

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 20th 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 Pro-tem Carlos H. Cascos. He then asked Mr. Michael T. Puckett, County Treasurer, 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 16, 1994, at 1:44 P. M.:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented the late claims as to Pamelton Paving, La Feria, Texas, Warrant No. 110546, in the amount of \$33,714.23, and Metro Title Company, Harlingen, Texas, Warrant No. 110547, in the amount of \$213,934.00 for approval.

Commissioner Rosenbaum moved that the County Claims be approved, inclusive of the late claims as to Warrant No. 110546 in the amount of \$33,714.23, and Warrant No. 110547 in the amount of \$213,934.00 as recommended by the County Auditor.

The motion was seconded by Commissioner Matz and carried unanimously.

Commissioner Cascos questioned Warrant 110333, to Hamer Enterprise, and Mr. Yates responded that it was a final payment for the computer software, and added that the concerns had been resolved and that the Tax Office should not have any more problems.

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

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 95-08 and the Salary Schedule for the Health Department, Fund No. 10-630 were approved as recommended by the County Auditor.

The Budget Amendment and Salary Schedule are as follow:

(3) APPROVAL OF THE MINUTES OF NOVEMBER 12, 1994, AND DECEMBER 6, 1994

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Minutes of the Regular Meeting held on November 22, 1994, at 1:30 P. M. and the Meeting held December 6, 1994, at 1:30 P. M. were approved.

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(5) AUTHORIZATION FOR THE ENGINEERING DEPARTMENT TO SELECT A QUALIFIED ENGINEERING FIRM FOR THE DESIGN OF THE VILLA PANCHO SANITARY SEWER PROJECT AND TO NEGOTIATE A PROFESSIONAL SERVICE AGREEMENT

Commissioner Rosenbaum moved that the Engineering Department be authorized to select a qualified Engineering Firm for the design of the Villa Pancho Sanitary Sewer Project, and to negotiate a Professional Service Agreement.

The motion was seconded by Commissioner Matz and carried unanimously.

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(6) AUTHORIZATION TO ESTABLISH CONCEPTUAL PARAMETERS AND A SOURCE OF LOCAL FUNDING FOR A PROPOSED GRANT APPLICATION TO THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION FOR SOLID WASTE DUMPING CODE ENFORCEMENT ASSISTANCE

Mr. Frank Bejerano, Program Management and Development, noted that the Texas Conservation Commission had Grant money available to start a Program against illegal dumping, an issue which has been a serious problem in the rural areas of the County. He stated that the maximum that the County could apply for was \$140,000.00 or fifty percent (50%) of the Project Costs and added that the total cost would be \$255,000.00, for a four (4) Officer Program and that a two (2) Officer Program would cost \$145,000.00.

Mr. Bejerano added that Commissioner Matz had been working with local entities, the Drainage Districts and the Irrigation Districts to determine their willingness to participate in the local match.

At this time, Commissioner Matz reported that he had positive feedback from five (5) of the entities he had contacted, and he expected to hear from other entities who were willing to participate.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Planning Department was directed to prepare a Four (4) Officer Program Grant Application to the Texas Natural Resource Conservation Commission for Solid Waste Dumping Code Enforcement Assistance.

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(7) **AUTHORIZATION AND ACTION AUTHORIZING THE PROGRAM DEVELOPMENT AND MANAGEMENT DEPARTMENT TO SUBMIT ONE (1) OR MORE GRANT APPLICATIONS FOR OWNER OCCUPIED HOUSING REHABILITATION ASSISTANCE TO THE TEXAS HOME INVESTMENT PARTNERSHIP PROGRAM ON BEHALF OF CAMERON PARK AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE RELATED DOCUMENTS**

Mr. Frank Bejerano, Program Development and Management Director, explained that the County was trying to obtain more money to address the housing problems in Cameron Park. He stated that the County would be a co-applicant with the Community Development Corporation of Brownsville.

Commissioner Valencia moved the Program Management and Development Department be authorized to submit one (1) or more Grant Applications for Owner Occupied Housing Rehabilitation Assistance to the Texas Home Investment Partnership Program, on behalf of Cameron Park, and that the County Judge be authorized to execute the related documents.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(8) AUTHORIZATION APPROVING THE ADVANCE OF FINAL PAYMENT TO BENTON, BLUM, AND BROWN FOR THE CAMERON PARK COLONIA STUDY AND GENERAL PLAN

Mr. Frank Bejerano, Program Development and Management Director, requested that the payment to Benton, Blum and Brown for the Cameron Park Colonia Study and General Plan be approved, stating that the State would reimburse the County within two (2) to three (3) weeks.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the advance of the final payment to Benton, Blum and Brown for the Cameron Park Colonia Study and General Plan was approved.

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(9) AUTHORIZATION TO CHANGE THE SAN BENITO TELEPHONE NUMBER TO A MOBILE PHONE NUMBER SO AS TO REDUCE EXPENSE.

Mr. Michael Martin, Acting County Engineer, explained that the San Benito telephone number was costing about \$521.00 monthly, as compared to \$90.00 a month for a mobile phone, and requested Court approval for a mobile phone.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the San Benito telephone number was changed to a mobile phone number, in order to reduce expenses.

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(10) AUTHORIZATION TO APPOINT CHIEF RICHARD EUGENE CLARK, JR. TO THE CAMERON COUNTY CHILD WELFARE BOARD

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, Chief Richard Eugene Clark, Jr. was appointed to the Cameron County Child Welfare Board.

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(11) IN THE MATTER OF PREPARATION OF A GRANT REQUEST TO TNRCC TO ESTABLISH AN ANTI ILLEGAL DUMPING CODE ENFORCEMENT PROGRAM IN CAMERON COUNTY [NO ACTION]

Judge Pro-tem Cascos, noted that this Item was a duplicate of Item No. 6, and No Action was taken.

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(14) AUTHORIZATION AND POSSIBLE APPROVAL OF MANAGEMENT CONTRACT FOR THE CAMERON COUNTY AIRPORT WITH SOUTHWIND AVIATION, INCORPORATED

(15) AUTHORIZATION AND POSSIBLE APPROVAL OF LEASE AGREEMENT FOR THE CAMERON COUNTY AIRPORT WITH SOUTHWIND AVIATION, INCORPORATED

At this time, Commissioner Matz introduced representatives from Southwind Aviation Incorporated; that being Mr. Robert Harper, President, Mr. Robert Steenbock, Vice President and Mr. John Williamson, Attorney for Southwind Aviation.

Commissioner Matz stated that the Management and Lease Agreements had been reviewed by Legal Counsel and noted that the Management Contract was for a term of ten years (10) and required payment of one (1) dollar per year by the County to Southwind Aviation, Incorporated for the services provided.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Management Contract and the Lease Agreement for the Cameron County Airport with Southwind Aviation, Incorporated were approved, subject to minor changes in the Agreements.

The Lease Agreement and Management Contract are as follow:

(16) AUTHORIZATION AND POSSIBLE APPROVAL OF LICENSE AGREEMENT WITH GEOMET DATA SERVICES, INCORPORATED, TO INSTALL A LIGHTING DETECTION SENSOR AT THE CAMERON COUNTY AIRPORT

Commissioner Matz stated that Geomet Data Services Incorporated would install the Lighting Detection Sensor at the County Airport and noted that an Agreement was prepared by Legal Counsel.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the License Agreement with Geomet Data Services, Incorporated was approved, to install a lighting detection sensor at the Cameron County Airport.

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(18) AUTHORIZATION FOR ACQUISITION OF THE RIGHT-OF-WAY ALONG FM/509 FOR PARCEL NOS. 6-3, 6-20A, 6-20B, 6-20C, AND 6-24

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, the acquisition for the Right-of-Way along FM/509 for Parcel Nos. 6-3, 6-20a, 6-20b, 6-20c, and 6-24 was approved.

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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 Valencia, seconded by Commissioner Matz and carried unanimously, the "Consent" Agenda Items were approved as follow:

(19) PRELIMINARY AND FINAL APPROVAL:

- a) Precinct No. 3**
Garza One Subdivision being a 16.81 acre subdivision out of Block No. 250, San Benito Land and Water Company Subdivision.

- (20) **FINAL APPROVAL:**
- a) **Precinct No. 2**
R & S Subdivision being a 21.271 of Block Nos. 22 and 24, Olmito Gardens, Tract No. 1; and
 - b) **Precinct No. 4**
JDZ La Carreta Subdivision Unit No. 3, being a subdivision of a 25.491 acre tract of land out of tract "O" out of the Lower Third (1/3) of the middle league of the San Pedro de Carricitos Grant.
- (21) **AUTHORIZATION TO OPEN AND AWARD BIDS FOR THE COMMERCIAL KITCHEN EQUIPMENT FOR THE NEW DETENTION CENTER**
- TOP OF THE TABLE INCORPORATED, SAN ANTONIO, TEXAS
- (22) **AUTHORIZATION TO ADOPT THE STATE OF TEXAS COMPTROLLER OF PUBLIC ACCOUNTS MODEL PURCHASING MANUAL FOR THE TEXAS CITIES AND COUNTIES (PER REVISIONS MADE DURING THE 73RD LEGISLATIVE SESSION)**
- The Manual follows:**
- (23) **AUTHORIZATION TO AWARD OPTIONAL TWO (2) YEARS OF AUCTIONEER SERVICES, PER REQUEST FOR PROPOSAL AWARDED ON NOVEMBER, 1991, THROUGH NOVEMBER 27, 1996**
- (24) **AUTHORIZATION FOR THE COUNTY JUDGE TO SIGN ON BEHALF OF COMMISSIONERS COURT CLOSING DOCUMENTS AND AGREEMENTS FOR THE DONATION OF APPROXIMATELY 5.261 ACRES ON SOUTH PADRE ISLAND, SUBJECT TO FINAL LEGAL REVIEW BY THE COUNTY ATTORNEY**
- The Agreement follows:**
- (25) **AUTHORIZATION TO OPEN PROPOSALS FOR THE PURCHASE OF JUVENILE SERVICES FOR THE JUVENILE DEPARTMENT AND TO AWARD THE BID**
- The Proposals received and opened follow:**
- (26) **AUTHORIZATION AND APPROVAL OF THE TEXAS DEPARTMENT OF HEALTH DOCUMENT NO. C5000223, CHANGE NO. 6: ATTACHMENT NO. 01A, AMENDMENT FOR THE IMMUNIZATION DIVISION TO FUND AN IMMUNIZATION ACTION PLAN (IAP) FOR THE PREVENTION OF FUTURE EPIDEMICS OF VACCINE PREVENTABLE DISEASES**
- The Document follows:**
- (27) **AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGETS:**
- a) CD Coordinator to attend a hearing on Texas Department of Housing and Community Affairs buy-out Plan on Colonias, in Laredo, Texas, on December 13-15, 1994.

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ITEM NO. 22

**AUTHORIZATION TO ADOPT THE STATE OF TEXAS
COMPTROLLER OF PUBLIC ACCOUNTS MODEL
PURCHASING MANUAL FOR THE TEXAS CITIES AND
COUNTIES (PER REVISIONS MADE DURING THE 73RD
LEGISLATIVE SESSION)**

The Manual is as follows:

ITEM NO. 25

**AUTHORIZATION TO OPEN PROPOSALS FOR THE
PURCHASE OF JUVENILE SERVICES FOR THE JUVENILE
DEPARTMENT AND TO AWARD THE BID**

The Proposals received and opened follow:

ITEM NO. 26

AUTHORIZATION AND APPROVAL OF THE TEXAS DEPARTMENT OF HEALTH DOCUMENT NO. C5000223, CHANGE NO. 6: ATTACHMENT NO. 01A, AMENDMENT FOR THE IMMUNIZATION DIVISION TO FUND AN IMMUNIZATION ACTION PLAN (IAP) FOR THE PREVENTION OF FUTURE EPIDEMICS OF VACCINE PREVENTABLE DISEASES

The Document is as follows:

(12) PRESENTATION OF THE HAZARDOUS MATERIAL COMMODITY FLOW STUDY RESULT

At this time, Mr. Lee Thompson, Safety and Risk Manager presented the results of the Hazardous Material Commodity Flow Study conducted in Cameron County. He said the study identified the materials being transported, and included road side checks in order to visually inspect for compliance and the drivers' knowledge of the materials being transported, their insurance and drivers license.

At this time, a video prepared by the United States Environmental Protection Agency regarding the conditions of the trucks transporting hazardous chemicals in Cameron County was presented, highlighting vehicles that were cited for non-compliance.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Hazardous Material Commodity Flow Study Result presentation was acknowledged.

(13) IN THE MATTER OF A PRESENTATION AND ADOPTION OF THE ADCR PLAN WITH THE TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM [TABLED]

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

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(17) AUTHORIZATION OF ALL ELECTED OFFICIAL BONDS IN CONJUNCTION WITH OATHS AND SWEARING IN AND THE APPROVAL OF THE CEREMONIAL SWEARING IN ON JANUARY 1, 1995

At this time, Mr. Doug Wright, County Counsel, reported that the Official Bonds for the following Elected Officials were in compliance and recommended approval;

County Clerk - Joe G. Rivera;
County Court at Law Judge No. 2 - Migdalia Lopez;
County Treasurer - Eddie Gonzalez;
Justice of the Peace - Rolando Muniz;
Justice of the Peace - Luis Romero;
Justice of the Peace - Tony Torres; and
Justice of the Peace - Gualberto Weaver

Upon Motion by Commissioner Rosenbaum seconded by Commissioner Matz and carried unanimously the Official Bonds for the following Elected Officials were approved;

County Clerk - Joe G. Rivera;
County Court at Law Judge No. 2 - Migdalia Lopez;
County Treasurer - Eddie Gonzalez;
Justice of the Peace - Rolando Muniz;
Justice of the Peace - Luis Romero;
Justice of the Peace - Tony Torres; and
Justice of the Peace - Gualberto Weaver

Mr. Wright noted that the Official Bond for the County Clerk was previously approved, in the amount of \$500,000.00, subject to the Bond being economically feasible. He stated that the premium for a \$500,000.00 Bond was in the amount of \$8,600.00 for a four (4) year period, and recommended the Courts' approval due to the activity in the County Clerk's Office.

At this time, Mr. Wright recommended that the Official Bonds for the following Elected Officials be approved, subject to further legal review for technical compliance to the Statutes and added that they would report back to the Court on December 30, 1994, for final acceptance:

County Judge - Gilberto Hinojosa
District Clerk - Aurora de la Garza
Justice of the Peace - Benny Ochoa
Justice of the Peace - Ed Sarabia
Justice of the Peace - Tomas Aguirre
Justice of the Peace - Eloy Cano
Justice of the Peace - Arturo Salas

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Official Bonds for the following Elected Officials were approved by the Commissioners Court, subject to further legal review for technical compliance to the Statutes and to report to the Court on December 30, 1994, for final acceptance.

County Judge - Gilberto Hinojosa
District Clerk - Aurora de la Garza
Justice of the Peace - Benny Ochoa
Justice of the Peace - Ed Sarabia
Justice of the Peace - Tomas Aguirre
Justice of the Peace - Eloy Cano
Justice of the Peace - Arturo Salas

NOTE: JUDGE GARZA JOINED THE MEETING AT THIS TIME

At this time, Mr. Wright informed the Court that the Official Bonds for the County Commissioners should be approved by the County Judge, as outlined.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Official Bonds for the following Elected Officials were approved by the County Judge:

County Commissioner Precinct No. 2 - Carlos H. Cascos;
County Commissioner Precinct No. 4 - Hector Peña;
Ex Officio Road Commissioner Precinct No. 1 - Lucino Rosenbaum, Jr.;
Ex Officio Road Commissioner Precinct No. 2 - Carlos H. Cascos;
Ex Officio Road Commissioner Precinct No. 3 - James Matz; and
Ex Officio Road Commissioner Precinct No. 4 - Hector Peña

The Official Bonds are as follow:

(4) AUTHORIZATION TO ADOPT A RESOLUTION HONORING THE HONORABLE MICHAEL T. PUCKETT, CAMERON COUNTY TREASURER, ON THE OCCASION OF HIS RETIREMENT, AND PROCLAIMING DECEMBER 20, 1994 AS "MICHAEL T. PUCKETT DAY" IN CAMERON COUNTY

At this time, Judge Garza recognized Mr. Michael T. Puckett, County Treasurer, for the thirty (30) years of service to Cameron County and proclaimed December 20, 1994, as "Michael T. Puckett Day" in Cameron County.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Resolution honoring Mr. Michael T. Puckett, County Treasurer, was adopted, on the occasion of his retirement, and December 20, 1994, was proclaimed as "Michael T. Puckett Day" in Cameron County.

The Resolution is as follows:

(28) EXECUTIVE SESSION

Upon motion by Commissioner Matz seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 2:45 P. M. to discuss the following matters:

- d) Discussion with County Counsel concerning the possible compliance schedule for the building code violations in Cameron Park, dealing with water and sewer connections, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code Section 551.071; and
- a) Discussion with County Counsel concerning the authorization to proceed with the condemnation of parcels FM/509 from US 281 to US 77: Parcel Nos. 7-019, 7-023, 6-026, 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;
- b) Discussion with County Counsel concerning the land acquisition in Block 188, Map of the City of Brownsville, Volume 5, Page 13, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) Discussion with County Counsel concerning the land acquisition of Railroad Right-of-Way for Jimenez Road, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071;
- e) Discussion with County Counsel concerning the Right of Way acquisition for Dakota Road, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code Section 551.071.

Commissioner Rosenbaum, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Regular Session at 4:12 P. M.

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(29) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Discussion with County Counsel concerning the authorization to proceed with the condemnation of parcels FM/509 from US 281 to US 77: Parcel Nos. 7-019, 7-023, 6-026, 6-026, 6-027, 6-028, 6-029, 6-030 (A and B), and 6-031;
- b) Discussion with County Counsel concerning the land acquisition in Block 188, Map of the City of Brownsville, Volume 5, Page 13;
- c) Discussion with County Counsel concerning the land acquisition of Railroad Right-of-Way for Jimenez Road; and.
- e) Discussion with County Counsel concerning the Right-of-Way acquisition for Dakota Road.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Counsel or the County Engineer should proceed along the terms and conditions as outlined in Executive Session regarding said matters..

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, County Counsel and or the County Engineer were directed to proceed along the terms and conditions as outlined in Executive Session regarding said matters..

- d) Discussion with County Counsel concerning the possible Compliance Schedule for the Building Code violations in Cameron Park dealing with water and sewer connections.

Judge Garza reported that the Court received a Status Report regarding the Building Code Violations in Cameron Park and noted that there were a number of issues involved, such as Legal, Engineering and Health. He added that the Court was not in the position to take any action, and requested that the Program Development and Management Director, highlight the concerns discussed.

Mr. Bejarano, Program Development and Management Director, reported that the concerns were how to provide water and sewage to the housing units that were substandard or dilapidated, especially in the Flood Hazard areas. He stated that the County wanted to continue to meet the minimum Building Code Standards, as outlined by the County Engineer.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, No Action was taken on this Item.

At this time, the following individuals presented to the Court the concerns of the residents of Cameron Park:

Father Duran,
Brother Albert Phillip, and
Ms. Judy Vera.

There was a lengthy discussion regarding the economic disadvantage of the residents which contributed to non compliance and Judge Garza noted the need for the County to commit to the Building Code Enforcement, and acknowledged those residents that have reached compliance.

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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 **10th** day of **JANUARY, 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