

THE STATE OF TEXAS           §

COUNTY OF CAMERON         §

BE IT REMEMBERED on the 13th day of DECEMBER, 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

PRISCILLA J. KEE                                 Deputy  
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Mr. Frank Yturria, Dancy Building Restoration Committee Chairperson, 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 December 9, 1994, at 4:41 P. M.:

**(10) AUTHORIZATION TO SEEK BIDS FOR THE EXTERIOR RESTORATION OF THE DANCY BUILDING, (OLD COURTHOUSE)**

Mr. Frank Yturria, Dancy Building Restoration Committee Chairperson, explained that the Committee reviewed the final drawings of the Dancy Building with the Project Architect and recommended that the Court proceed with the First Phase of the Restoration of the Dancy Building (Old Courthouse).

Commissioner Cascos moved that bids for the exterior restoration of the Dancy Building (Old Courthouse) be solicited.

The motion was seconded by Commissioner Matz and carried unanimously.

At this time, Judge Garza mentioned that the Plans would be displayed at a Ceremony scheduled for December 14, 1994, at 10:00 A.M. and invited the public to attend.

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**(17) AUTHORIZATION AND POSSIBLE ACTION ON ADOPTING AN ORDER GRANTING CERTAIN TAX EXEMPTIONS TO CERTAIN HISTORIC SITES UNDER THE 1995 HERITAGE PLAN**

Mr. Mark Lund, Heritage Officer, reviewed the 1995 Heritage Plan and added that the Capital Theater site was being removed from the Heritage Plan and placed on the Tax Rolls because the owner was not following the intent of the Program. He stated that the taxes exempted by Cameron County would be between \$7,000.00 to \$8,000.00.

Commissioner Cascos moved that the Order Granting Certain Tax Exemptions to certain Historic Sites under the 1995 Heritage Plan be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**The Heritage Plan is as follows:**

**NOTE: COMMISSIONER ROSENBAUM LEFT THE COURT ROOM AT THIS TIME**

**(1) APPROVAL OF COUNTY CLAIMS**

At this time, Mr. Mark Yates, County Auditor, presented the late claim as to the City of Port Isabel, Warrant No. 110156, in the amount of \$1,495.42, for approval.

Commissioner Matz moved that the County Claims be approved, inclusive of the late claim as to Warrant No. 110156, in the amount of \$1,495.42, as recommended by the County Auditor.

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

**AYE:** Commissioners Cascos, Valencia and Matz

**NAY:** None

**ABSTAIN:** Judge Garza as to the claim of:

**E. DE LA GARZA**

Warrant No. 109866 - \$ 242.62.

**The Affidavit is as follows:**

**NOTE: COMMISSIONER ROSENBAUM RETURNED TO THE COURTROOM**

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

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Fiscal Year 1995 Budget Amendment No. 95-07 and the following Salary Schedules were approved as recommended by the County Auditor:

Drug Forfeiture - County Attorney, Fund No. 90-475;  
Park System - Isla Blanca Park, Fund No. 83-660; and  
County Attorney, Fund No. 10-475.

The Budget Amendment and Salary Schedules are as follow:

**(3) APPROVAL OF THE MINUTES OF THE NOVEMBER 14, 1994**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Minutes of the Regular Meeting held on November 14, 1994, at 1:30 P.M. were approved.

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**(4) AUTHORIZATION TO OPEN PUBLIC HEARING ON APPLICATION TO RE-OPEN TANDY ROAD IN OLMITO, TEXAS**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Hearing was opened for public comment.

At this time, Ms. Michelle Sanchez, Attorney at Law, stated that the proponent, Mr. Douglas Latimer, was requesting that the Court initiate the condemnation proceedings in order to open Tandy Road. She stated that there were fifteen (15) lots with no access to a public road, and added that the road had been deeded, but had not been officially accepted by the County. She explained that there was only one (1) property owner that was not willing to sell the fifty (50) foot right-of-way needed to open the road, and added that the owner had tried to negotiate but had not been successful.

At this time, Mr. Kevin Fuller, resident, stated that he did not want the road opened, and added that he did not agree to any of the negotiations proposed by Mr. Latimer.

There was some discussion concerning the negotiation process between Mr. Latimer and the other property owner and the possible options available in order to resolve the issues, and the suggestion was made to have the parties attempt to negotiate and reach an agreement before the end of the Meeting.

Mr. Doug Wright, County Counsel, stated that the road would have to meet County Standards in order to be accepted as a County Road, and added that if the Court found that the property was "land locked" and that there was no proper access to the property, then the Court could initiate the condemnation proceedings.

At this time, Mr. Michael Martin, Acting County Engineer, stated that in order for a Road to meet County standards and be accepted into the County Road System, it would need to be paved, contain a minimum of a sixty foot (60) Right-of-Way, and include the drainage improvements within the Right-of-Way.

At this time, Commissioner Cascos suggested that the parties involved attempt to negotiate and reach an agreement within the next five (5) to ten (10) minutes.

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**(6) AUTHORIZATION TO EXECUTE INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE CITY OF SAN BENITO**

Commissioner Matz moved that the Interlocal Agreement between Cameron County and the City of San Benito be approved.

The motion was seconded by Commissioner Cascos and carried unanimously, subject to payment received within thirty (30) days of completion.

**The Agreement is as follows:**

**(7) AUTHORIZATION TO EXECUTE CONTRACT FOR THE PARKS SYSTEM PARTICIPATION IN THE (FISCAL YEAR 1995) STATE BEACH MAINTENANCE FUND**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Contract for the Parks System participation in the Fiscal Year 1995 State Beach Maintenance Fund, was approved.

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**(8) AUTHORIZATION TO ACCEPT A DONATION OF FOUR TRACTS OF LAND ON SOUTH PADRE ISLAND FROM "H. P. INTEREST" FOR THE DEVELOPMENT OF PUBLIC PARKS TOTAL LAND AREA BEING 5.261 PLUS ACRES.**

Commissioner Cascos moved that the the donation of four (4) tracts of land on South Padre Island from "H. P. Interest" for the development of the Public Parks was accepted, the total land area being 5.261 plus acres.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Agreement is as follows:**

**(9) PRESENTATION AND ADOPTION OF THE  
INTERNATIONAL BRIDGE SYSTEM GOALS FOR  
FISCAL YEAR 1995 (OCTOBER, 1994 -  
SEPTEMBER, 1995)**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the International Bridge System Goals for the Fiscal Year 1995, for the period October, 1994, through September, 1995, were adopted.

**The Action Plan follows:**

**(14) AUTHORIZATION TO OPEN THE PUBLIC HEARING TO DISCUSS THE ADOPTION OF THE PUBLIC BEACH ACCESS AND DUNE PROTECTION PLAN**

**(16) AUTHORIZATION TO ADOPT THE CAMERON COUNTY PUBLIC BEACH ACCESS AND DUNE PROTECTION PLAN**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Hearing was opened for public comment concerning the adoption of the Public Beach Access and Dune Protection Plan.

Mr. Kenneth Conway, Parks System Director, explained that the Court approved a County Beach Access and Dune Protection Plan in 1992 and that the Plan was approved by the Texas General Land Office on an "interim" basis, pending the State's specific Rules and Regulations. He stated that the Parks Board and the staff had been working with the Texas General Land Office to meet compliance with the State, and added that the Plan would be administered by the County, with oversight provided by the General Land Office and the Texas Attorney General's Office.

Hearing and sensing no further comment, upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Public Hearing was closed.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Cameron County Public Beach Access and Dune Protection Plan was adopted.

**The Beach Access and Dune Protection Plan is as follows:**



**(12) AUTHORIZATION OF A LICENSE AGREEMENT  
WITH THE HARLINGEN POLICE DEPARTMENT  
TO USE THE COUNTY AIRPORT FOR COURSE  
SESSIONS AND TRAINING**

Commissioner Matz stated that the Harlingen Police Department had requested the use of the County Airport for training sessions, and noted that Ms. Dylbia Jeffries, County Counsel, had prepared a Standard License Agreement.

Commissioner Matz moved that the License Agreement with the Harlingen Police Department to use the County Airport for Course Sessions and Training be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

**The License Agreement is as follows:**

**(11) AUTHORIZATION FOR THE PROGRAM DEVELOPMENT AND MANAGEMENT DEPARTMENT TO NEGOTIATE A PROFESSIONAL SERVICE AGREEMENT WITH A. C. E. CONSULTING FOR THE ENGINEERING AND DESIGN OF THE VILLA PANCHO SANITARY SEWER PROJECT**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Program Development and Management Department was authorized to "negotiate" a Professional Service Agreement with A. C. E. Consulting Engineers for the design of the Villa Pancho Sanitary Sewer Project.

**The Professional Service Agreement is as follows:**

- (13) **IN THE MATTER TO ENTER INTO A CONTRACT WITH THE TRAFFIC ENGINEERS, INCORPORATED FOR ENGINEERING SERVICES RELATED TO LOS TOMATES BRIDGE [TABLED]**
- (15) **IN THE MATTER OF A CONTRACT AGREEMENT WITH ST. JOHN VILLARREAL ASSOCIATES FOR PROFESSIONAL SERVICES REGARDING LOS TOMATES BRIDGE [TABLED]**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, these Items were TABLED.

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## **"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:

- (18) **FINAL APPROVAL:**
  - a) **Precinct No. 2**  
Rio Bravo Subdivision Section No. 4 - being 4.113 acres a resubdivision of Lot 1, Block 15, Rio Bravo Section No. 1.
- (19) **PRELIMINARY AND FINAL APPROVAL:**
  - b) **Precinct No. 4**  
K.V. Subdivision - being a subdivision of a 0.620 acre tract of land out of the William Esparza Tract out of Tract "Y" of the San Pedro de Carricitos Grant.
- (20) **AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGETS:**
  - a) Two (2) Cameron County Financial Disruption Task Force Officers to attend the Powersoft Technical Demonstration in San Antonio, Texas, on December 13, 1994;
  - b) Three (3) Cameron County Drug Enforcement Officers to attend the Texas Narcotic Officers Association Quarterly Meeting in Corpus Christi, Texas on December 14-15, 1994;

- c) Parks Director, County Attorney's Representative and Commissioners and/or County Judge to attend closing meeting for donation of Parks Sites on South Padre Island in Chicago on December 12-19, 1994; and
- d) County Clerk to attend a Presidential Briefing and reception in Washington, D. C., on December 12, 1994.

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**(21) 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) Discussion with County Counsel concerning authorization to proceed with condemnation of parcels from FM/509 from US 281 to US 77, that being Parcel Nos. 7-019, 7-023, 6-026, 6-027, 6-028, 6-029, 6-030 (A and B), and 6-031, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071; and.
- b) Discussion with County Counsel concerning approval of the payment for Parcel Nos: 7-1, 7-2, 7-3, 7-4, of the FM/509 Right-of-Way Acquisition Project,, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 2:15 P. M.

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

- a) In the matter to discuss with County Counsel concerning authorization to proceed with condemnation of the Parcels from FM/509 from US 281 to US 77; that being Parcel Nos. 7-019, 7-023, 6-026, 6-027, 6-028, 6-029, 6-030 (A and B), and 6-031 (No Action Taken).
- b) Discussion with County Counsel concerning approval of the payment for Parcel Nos. 7-1, 7-2, 7-3, 7-4, of the FM/509 Right-of-Way Acquisition Project.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that "No Action" should be taken on Item 22 "a" and that it be placed on the Agenda in one (1) week, and that payment for Parcel Nos. 7-1,7-2, 7-3, and 7-4, of FM/509 should be approved.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, "No Action" was taken on Item 22 "a" and the payment for Parcel Nos. 7-1, 7-2, 7-3, 7-4, of the FM/509 Right-of-Way Acquisition Project was approved.

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**(4) AUTHORIZATION TO OPEN PUBLIC HEARING  
ON THE APPLICATION TO RE-OPEN TANDY  
ROAD IN OLMITO, TEXAS**

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

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**(5) AUTHORIZATION AND POSSIBLE APPROVAL OF  
THE RE-OPENING OF TANDY ROAD IN OLMITO,  
TEXAS**

At this time, Ms. Michelle Sanchez, Attorney at Law, requested that the Court should make a finding as to the property being "land locked", and should the parties not reach an Agreement within thirty (30) days, then the condemnation proceedings could be initiated.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Court found that the proponents property adjacent to Tandy Road was "landlocked" as to the requisites of the Road, Bridges and Ferries, pursuant to Article 6702-1.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, County Counsel was directed to proceed with the condemnation proceedings regarding the re-opening of Tandy Road in Olmito, Texas.

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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 **DECEMBER, 1994**.

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**ANTONIO O. GARZA, JR.**  
**COUNTY JUDGE**

**ATTEST:**

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**JOE G. RIVERA,**  
**COUNTY CLERK AND EX-OFFICIO CLERK**  
**OF THE COMMISSIONERS' COURT OF**  
**CAMERON COUNTY, TEXAS**