL OF THE MINUTES OF JUNE 28, 1994**

Commissioner Matz moved that the Minutes of the Regular Meeting held June 28, 1994, at 1:30 P.M. be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(7) **IN THE MATTER OF APPOINTMENT OF ELECTION OFFICIALS FOR THE TERM AUGUST 1, 1994 TO JULY 31, 1995 (TABLED)**

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

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(8) **AUTHORIZATION TO ADVERTISE FOR PROPOSALS TO PERFORM A STUDY CONCERNING THE CONSOLIDATION OF CAMERON COUNTY'S ROAD AND BRIDGE OPERATIONS**

Commissioner Matz requested that the criteria for the Request for Proposals be broadened and stated in general terms in order to attract more responses.

At this time, Ms. Rosemary Martinez, Budget Officer, questioned what the cost of the study would be and Commissioner Matz responded that it would probably be less than \$15,000.00.

Ms. Martinez stated that since it appeared that the Project would extend into the Fiscal Year 1995, that the amount could be set aside, instead of using the Road and Bridge Surplus Fund.

Commissioner Matz moved that the advertisement for Proposals to perform a study for the consolidation of the Cameron County's Road and Bridge Operations be authorized.

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

AYE: Commissioners Matz, Cascos and Judge Garza

NAY: Commissioners Rosenbaum and Valencia.

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(9) **DISCUSSION OF THIRD (3RD) QUARTER
REVENUE REPORT FOR CAMERON COUNTY
PARKS SYSTEM**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Third (3rd) Quarter Revenue Report for the Cameron County Parks System was acknowledged.

The Quarterly Report is as follows:

(10) PUBLIC HEARING TO CLOSE A PORTION OF THE ALLEYWAY IN BLOCK NO. 7, BONNAVILLE TERRACE SUBDIVISION, HARLINGEN, TEXAS

Commissioner Cascos moved that the hearing to close a portion of the Alleyway in Block No. 7, Bonnaville Terrace Subdivision, Harlingen, Texas, be opened for public comment.

The motion was seconded by Commissioner Matz and carried unanimously.

Ms. Dylbia Jeffries, County Counsel, explained that the request to close the alleyway was received and that the proper notices were given. She added that the alleyway had not been used for over three (3) years and that it served no purpose and did not access the Roads.

Mr. Eleazar Gonzalez, resident, explained that the alleyway was between two (2) lots that he owned and it had never been used.

Mr. Andy Cueto, County Engineer, remarked that the area was inspected and that the alleyway served no purpose.

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

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(11) AUTHORIZATION TO ADOPT A RESOLUTION CLOSING A PORTION OF THE ALLEYWAY IN BLOCK NO. 7, BONNAVILLE TERRACE SUBDIVISION, HARLINGEN, TEXAS

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Resolution closing a portion of the Alleyway in Block No. 7, Bonnaville Terrace Subdivision, Harlingen, Texas, was adopted.

The Resolution is as follows:

(12)

**ACTION ON A CONSORTIUM AGREEMENT BETWEEN
THE UNIVERSITY OF TEXAS HEALTH SCIENCE
CENTER AT SAN ANTONIO AND CAMERON COUNTY
FOR CASE MANAGEMENT/OUTREACH SERVICES**

Mr. Rolando Martinez, Health Administrator, explained that Ms. Emma Corkill, Health Department Social Worker, had been working for several months to develop an Outreach Program for high risk pregnancies and infants. He stated that the Health Department obtained \$14,000.00 for the training supplies and outreach efforts.

Ms. Emma Corkill, Social Worker, stated that the Health Department would be coordinating with the Health Education Training Centers Alliances in order to provide education to high risk maternities and high risk infants. She stated that the Outreach aspects would promote education and access services and would be comprehensive in order to help the entire family unit, and not just the women and children.

Commissioner Matz moved that the Consortium Agreement between the University of Texas Health Science Center at San Antonio and Cameron County, for Case Management/Outreach Services, be authorized.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Consortium Agreement is as follows:

(13) **IN THE MATTER TO AMEND PARK SYSTEM CONCESSIONAIRE LEASE'S (A THROUGH Q) TO PROVIDE FOR A VOLUNTARY QUARTERLY PAYMENT TO THE TOWN OF SOUTH PADRE ISLAND THROUGH CAMERON COUNTY, FOR ADVERTISING AND PROMOTION SERVICES (TABLED)**

Mr. Kenneth Conway, Parks Director, explained that over a year ago, there was some discussion concerning the possible annexation of Isla Blanca Park, and the Court asked the Parks Board and, subsequently, the Parks Staff to study the benefits and disadvantages of annexation and the Board had recommended that annexation not be considered.

He added that the Parks Staff studied the issue of annexation, and that it appeared that annexation would capture a two percent (2%) sales tax from the Parks Systems concessionaires, for the services that South Padre Island felt that benefited the concessionaires. He stated that the matter was discussed with the three (3) largest concessionaires and that they suggested that perhaps a "voluntary" two percent (2%) sales tax might be a fair contribution and would demonstrate a spirit of cooperation for the benefits received, said contribution to be collected by the County and passed to the Town of South Padre Island.

Mr. Conway explained that the contribution would be on a voluntary basis and the County would then negotiate an Agreement with South Padre Island, and that based on the previous year's gross revenues, the approximate amount to be contributed would be \$62,000.00.

Judge Garza questioned why the County would interject itself as a third party between the concessionaires and the City of South Padre Island and make a representation to the City that certain amount of money would be generated.

Mr. Conway stated the County's involvement on this matter would be to utilize the resources of the County Attorney's Office, and he suggested that perhaps the Concessionaires could form an Association to handle such matters.

At this time, Mr. Dave Friedman, Sea Ranch Restaurant, stated "that the City had spent a great deal on advertising promotions which benefited the concessionaires, and in the spirit of cooperation, they drew up a method to contribute to the overall advertising, that ultimately affected the business". He stated that they were not pro or against annexation, and if they could collect two percent (2%) from the customers, that amount would be contributed to the City, and that the fee could be designated as "County Development Fees" or "Promotional Fees".

Mr. James V. Chisoholm, South Padre Island City Manager, stated that he had not been aware of the proposed Agreement until the previous evening, and that it was not South Padre Island's philosophy to exclude the concessionaires from any advertising promotions.

Mr. Chioholm expressed concern regarding the language of "annexation" in the Agreement, since the concessionaires would not have any control over it and added that it would be difficult for South Padre Island to plan to enhance advertisement for the concessionaires without knowing the amount of money to be contributed.

There was some discussion concerning whether the two percent (2%) was being added as a tax, or taken from the gross amount of revenues, and the potential loss of revenues to the County and suggestions were made that the concessionaires should set up an Association and to deal directly with the City.

Commissioner Matz questioned if it would be difficult for the concessionaires to form an Association and Mr. Friedman responded that the Leases were with the County and the County added a certain "presence".

There was some discussion regarding the benefits to be derived by the concessionaires from the City of South Padre Island and the suggestion was made to table the matter for two (2) weeks for further study.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, this Item was TABLED for two (2) weeks.

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(14) **AUTHORIZATION TO INCREASE THE
OPTIONAL ROAD AND BRIDGE FEE (ARTICLE
6675-9A OF VERNON'S TEXAS CIVIL STATUTES)
FROM THE CURRENT \$5.00 ANNUAL FEE TO A
MAXIMUM OF \$10.00**

Ms. Rosemary Martinez, Budget Officer, stated that the Court had indicated the desire to increase the Road and Bridge Fee to support the improvements of the Drainage District No. 5 Project, when the issue was initially considered in March, 1994.

Commissioner Cascos moved that the increase to the optional Road and Bridge Fee from the current \$5.00 Annual Fee to a maximum of \$10.00, be authorized, pursuant to Article 6675-9a of Vernon's Texas Civil Statutes.

The motion was seconded by Commissioner Matz and carried unanimously.

The Order is as follows:

(15) AUTHORIZATION TO APPROVE ALLOCATION FORMULA FOR THE INCREASED REVENUE GENERATED BY THE ADOPTION OF A \$10.00 ROAD AND BRIDGE FEE

Ms. Rosemary Martinez, Budget Officer, stated that the Court had previously supported a forty-two percent (42%) allocation for Precincts No. 1 and No. 2 and fifty-eight percent (58%) for Precincts No. 3 and No. 4.

Commissioner Cascos moved that the allocation formula of forty-two percent (42%) for Precincts No. 1 and No. 2, and fifty-eight percent (58%) for Precincts No. 3 and No. 4, be authorized for the increased revenue generated by the adoption of a \$10.00 Road and Bridge Fee.

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

AYE: Commissioner Rosenbaum, Cascos and Valencia

NAY: None

ABSTAIN: Commissioner Matz.

At this time, Commissioner Matz noted that the Allocation Formula for the increased revenue would compare to a combined total of Roads in Precincts No. 1 and No. 2 of eighteen percent (18%) and Precincts No. 3 and No. 4 of eighty-two percent (82%).

(16) AUTHORIZATION TO APPROVE CHANGE ORDER NO. 5 FOR THE JUVENILE DETENTION CENTER

Commissioner Matz moved that the Change Order No. 5 for the Juvenile Detention Center be authorized.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Change Order is as follows:

(17) **REPORT ON ELECTION COMMISSION
MEETING REGARDING EVALUATION
EQUIPMENT**

At this time, Mr. Joe G. Rivera, County Clerk, reported that two (2) proposals were received for voting equipment and added that the vendors provided opportunities for interested individuals to view the Systems, that being a "Precinct Counting System" and a "Central Counting System".

He stated that four (4) members of the Election Committee met on June 21, 1994, to evaluate the Proposals, and added that the recommendation would be to obtain a "Precinct Counting System", if the Court wanted to obtain a new Election System. He stated that there were three (3) options available to the Court, that being: 1) do nothing and keep the current system, 2) negotiate with Business Records Corporation (BRC) for a "Precinct Counting System", or 3) Re-advertise for a "Precinct Counting System".

Commissioner Valencia expressed his support for the "Precinct Counting System".

There was some discussion concerning the cost associated with a new system and the cost of maintaining the current system and the suggestion was made to study the matter of financing in the next thirty (30) days before placing the Item on the agenda for consideration and action.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Report on the Election Commission Meeting regarding the evaluation of equipment was acknowledged.

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(23) **ADOPTION OF A RESOLUTION IN SUPPORT OF THE
PASEO DE LA RESACA PROJECT**

Commissioner Matz moved that the Resolution be adopted, subject to the deletion of the phrase "does hereby dedicate Staff and technical support for the Project", and added that the County Engineer's Office currently had too many Projects pending.

At this time, Mr. Bob Driggers, CPL representative, stated that they were not receiving a great deal of support from the City of Brownsville and that they would appreciate the County Engineer's expertise to complete the Application by August 16, 1994.

There was some discussion concerning the time and staff required from the County Engineer's Office and the lack of support and leadership from the City of Brownsville towards the Project.

Mr. Andy Cueto, County Engineer, stated that he anticipated that it would take approximately fifteen (15) to twenty (20) staff hours to complete the Application and Commissioner Cascos suggested that staff time be limited to no more than twenty-four (24) hours.

At this time, Commissioner Matz withdrew his original motion and the suggestion was made to change the last phrase to read: "not to exceed twenty-four (24) hours".

Commissioner Cascos moved that the Resolution be adopted, subject to the inclusion of the last phrase to read: "not to exceed twenty-four (24) hours".

The motion was seconded by Commissioner Matz and carried unanimously.

The Resolution follows:

(24) AUTHORIZATION TO ENTER INTO CONTRACT WITH TRAFFIC ENGINEERING INCORPORATED, FOR NINE (9) RIGHT-OF-WAY (R-O-W) STUDIES FOR PROJECT ROAD MAP

At this time, Mr. Andy Cueto, County Engineer, reviewed the Scope of the Project, the advertising that was conducted to solicit Requests for Proposals and the review Process of the top five (5) proposals by the Review Committee.

Commissioner Matz expressed his concern with the high Engineering costs, and added that the flat fee in the amount of \$250,000.00 should read: "not to exceed \$250,000.00", and suggested that the Contract be reviewed by Legal Counsel before approval.

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

At this time, Judge Garza stated that the Court was notified of the Hearings and of the interviews after the Proposals were received and that was the opportunity that the Court had to participate in the review process.

Commissioner Cascos suggested that instead of tabling the Item for one (1) week, that the matter be approved by the Court, subject to legal review and that the language be changed to read: "that the amount not to exceed \$250,000.00".

At this time Commissioner Cascos withdrew his original motion.

Commissioner Cascos moved that the Contract with Traffic Engineering, Incorporated, for nine (9) Right-of-Way (R-O-W) studies for Project Road Map be approved, subject to legal review and the "not to exceed \$250,000.00" language.

The motion was seconded by Commissioner Matz and carried unanimously.

The Contract is as follows:

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

Mr. Andy Cueto, County Engineer, recommended that the low bid by J.A.G., Construction Company, Brownsville, Texas, in the amount of \$247,000.00, be approved.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the low bid by J.A.G., Construction Company, Brownsville, Texas, in the amount of \$247,000.00, was authorized, subject to legal review, said funds to be allocated from Toll Bridge Surplus.

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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 **9th** day of **AUGUST**, 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