

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 19th 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:

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:

ANTONIO O. GARZA, JR.

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The meeting was called to order by Judge Pro-tem Carlos H. Cascos. He then asked Ms. Lena Guerrero, Hart's Forms and Services Consultant, 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 15, 1994, at 1:29 P. M.:

(8) AUTHORIZATION TO ENTER INTO AN ACCELERATED ACQUISITION SCHEDULE FOR FM/509 WITH THE FIRM OF ALLEN, WILLIFORD, AND SEALS

Commissioner Valencia moved that the Accelerated Acquisition Schedule for the Farm to Market (FM) 509 Road Project with the Firm of Allen, Williford, and Seals, be authorized, subject to review by Legal Counsel.

The motion was seconded by Commissioner Matz.

At this time, Commissioner Matz stated that he supported the action with the understanding "that any additional cost of the acceleration would be covered fifty/fifty (50/50) by the Cities of San Benito and Harlingen, in an amount not to exceed \$69,850.00", as reflected in the following Minutes of the Harlingen City Commission of June 15, 1994:

Upon motion duly made by Commissioner Valencia and seconded by Commissioner Matz, the Accelerated Acquisition Schedule for Farm to Market (FM) 509 Road Project with the Firm of Allen, Williford, and Seals was unanimously approved.

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

Mr. Andy Cueto, County Engineer, reported that Legal Counsel had reviewed the Contract and that a minor change was suggested, that being an exclusion to the Indemnity Clause and he recommended approval subject to said change.

At this time, Mr. Douglas Wright, County Counsel, stated that he reviewed the Contract from a Legal standpoint, but that the Contract had not been reviewed from the standpoint of "bargaining" for the County. He added that in the future, the County should designate a committee to review the Contracts from the standpoint of "bargaining" in order to determine what was in the best interest for the County.

Mr. Cueto responded that the Proposal Review Process was to determine which was the best proposal for the County.

Commissioner Valencia questioned whether the County Attorney was comfortable with the Contract and Mr. Wright responded that he felt comfortable with the Contract from a legal standpoint, and added that he was making the distinction, that the decision was based on the legal aspects, and not on the "bargaining" aspects, since he was not involved in the negotiations.

Commissioner Valencia suggested that the matter be tabled to provide time for further review.

Mr. Michael Martin, Assistant Engineer, remarked that the Contract was a "Standard Contract" used throughout the Country, with minor modifications such as the Project Descriptions and the Addendum concerning the Scope of Work.

Mr. Cueto stated that Legal review could be added on every negotiation, and Mr. Wright stated that he was suggesting that from the beginning of the negotiations of the Contract, that either the Court or someone designated by the Court, be in a position to question what the County was getting for its money.

Commissioner Matz remarked that the issue was whether or not the County was getting the best deal as to the "commercial" terms of the Contract.

Mr. Cueto requested direction from the Court, as to the procedures to follow in future Contract negotiations and Judge Pro-tem Cascos suggested that the Review Committee should include Legal Counsel and Accounting, either through the County

Auditor's Office or the Budget Officer, and added that the questions being asked when the Contracts were presented for approval would be eliminated.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Contract with Traffic Engineering, Incorporated, for nine (9) Right-Of-Way (R-O-W) Studies for Project Roadmap, was authorized, subject to review by Legal Counsel and the County Auditor and/or the Budget Officer.

The Contract is as follows:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented the following late claims for approval: Dennis G. Fortassain, Warrant No. 101786, in the amount of \$237.75; Heinze and Associates, Warrant No. 101787, in the amount of \$1,942.00; Public Utilities Board, Warrant No. 101788, in the amount of \$253.00; Valley Wide Sprinkler System, Warrant No. 101789, in the amount of \$18,920.00; and Flores Trucking, Warrant No. 101783, in the amount of \$4,800.00.

Commissioner Matz moved that the County Claims be approved as recommended by the County Auditor, inclusive of the late claims as to Warrant No. 101786, in the amount of \$237.75; Warrant No. 101787, in the amount of \$1,942.00; Warrant No. 101788, in the amount of \$253.00; Warrant No. 101789, in the amount of \$18,920.00; and Warrant No. 101783, in the amount of \$4,800.00.

The motion was seconded by Commissioner Valencia and carried unanimously.

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

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Fiscal Year 1994 Budget Amendments No. 94-29 and No. 94-29A were approved.

The Budget Amendments are as follows:

(3) **IN THE MATTER OF THE MINUTES OF JULY 12,
1994(PASSED)**

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

(4) **AUTHORIZATION TO APPROPRIATE
ADDITIONAL FUNDS FOR THE INDIGENT
HEALTH CARE PROGRAM**

Ms. Rosemary Martinez, Budget Officer, reported that the Fiscal Year 1994 Budget had appropriated 1.6 million to the Indigent Health Care Program, in excess of the required ten percent (10%) of the tax revenue appropriation. She indicated that the State still had funding available and that according to the County Auditor's Office, approximately \$250,000.00 was needed to complete the State Fiscal Year. She added that of the \$250,000.00, the County would be responsible for twenty percent (20%), or \$50,000.00 and the balance would be reimbursed by the State. She recommended that if the Court appropriated the additional funding, that it be subject to the State having the funds available to reimburse the County the eighty percent (80%), that being \$200,000.00.

Judge Pro-tem Cascos questioned what options were available if the State ran out of funds, and the Budget Officer responded that if the State ran out of money, then the County would be responsible for the full amount, said funds to be appropriated from the Surplus Fund.

There was some discussion concerning the amount available in the Line Item of "Indigent Burials", but the amount was not significant to transfer to the Line Item of "Indigent Medical Bills".

Mr. Yates stated that the County's options would be to defer bills and if the State ran out of funds, the bills would not be paid until the new year, beginning September 1, 1994.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the appropriation of additional funds for the Indigent Health Care Program was authorized, subject to the State having the funds available to reimburse the County.

(5) **IN THE MATTER ON CERTAIN CONSTRUCTION
ISSUES RELATED TO GT ESTATES SUBDIVISION
IN CAMERON COUNTY, WITHIN THE EXTRA-
TERRITORIAL JURISDICTION OF THE CITY OF
BROWNSVILLE (TABLED)**

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

(6) **APPROVAL OF APPOINTMENT OF ELECTION
OFFICIALS FOR THE TERM OF AUGUST 1, 1994,
TO JULY 31, 1995**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the appointment of Election Officials for the term of August 1, 1994, to July 31, 1995, was approved.

The List of Officials follows:

(7) **PRESENTATION ON THE THIRD QUARTER
BRIDGE SYSTEM REPORT ON GATEWAY
BRIDGE AND FREE TRADE AT LOS INDIOS**

Mr. Jose F. Galvan, Bridge System Director, highlighted the Report concerning crossings and revenues generated by the Gateway Bridge and the Free Trade Bridge at Los Indios.

Commissioner Valencia moved that the presentation of the Third Quarter Bridge System Report on the Gateway Bridge and the Free Trade Bridge at Los Indios be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

The Report is as follows:

(10) IN THE MATTER TO PROVIDE THE TWENTY PERCENT (20%) MATCHING SHARE FOR THE DESIGN AND CONSTRUCTION OF FOUR (4) OFF-SYSTEM BRIDGES BY TEXAS DEPARTMENT OF TRANSPORTATION AND DESIGNATE THE FUNDING SOURCE (REJECTED)

Mr. Andy Cueto, County Engineer, reported that the \$120,000.00 was Budgeted for the Fiscal Year 1994 to address the Bridge Replacement Project, and added that four (4) Bridges would be replaced, out of the twenty-one (21) Bridges that needed replacement.

Commissioner Valencia questioned why the Bridge near La Feria was not considered and Mr. Cueto indicated that the Texas Department of Transportation (TxDOT) made the decision as to which Bridges were to be replaced.

There was some discussion as to the Bridges that were considered for replacement and Judge Pro-tem Cascos clarified that the County Engineer presented the information but the decision as to replacement was made by the Texas Department of Transportation.

Commissioner Matz moved that the twenty percent (20%) matching share for the design and construction of four (4) Off-System Bridges by the Texas Department of Transportation (TxDOT) be authorized, said funding to be allocated from within the Budget.

The motion was seconded by Judge Pro-tem Cascos and the vote was as follows:

AYE: Commissioner Matz and Judge Pro-tem Cascos

NAY: Commissioner Rosenbaum and Valencia.

"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:

At this time, Commissioner Valencia indicated that he would abstain on Item No. 14.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the "Consent" Agenda Items were approved as follow, noting Commissioner Valencia's abstention on Item No. 14:

- (11) AUTHORIZATION FOR POSSIBLE ACCEPTANCE OF PRESCRIPTIVE EASEMENTS FOR MORA ROAD AND THE THREE (3) ROADS WITHIN DAKOTA MOBILE ESTATES: BILLY THE KID, WYATT EARP, AND DOC HOLLIDAY
- (12) APPROVAL FOR LEASE CONTRACT WITH BOCA CHICA TOWERS AT NO. 403 AND NO. 404 AT 2100 BOCA CHICA BOULEVARD, BROWNSVILLE, TEXAS, CAMERON COUNTY, IN THE AMOUNT OF \$722.12 PER MONTH, FROM JULY 1, 1994, THROUGH JUNE 30, 1995

The Lease Contract follows:

- (13) ACCEPTANCE OF GRANT NO. HT-91-B02-07987 AWARDED TO FINANCIAL DISRUPTION TASK FORCE, IN THE AMOUNT OF \$343,331.00

The Resolution is as follows:

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

J.A.G., Construction Company, Brownsville, Texas

Demolition and Corner Improvements \$247,000.31

Abstain: Commissioner Valencia

- (15) FINAL APPROVAL
 - a) **Precinct No. 3:**
Esquina Subdivision - being a resubdivision of Lot No. 24, Block No.1; and
 - b) **Precinct No. 4:**
Del Valle No. 4 Subdivision - being a subdivision of 15.21 acres out of Block No. 66, San Benito Land and Water Company Subdivision.
- (16) PRELIMINARY APPROVAL
 - a) **Precinct No. 1:**
Guerra Subdivision No. 1 - being a replat, being the North West 2.5 acres out of Block No. 106, El Jardin Subdivision.
- (17) AUTHORIZATION TO AWARD BIDS/REQUEST FOR PROPOSALS (RFP) FOR:

PAYNE DEALER GROUP, Weslaco, Texas

A) Auto 2 Door 94/95, in stock, with trade \$7,699.08

KELLOGG CHEVROLET, San Benito, Texas

C) Pick-up 1/2 ton, in stock, with trade \$9,600.00

A.I.D./WESTINGHOUSE, Fort Lauderdale, Florida

Van Surveillance System for the Task Force \$52,161.00

(18) AUTHORIZATION TO AWARD ANNUAL BIDS FOR:

ASTRO SUPPLY, McAllen, Texas

- A) Laundry Detergent, price per lb. \$ 0.34
- B) Bleach, price per gallon/lb. \$ 1.25

FIRESTONE, Harlingen, Texas

- A) Patrol Tires P225-70R15 \$50.10
- B) Patrol Tires P235-70R15 \$55.36

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

- a) County Clerk to attend the "Secretary of State's 12th Annual Election Law Seminar" in Austin, Texas, on August 10-12, 1994;
- b) Officers for the Cameron County Drug Enforcement Task Force to attend the "DPS Academy for TNCP" in Austin, Texas, on July 18-22, 1994, August 8-12, 1994, and August 22-26, 1994;
- c) Health Administrator to attend the "2nd Bi-National Rabies Conference" in Laredo, Texas, on August 2-4, 1994;
- d) JVIC Director to attend a Special Meeting of "TALWD Food Delivery Committee" in Austin, Texas, on July 20-22, 1994;
- e) Sheriff to attend the "Annual Sheriff's Association of Texas" Conference in Austin, Texas, on July 24-28, 1994;
- f) Investigator for the Sheriff's Department to attend the "1994 Texas Narcotics Officers Association Training Conference" in Corpus Christi, Texas, on August 7-12, 1994;
- g) Chief Deputy to attend the "American Heart Association Tuberculosis Elimination Quarterly Meeting" in Austin, Texas, on July 21-23, 1994; and
- h) District Clerk and Chief Deputy to attend the "County Investment Officer Training Program" offered by the Texas Association of Counties in Austin, Texas, on July 21-22, 1994, and to attend meeting with the Attorney General's Office on July 20, 1994.

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ITEM NO.12

APPROVAL FOR LEASE CONTRACT WITH BOCA CHICA TOWERS AT NO. 403 AND NO. 404 AT 2100 BOCA CHICA BOULEVARD, BROWNSVILLE, TEXAS, CAMERON COUNTY, IN THE AMOUNT OF \$722.12 PER MONTH, FROM JULY 1, 1994, THROUGH JUNE 30, 1995

The Lease Contract follows:

ITEM NO.13

**ACCEPTANCE OF GRANT NO. HT-91-B02-07987 AWARDED TO FINANCIAL
DISRUPTION TASK FORCE, IN THE AMOUNT OF \$343,331.00**

The Resolution is as follows:

(20) 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 Castillo vs. Cameron County, Cause No. B-93-260, U.S. District Court, Southern District Texas, and received update and advise from Counsel, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A); and
- b) To discuss Right-of-Way for Farm to Market (FM) 509 Road, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

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

Court reconvened in Regular Session at 2:37 P.M.

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(36) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Action regarding approval of staffing requirements to implement the Intake/Probable Cause Procedures.

Judge Pro-tem Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that the creation of two (2) slots be authorized for the District Attorney's Office, that being one (1) Attorney and one (1) Secretary, to handle the Probable Cause aspects of the presentation of cases; that the Budget Officer be directed to allocate funds for the remainder of the Fiscal Year and that the positions be permanent and fully funded in the next Fiscal Year.

Upon motion by Commissioner Matz seconded by Commissioner Rosenbaum and carried unanimously, two (2) slots for the District Attorney's Office were approved, that being for one (1) Attorney and one (1) Secretary, to meet the staffing requirements in order to implement the Intake/Probable Cause Procedures; that the Budget Officer was directed to allocate funds for the remainder of the Fiscal Year for said positions, and that the positions were to be permanent and fully funded in the next Fiscal Year.

b) Action regarding discussion on Right-of-Way for Farm to Market (FM) 509 Road.

Judge Pro-tem Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Engineer and Staff should be directed to follow the terms and conditions as outlined in Executive Session regarding said matters.

Commissioner Matz moved that the County Engineer and Staff be directed to follow the terms and conditions as outlined in Executive Session regarding the Right-of-Way for Farm to Market (FM) 509 Road.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(10) **AUTHORIZATION TO PROVIDE THE TWENTY PERCENT (20%) MATCHING SHARE FOR THE DESIGN AND CONSTRUCTION OF FOUR (4) OFF-SYSTEM BRIDGES BY TEXAS DEPARTMENT OF TRANSPORTATION AND DESIGNATE THE FUNDING SOURCE**

Commissioner Matz moved that the twenty percent (20%) matching share for the design and construction of four (4) Off-System Bridges by the Texas Department of Transportation (TxDOT) be authorized, said funding to be appropriated from within the Budget.

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

AYE: Commissioners Rosenbaum, Matz and Judge Pro-tem Cascos

NAY: Commissioner Valencia.

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There being no further business to come before the Court, upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz 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