

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 18th day of OCTOBER, 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

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:

LUCINO ROSENBAUM, JR.

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Representative Robert Gutierrez, Hidalgo County, 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 October 14, 1994, at 1:51 P. 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 Cascos and carried unanimously, the "Consent" Agenda Items were approved as follow, exclusive of Item No. 15"d" and noting that Item 20"g" should be corrected to read "members", instead of "member":

- (11) PRELIMINARY APPROVAL
 - a) **Precinct No. 3:**
La Plenty Subdivision - being a resubdivision of the Southeast five (5) acres located in Block No. 93, Wilson Tract Subdivision, Survey No. 25.

- (12) AUTHORIZATION TO AWARD ANNUAL BID:
 - ESPARZA PEST CONTROL, Brownsville, Texas**
 - A) Pest Control - Various Locations - \$7,990.00

 - RIO OILS & FUEL, Brownsville, Texas**
 - A) Unleaded - All Locations - \$0.7228
 - B) Diesel - All Locations - \$0.5511

- (13) AUTHORIZATION TO AWARD REQUEST FOR PROPOSAL (RFP) NO. 940801 FOR CLOSED CIRCUIT TELEVISION (CASH OR LEASE PURCHASE) FOR THE TAX DEPARTMENT
 - ARGUS SECURITY, McAllen, Texas**
 - A) Closed Circuit Television - \$17,401.89

- (14) AUTHORIZATION TO AWARD BID:
 - J.C. BROWN, San Juan, Texas**
One (1) Vibratory Smooth Drum Soil Compactor/Roller
Lease Purchase - One (1) year Warranty - \$67,433.45

- (15) AUTHORIZATION TO OPEN BIDS:
 - a) One (1) used sweeper for Precinct No. 1 and No. 2;
 - b) One (1) Pick-up Truck 4x4, in stock, for Precinct No. 2;
 - c) Twenty six (26) Patrol cars and two (2) vans for the Sheriff's Department; and
 - d) In the matter of Commercial Kitchen Food Services Equipment for the New Detention Center (**REBID**).

The bids received and opened follow:

- (16) APPROVAL OF CONTRACT WITH WACKENHUT FOR COURTHOUSE SECURITY SERVICES [PER REQUEST FOR PROPOSAL (RFP) NO. 940101, AWARDED BY COMMISSIONERS' COURT]

The Contract follows:

- (17) AUTHORIZATION TO CONVERT TWO (2) COUNTY VEHICLES TO PROPANE AT NO EXPENSE TO CAMERON COUNTY
- (18) ADOPTION OF RESOLUTION AND ASSOCIATED APPLICATION FOR ANNUAL BEACH CLEANING CONTRACT FOR FISCAL YEAR 1994/1995 BETWEEN CAMERON COUNTY PARKS SYSTEM AND TEXAS GENERAL LAND OFFICE, CERTIFYING THAT CAMERON COUNTY PARKS SYSTEM WILL CLEAN AND PATROL 31,800 LINEAR FEET OF PUBLIC BEACHES ON SOUTH PADRE ISLAND

The Resolution follows:

- (19) APPROVAL TO TERMINATE LEASE AGREEMENT BETWEEN MARCELLOS RODRIGUEZ, D/B/A: ROSSI'S TOO, (ISLA BLANCA PARK - SANDPIPER PAVILION) AND CAMERON COUNTY, EFFECTIVE OCTOBER 14, 1994, AND TO AUTHORIZE PARKS SYSTEM STAFF TO SOLICIT PROPOSALS FOR LEASE OF CONCESSION BUILDING
- (20) AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGETS:
- a) Sheriff and one (1) Officer to attend a mandatory "Jail Management Conference" in Huntsville, Texas, on October 11-14, 1994;
 - b) County Clerk and Deputy to meet with Records Consultant regarding the "Implementation Phase of Records Management" in Austin, Texas, on October 19-21, 1994;
 - c) Vehicle Maintenance Director to attend the "Gas Expo-Alternative Fuel Conference" in Houston, Texas, on November 7-9, 1994;
 - d) County Judge to attend the "Texas Parks and Wildlife Parks Advisory Board Meeting" in Austin, Texas, on October 18-20, 1994;
 - e) One (1) Health Department Employee to attend the "Sixth Annual Conference for Texas Nurse Practitioners Meeting" in San Antonio, Texas, on October 19-21, 1994;
 - f) Deputy for Constable Precinct No. 8 to attend the "Basic Crime Practitioners Course" in Galveston, Texas, on November 17, 1994;
 - g) Members of Commissioners' Court to attend the "Texas Association of Counties Pre-Legislation Meeting" in Austin, Texas, on October 26-27, 1994, and Legislative Symposium on December 7-8, 1994; and
 - h) County Clerk and one (1) Deputy to attend the "1994 Conference on Vital Statistics" in Austin, Texas, on December 4-6, 1994.

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ITEM NO. 15 AUTHORIZATION TO OPEN BIDS:

- a) One (1) used sweeper for Precinct No. 1 and No. 2;**
- b) One (1) Pick-up Truck 4x4, in stock, for Precinct No. 2;**
- c) Twenty six (26) Patrol cars and two (2) vans for the Sheriff's Department; and**
- d) In the matter of Commercial Kitchen Food Services Equipment for the New Detention Center (REBID).**

The bids received and opened follow:

ITEM NO. 16

**APPROVAL OF CONTRACT WITH WACKENHUT
FOR COURTHOUSE SECURITY SERVICES [PER
REQUEST FOR PROPOSAL (RFP) NO. 940101,
AWARDED BY COMMISSIONERS' COURT]**

The Contract follows:

ITEM NO. 18

ADOPTION OF RESOLUTION AND ASSOCIATED APPLICATION FOR ANNUAL BEACH CLEANING CONTRACT FOR FISCAL YEAR 1994/1995 BETWEEN CAMERON COUNTY PARKS SYSTEM AND TEXAS GENERAL LAND OFFICE, CERTIFYING THAT CAMERON COUNTY PARKS SYSTEM WILL CLEAN AND PATROL 31,800 LINEAR FEET OF PUBLIC BEACHES ON SOUTH PADRE ISLAND

The Resolution follows:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented the late claim as to Mr. Rafael Mendoza Luna, Warrant No. 107019, in the amount of \$450.00 for approval.

Commissioner Matz moved that the County Claims be approved as recommended by the County Auditor, inclusive of the late claim as to Warrant No. 107019, in the amount of \$450.00.

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

AYE: Commissioners Rosenbaum, Cascos, Matz and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claims of:

E. DE LA GARZA

Warrant No. 106550 - \$1,957.16,

Warrant No. 106615 - \$1,989.45,

Warrant No. 106616 - \$ 780.06, and

Warrant No. 106617 - \$ 106.50.

The Affidavit is as follows:

(2) APPROVAL OF BUDGET AMENDMENTS AND SALARY SCHEDULES

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 94-35, the Fiscal Year 1995 Budget Amendment No. 95-02, and the following Salary Schedules were approved as recommended by the Budget Officer:

Computer Center Department, Fund No. 10-408;
County Sheriff Department, Fund No. 10-560;
Auto Theft Detail Department, Fund No. 10-562;
Engineering/Right-of-Way Department, Fund No. 15-622;
Health Department:
Fund Nos. 24-624, 24-631, 27-626, and 27-629;
Free Trade Bridge at Los Indios, Fund No. 77-610;
Bail Bond Administration, Fund No. 89-411; and
Drug Forfeiture Department, Fund No. 90-561.

The Budget Amendments and Salary Schedules are as follow:

(3) APPROVAL OF MINUTES OF SEPTEMBER 9, 1994, (2 SETS), SEPTEMBER 13 AND 27, 1994, AND OCTOBER 4, 1994, AND OCTOBER 11, 1994 (TABLED)

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the following Minutes were approved and the Minutes of October 11, 1994 were **TABLED**:

September 9, 1994	-	11:30 A.M.	-	Special Meeting;
September 9, 1994	-	1:30 P.M.	-	Special Meeting;
September 13, 1994	-	1:30 P.M.	-	Regular Meeting;
September 27, 1994	-	1:30 P.M.	-	Regular Meeting;
October 4, 1994	-	1:30 P.M.	-	Regular Meeting.

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(4) APPROVAL TO EXECUTE "MANAGEMENT CONTROL AGREEMENT" BETWEEN THE DISTRICT ATTORNEY AND COMPUTER CENTER FOR THE TEXAS LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM PROVIDED BY THE DEPARTMENT OF PUBLIC SAFETY (DPS) IN AUSTIN

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the "Management Control Agreement" between the District Attorney and the Computer Center, for the Texas Law Enforcement Telecommunications System provided by the Department of Public Safety (DPS) in Austin, was approved.

The Agreement is as follows:

(5) **AUTHORIZATION TO UTILIZE PART OF
PRECINCT NO. 3 GROUNDS FOR A "GROW-OUT
STATION" IN COOPERATION WITH THE
NATIONAL TREE TRUST**

Commissioner Cascos moved that part of Precinct No. 3 grounds be utilized for a "grow-out station" in cooperation with the National Tree Trust.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(6) **ADOPTION OF LEGISLATIVE PRIORITIES FOR
THE 74TH STATE LEGISLATIVE SESSION**

Commissioner Matz reviewed the four (4) Legislative issues being considered, three (3) of which were supported last year; that being 1) House Bill 18-17, which would give Border Counties optional Ordinance making authority, and 2) House Bill 16-73, which dealt with the ability of Counties to establish Garbage Collection Systems.

At this time, Mr. Doug Wright, Cameron County Counsel, stated that the statutes appeared to give the power of collection, handling, storage, and disposal of garbage to the Counties in the areas that were not within the boundaries of the municipalities. He added that he needed to confirm whether there were any limitations, as far as populations, and would report to the Court at a later date.

Commissioner Matz stated that the third issue was the Land Sale Disclosure Form, and the fourth issue would provide the funding mechanism in order for the Counties to establish Emergency Operations Centers, similar to the one adopted by the State of Florida after Hurricane Andrew.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Legislative Priorities for the 74th State Legislative Session, were adopted, as follow:

- 1) Zoning Ordinance,
- 2) Waste Collection in un-incorporated areas,
- 3) Land Sale Disclosure, and
- 4) Establishment of Emergency Operations Center.

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(7) **AUTHORIZATION FOR AN EASEMENT FOR A 20'
X 20' LIFT STATION SITE ON THE PLATTED 30'
RIGHT-OF-WAY (R-O-W), ON THE WEST SIDE OF
LOT NO. 69, OF LAGO SUBDIVISION**

Mr. Michael Martin, Assistant County Engineer, explained the easement was off a 60' foot Right-of-Way (R-O-W), off of Lago Road and FM/1577, near a drain ditch, and would not need additional expansion of the Right-of-Way.

Commissioner Valencia moved that the easement for a 20' x 20' lift station site on the platted 30' Right-of-Way (R-O-W), on the West side of Lot No. 69 of Lago Subdivision, be authorized, as recommended by the Assistant County Engineer.

The motion was seconded by Commissioner Matz and carried unanimously.

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(8) **AUTHORIZATION FOR CHANGE ORDER NO. 1
FOR THE TIMBER BRIDGE AT VASQUEZ ROAD
PROJECT AND DESIGNATE THE FUNDING
SOURCE**

At this time, Mr. Michael Martin, Assistant County Engineer, stated that the original bid was over \$95,000.00, which exceeded the Budget, and that the Bridge was redesigned to reduce the cost. He stated that the Change Order reflected a reduction in the amount of \$19,582.00, which was within the twenty five percent (25%) reduction guidelines in the bid price and would not need to be rebid. He stated that the amount of \$49,000.00 was allocated from the \$120,000.00 Bridge Budget, and the balance, in the amount of \$26,000.00, would be allocated from the Precinct No. 3 Budget.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, Change Order No. 1, for the Timber Bridge at Vasquez Road Project was authorized, said funds to be allocated from the Precinct No. 3 Budget.

The Change Order is as follows:

(9) **AUTHORIZATION FOR CHANGE ORDER NO. 1
FOR THE SAN PEDRO SIDEWALK PROJECT AND
DESIGNATE THE FUNDING SOURCE**

Mr. Michael Martin, Assistant County Engineer, stated that the Budget allocated for the Project was higher than the original bid, and subsequently the Commissioner suggested to extend the sidewalk to serve more constituents. He stated that the Contract would be increased from the original bid in the amount of \$27,065.53, to \$33,785.46, that being an increase in the amount of \$6,719.93 which was within the twenty five percent (25%) bid guidelines.

Commissioner Cascos moved that Change Order No. 1, for the San Pedro Sidewalk Project, be authorized.

The motion was seconded by Commissioner Matz and carried unanimously.

The Change Order is as follows:

(10) **AUTHORIZATION TO ADVERTISE FOR SEALED BIDS FOR DEMOLITION/REMOVAL OF COUNTY ROAD AND BRIDGE VHF TOWER LOCATED AT FM/2893, .3 MILES WEST OF FM/1847 - LAURELES**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the advertisement for sealed bids were authorized for the demolition/removal of the County Road and Bridge VHF Tower located at FM/2893, that being .3 miles West of FM/1847 - LAURELES.

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(21) **EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 1:55 P. M. to discuss the following matters:

- a) Discuss the potential acquisition of land for development of a Cameron County Parks System Public Park, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) Discuss settlement offer in the case styled Garcia vs. Cameron County, Cause No. 93-07-2953-C, 197th District Court, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(B); and
- c) Confer with Counsel on status and settlement offer on the case styled Dolores Rojano vs. Cameron County, Cause No. B-94-48, in the United States District Court, Southern District, Brownsville Division, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A & B).

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 2:25 P. M.

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(22) **ACTION RELATIVE TO EXECUTIVE SESSION**

- a) Action regarding potential acquisition of land for development of a Cameron County Parks System Public Park;
- b) Action regarding settlement offer in the case styled Garcia vs. Cameron County, Cause No. 93-07-2953-C, 197th District Court; and
- c) In the matter regarding status and settlement offer on the case styled Dolores Rojano vs. Cameron County, Cause No. B-94-48, in the United States District Court, Southern District, Brownsville Division. **(NO ACTION TAKEN) (NO DISCUSSION).**

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should proceed along the terms and conditions as outlined in Executive Session regarding Items No. 22"a" and No. 22"b", and that there was **NO ACTION TAKEN** and **NO DISCUSSION** regarding Item No. 22"c".

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, County Counsel was directed to proceed, along the terms and conditions as outlined in Executive Session, regarding the potential acquisition of land for development of a Parks System Public Park and the case styled Garcia vs. Cameron County, and noting that there was **NO DISCUSSION** and **NO ACTION TAKEN** on Item No. 22"c".

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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 **14th** day of **NOVEMBER, 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