

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 16th day of AUGUST, 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:
1:30P. 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

NELLIE 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. Rolando Martinez, Health Administrator, 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 August 12, 1994, at 10:33 A. M.:

NOT ON AGENDA PRESENTATION OF FIRST (1ST) PLACE AWARD BY THE TEXAS ASSOCIATION OF COUNTIES TO ROBERT BYARS FOR HIS ENTRY IN THE "COUNTY GOVERNMENT AT WORK" PHOTO ESSAY CONTEST

At this time, Judge Garza reported that Master Robert Byars, La Feria 4-H Club Member, recently took pictures of Cameron County as part of the "County Government-at-Work" 4-H Project. He stated that the award winning entries in the Photo Contest Category were recognized locally and statewide by the Texas Association of Counties (TAC), as part of the 1994 County Government Awareness Week. Judge Garza extended his congratulations to Master Byars for his achievements and called on the representative from the Texas Association of Counties (TAC) to make the presentation.

Ms. Lory Hunnicutt, Texas Association of Counties, stated that this was the first year that the Photo Contest was held and added that the winning entries would be displayed at the State Capital during County Government Week in April and presented Master Byars with a plaque and a check in the amount of one hundred dollars (\$100.00).

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(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, stated that he and Ms. Lory Hunnicutt, Texas Association of Counties, had been reviewing the Workers Compensation matters and referred to the following letter concerning Safety matters:

Mr. Yates added that the recommendations to improve and correct several potential safety concerns could decrease the Worker's Compensation "experience modifier" and subsequently decrease the annual insurance premiums.

Ms. Lory Hunnicutt, Texas Association of Counties, remarked that the "experience modifier" was based on the workers compensation claims submitted by the County and that the savings could be very substantial if the "experience modifier" was decreased.

Judge Garza suggested that perhaps the Safety Coordinator's position could be "contracted" in order to conduct the Safety Seminars for the balance of the Fiscal Year.

At this time, Mr. Yates presented the late claim as to the Disruption Task Force, Warrant No. 103387, in the amount of \$2,000.00, for approval.

Commissioner Rosenbaum moved that the County Claims be approved as recommended by the County Auditor, inclusive of the late claim as to Warrant No. 103387, in the amount of \$2,000.00.

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

AYE: Commissioners Rosenbaum, Cascos, Matz and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claim of:

E. DE LA GARZA, INC.

Warrant No. 103166 - \$323.57.

The Affidavit is as follows:

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

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Fiscal Year 1994 Budget Amendments No. 94-32 and No. 94-32A and the Salary Schedules for the County Commissioners' Department, Fund No. 10-410, the District Attorney's Office, Fund No. 10-475, and the Detention Center, Fund No. 10-518, were approved.

The Budget Amendments and Salary Schedules are as follow:

**(3) IN THE MATTER OF THE MINUTES' OF AUGUST
9, 1994 (PASSED)**

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

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**(4) APPROVAL TO RENEGOTIATE MATERNAL AND
CHILD HEALTH GRANT CONTRACT WITH
OBSTETRICIAN/GYNECOLOGIST (OB/GYN) AND
ASSOCIATES OF BROWNSVILLE, LIMITED**

Mr. Rolando Martinez, Health Administrator, reported that the Texas Department of Health was reducing the Maternal Grant Fund by \$150,000.00, and requested Court approval to renegotiate the Contract with Obstetrician/Gynecologist (OB/GYN) from two hundred dollars (\$200.00) a day to "no charge" in order to off-set the decreased funding.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Health Administrator was directed to renegotiate the Contract with Obstetrician/Gynecologist (OB/GYN) and Associates of Brownsville, Limited, in order to off-set the decreased funding.

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**(5) ACTION SETTING SPECIAL CROSSING TOLL
RATES FOR OVERSIZED AND OVERWEIGHT
CARGOES AT THE FREE TRADE BRIDGE AT
LOS INDIOS**

Mr. Joe Galvan, Bridge Systems Director, explained that a large and heavy crossing was anticipated at the Free Trade Bridge and that the previous fee of \$3,500.00 was imposed on an oversized refrigeration unit, but since that time special crossings have been charged \$30.00 per passing. He stated that the concern was whether to continue to charge the regular \$30.00 fare for the special crossing gate or to access a special crossing fare similar to the refrigeration unit. He recommended that the "super" overweight cargoes be charged a special toll of \$500.00 and that the oversized cargoes, such as combines, remain at the current \$30.00 charge.

Judge Garza questioned whether the approved crossings were coordinated with the Texas Department of Transportation (TxDoT), and the Bridge Systems Director responded that the Brokers obtained permits in order to move the oversized cargoes.

NOTE: COMMISSIONER ROSENBAUM LEFT THE COURTROOM.

Commissioner Matz moved that the special crossing toll rates for oversized and overweight cargoes at the Free Trade Bridge at Los Indios be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

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**(6) ACTION ON CONSTRUCTION CHANGE
ORDER NO. 3 ON THE SOUTH DAKOTA STREET
AND DRAINAGE IMPROVEMENT PROJECT**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Construction Change Order No. 3, on the South Dakota Street and Drainage Improvement Project, was approved.

The Change Order is as follows:

(7) AUTHORIZATION FOR COUNTY ENGINEER TO PREPARE SPECIFICATIONS PLANS AND ADVERTISE FOR BIDS FOR VASQUEZ ROAD TIMBER BRIDGE

Commissioner Cascos moved that the County Engineer be authorized to prepare specifications plans and to advertise for bids for the Vasquez Road Timber Bridge.

The motion was seconded by Commissioner Matz and carried unanimously.

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(8) ACTION AUTHORIZING THE COUNTY JUDGE TO SIGN AN AMENDMENT TO THE EXISTING LICENSE FROM THE INTERNATIONAL BOUNDARY AND WATER COMMISSION ALLOWING BEAUTIFICATION IN THE FLOODPLAIN AT THE FREE TRADE BRIDGE

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the County Judge was authorized to sign an Amendment to the existing License from the International Boundary and Water Commission in order to allow the beautification of the floodplain at the Free Trade Bridge.

The Amendment is as follows:

"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 Valencia and carried unanimously, the

"Consent" Agenda Items were approved as follow:

(9) FINAL APPROVAL:

a) Precinct No. 4:

Del Valle No. 5 Subdivision - being a subdivision of a 7.41 acre tract of land out of Block No. 66, San Benito Land and Water Company Subdivision.

(10) AUTHORIZATION TO UTILIZE STATE CONTRACT FOR ONE (1) YEAR WITH MCI TELECOMMUNICATIONS COMPANY FOR PAY PHONE LONG DISTANCE SERVICES/COMMISSIONS

The Contract follows:

(11) AUTHORIZATION TO UTILIZE SOUTHWESTERN BELL CONTRACT FOR THREE (3) YEARS, WITH A TWO (2) YEAR OPTION TO RENEW, FOR PUBLIC PAY PHONES LOCAL SERVICE/COMMISSIONS

The Contract follows:

(12) AUTHORIZATION TO ESTABLISH THE "CUT OFF DATE" FOR ALL PURCHASE ORDER REQUESTS AS OF AUGUST 31, 1994, EXCEPT FOR EMERGENCY SITUATIONS

(13) AUTHORIZATION TO OPEN ANNUAL BIDS FOR ROAD SURFACING MATERIALS

The Bids opened and received follow:

(14) AUTHORIZATION TO OPEN ANNUAL BIDS FOR FURNITURE FOR VARIOUS DEPARTMENTS

The Bids opened and received follow:

(15) AUTHORIZATION TO OPEN BIDS FOR ONE (1) COMPACT PICK-UP AND ONE (1) ONE (1) TON ASPHALT CONTRACTORS DUMP TRUCK (CASH OR LEASE PURCHASE) FOR PRECINCT NO. 1

The Bids opened and received follow:

(16) AUTHORIZATION TO ADOPT RESOLUTION FOR PARTICIPATION IN STATE PURCHASING CONTRACTS WITH THE GENERAL SERVICES COMMISSION FOR FISCAL YEAR 1994-1995

The Resolution follows:

- (17) AUTHORIZATION TO REJECT BIDS FOR ONE (1) PICK-UP TRUCK, IN STOCK, FOR THE TASK FORCE DEPARTMENT (REASON: SUBJECT TO AVAILABILITY - SOLD)
- (18) AUTHORIZATION TO AWARD ANNUAL BIDS FOR TRANSPORTATION OF VOTING MACHINES

GULF TRANSPORT & STORAGE, San Benito, Texas

- A) Standby truck on Election Day - \$250.00
B) Deliver and return per machine - \$ 40.50

- (19) AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGETS:
- a) ustices of the Peace, Precinct No. 3, Place No. 1 and Precinct No. 7, to attend the "Inquest Seminar" in San Antonio, Texas, on August 22-24, 1994;
 - b) Computer Director to attend the "Computer Imaging Seminar" in Corpus Christi, Texas, on August 16, 1994;
 - c) Commissioner Precinct No. 3, to attend the "Border Trade Alliance Conference" in Washington, D.C., on September 25-27, 1994;
 - d) International Bridge Systems Director to attend the "How to Manage Projects, Priorities, and Deadlines Seminar" in McAllen, Texas, on September 13, 1994;
 - e) County Engineer to attend a "Texas American Society of Civil Engineers (A.S.C.E.) Fall Conference" in Lubbock, Texas, on September 28 - October 1, 1994; and
 - f) District Clerk and Deputy to attend a "Texas Association of Counties Advance County Government Seminar" in Austin, Texas, on August 23, 1994.

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ITEM NO. 10

AUTHORIZATION TO UTILIZE STATE CONTRACT FOR ONE (1) YEAR WITH MCI TELECOMMUNICATIONS COMPANY FOR PAY PHONE LONG DISTANCE SERVICES/COMMISSIONS

The Contract follows:

ITEM NO. 11

**AUTHORIZATION TO UTILIZE SOUTHWESTERN BELL
CONTRACT FOR THREE (3) YEARS, WITH A TWO (2)
YEAR OPTION TO RENEW, FOR PUBLIC PAY PHONES
LOCAL SERVICE/COMMISSIONS**

The Contract follows:

ITEM NO. 13

**AUTHORIZATION TO OPEN ANNUAL BIDS FOR ROAD
SURFACING MATERIALS**

The Bids opened and received follow:

ITEM NO. 14

**AUTHORIZATION TO OPEN ANNUAL BIDS FOR
FURNITURE FOR VARIOUS DEPARTMENTS**

The Bids opened and received follow:

ITEM NO. 15

AUTHORIZATION TO OPEN BIDS FOR ONE (1) COMPACT PICK-UP AND ONE (1) ONE (1) TON ASPHALT CONTRACTORS DUMP TRUCK (CASH OR LEASE PURCHASE) FOR PRECINCT NO. 1

The Bids opened and received follow:

ITEM NO. 16

**AUTHORIZATION TO ADOPT RESOLUTION FOR
PARTICIPATION IN STATE PURCHASING CONTRACTS
WITH THE GENERAL SERVICES COMMISSION FOR
FISCAL YEAR 1994-1995**

The Resolution follows:

(20) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 2:00 P. M. to discuss the following matter:

- a) 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.

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

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(21) ACTION RELATIVE TO EXECUTIVE SESSION

- a) 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 with the County Engineer, the Consultant and the Public Utilities Board (PUB) representatives, it was the consensus of the Court as determined by polling, that the recommendations made by the Consultant be acknowledged and adopted.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the recommendations by the Consultant were adopted concerning the possible litigation and property acquisition, pursuant to the preliminary recommendations on the Cameron Park Colonia Study and General Plan.

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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 **30th** 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