

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 26th day of OCTOBER, 1992 there was conducted a REGULAR Session of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in Brownsville, Texas, for transacting any 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

ADOLPH THOMAE, JR.
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked members of the Audience wearing the Red Ribbons in recognition of the Red Ribbon Week for the "Just Say No-Drug Free Campaign," 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 22, 1992, at 3:10 P. M.

At this time, Commissioner Thomae expressed his objections to the remarks in a newspaper by Judge Garza that stated the approval of the Sheriff's Contract for the security of the Gateway Bridge was playing "partisan" politics and added that partisan politics was not an "issue" with him.

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(1) APPROVAL OF COUNTY CLAIMS

Commissioner Valencia moved that all the County Claims be approved as presented and on the recommendation by the County Auditor.

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

AYE: Commissioners Rosenbaum, Cascos, Thomae and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claims of E. de la Garza, Inc., Warrant No. 67121 in the amount of \$8,664.52, Warrant No. 67122 in the amount of \$3,627.06. Warrant No. 67123 in the amount of \$7,546.17, Warrant No. 67124 in the amount of \$3,770.05, Warrant No. 67180 in the amount of \$1,549.03, and Warrant No. 67269 in the amount of \$33.53; and Brownsville Community Health Clinic, Warrant No. 67170 in the amount of \$175.00.

The Affidavit is as follows:

(2) **APPROVAL OF BUDGET AMENDMENT AND/OR SALARY SCHEDULE**

Commissioner Valencia moved that the 1993 Budget Amendment No. 2 and the Salary Schedules for the Sheriff's Department, Department No. 90-560, and the Adult Probation Department, Department No. 91-575, No. 91-578, No. 91-579, No. 91-580, No. 92-576, and No. 96-576 be approved as recommended by the County Auditor.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Budget Amendment and Salary Schedules are as follows:

(3) **IN THE MATTER OF MINUTES' OF OCTOBER 20, 1992 (TABLED)**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, this Item was TABLED for one (1) week.

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(4) **IN THE MATTER OF REQUEST FOR EARLY RENEWAL AND EXTENSION OF CURRENT DELINQUENT TAX COLLECTION CONTRACT BY AND BETWEEN CAMERON COUNTY AND THE LAW FIRM OF HEARD, GOGGAN, BLAIR AND WILLIAMS FOR AN ADDITIONAL FOUR YEAR PERIOD, SAID CONTRACT IS TO EXPIRE IN JULY OF 1993 (DENIED)**

Commissioner Valencia moved that current Delinquent Tax Collection Contract by and between Cameron County and the Law Firm of Heard, Goggan, Blair and Williams be renewed and extended for an additional four (4) year period, said Contract to expire July 1993.

The motion was seconded by Commissioner Thomae and the vote was as follows:

AYE: Commissioners Thomae and Valencia

NAY: Commissioners Rosenbaum, Cascos and Judge Garza.

At this time, Judge Garza pointed out that 1) it would be an early extension and that he would prefer to let the Contract run it's course until it terminated, and that 2) a four (4) year term, in addition to the current number of years that the Firm of Heard and Goggan had been with the County, would be excessive unless the County went out for proposals in July. He said he was not suggesting that the Firm had done a poor job, but it would be in the best interest of the public to have the competitive process.

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(5) **AUTHORIZATION TO OPEN BIDS FOR ONE (1) PICK-UP TRUCK FOR SHERIFF'S DEPARTMENT**

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids as received for one (1) pick-up truck for the Sheriff's Department.

The bids received and opened are as follows:

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the bids were referred to Purchasing Agent and the Sheriff's Department for tabulation and recommendation to the Court of the best bid in one (1) week.

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(4) **APPROVAL OF REQUEST FOR EARLY RENEWAL AND EXTENSION OF CURRENT DELINQUENT TAX COLLECTION CONTRACT BY AND BETWEEN CAMERON COUNTY AND THE LAW FIRM OF HEARD, GOGGAN, BLAIR AND WILLIAMS FOR AN ADDITIONAL FOUR YEAR PERIOD, SAID CONTRACT IS TO EXPIRE IN JULY OF 1993**

At this time, Commissioner Valencia stated that some members of the audience wanted to address the Court regarding Item No. 4.

Mr. Christopher Phippe, Attorney with the Firm of Heard, Goggan, Blair and Williams, explained to the Court, they were seeking an early renewal and extension to the Contract because of some business decisions that needed to be made and briefly reported on their collection efforts. He stated that they were willing to work with the Tax Office to best serve the County and added that they had requested a four (4) year extension but a two (2) year extension would be satisfactory.

Commissioner Valencia expressed his support to the Firm adding that it was based on the response by the many citizens that have expressed their satisfaction with the help extended by that Office. He asked that the Court reconsider the Item for an additional two (2) years.

At this time, Judge Garza remarked that he was not concerned with the relationship between the Firm and the Tax-Assessor Collector, rather his reservations regarding the extension were based on the fact that 1) the Contract was eight (8) months early and that the Firm would have the same transitional problems anytime that the Contract renewed, 2) that it was "good and healthy" for the County to solicit proposals and 3) that the public interests dictated the most competitive environment as possible.

Judge Garza stated that he was not implying that the Firm was not receptive to the Court and added that he had experienced a good working relationship with them. He suggested that he would prefer to evaluate proposals for the benefit of all concerned and the tax-payers of the County.

Commissioner Cascos stated that he would not support a four (4) year extension but would support a two (2) year extension.

Commissioner Valencia moved to rescind the prior action on Item No. 4.

At this time, Commissioner Cascos questioned whether that action could be taken and County Counsel responded that the Court would have to rescind the action and reconsider (the Item) and suggested that the Court vote to do that before action was taken.

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

AYE: Commissioners Cascos, Thomae and Valencia

NAY: Commissioner Rosenbaum and Judge Garza.

Commissioner Valencia moved that the current Delinquent Tax Collection Contract by and between Cameron County and the Law Firm of Heard, Goggan, Blair and Williams be renewed and extended for an additional two (2) year period, said Contract to expire July 1993.

The motion was seconded by Commissioner Thomae.

At this time, Judge Garza requested that his reservations be noted, that being that it was not the precedent that the Court should be trying to set in order to serve the best interest of the County and that it should be opened to the competitive process.

Commissioner Cascos remarked that he did want to solicit proposals but that doing it now would not afford the law firms the opportunity to respond, and that it took time and money to set up a Firm of the caliber of Heard and Goggan. He said that the solicitation of proposals should be done a year in advance to the termination of the Contract and that was the reason for supporting a two (2) year extension. He stressed the need to seek proposals in advance to allow the County plenty of time to review the proposals and to give every law firm, that had the desire to provide the service, enough time to do the necessary work.

Judge Garza clarified that there were still eight (8) months before the termination of the Contract and it would purport plenty of opportunity to seek proposals and plenty of opportunity to be competitive in the process. He stated that he felt that the extension would be setting a bad precedent and added that there were probably just a handful of firms that were in a position to provide the service.

Upon motion duly made by Commissioner Valencia and seconded Commissioner Thomae for the two (2) year extension period, the vote carried as follows:

AYE: Commissioners Cascos, Thomae and Valencia

NAY: Commissioner Rosenbaum and Judge Garza.

At this time, Mr. Doug Wright, Cameron County Counsel, clarified that the two (2) year extension would be from the termination date of the Contract, that being July 1993.

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(6) **AUTHORIZATION TO OPEN BIDS FOR ONE (1) TRACTOR FOR PARKS AND ONE (1) TRACTOR FOR PRECINCT NO. 4**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, approval was given to open bids as received for one (1) tractor for the Parks Department and one (1) tractor for Precinct No. 4.

The bids received and opened are as follows:

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the bids were referred to the Purchasing Agent and the respective Departments for tabulation and recommendation to the Court of the best bid in one (1) week.

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(7) **AUTHORIZATION TO OPEN BIDS FOR LEASE OF THREE (3) VEHICLES FOR TASK FORCE DEPARTMENT**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, approval was given to open bids as received for the Lease of three (3) vehicles for the Task Force Department.

Mr. Michael Forbes, County Purchasing Agent, stated that NO BIDS were received and that after discussing the matter with the Department Head he recommended to re-bid the Item.

Commissioner Thomae moved to reject and re-advertise for bids for lease of three (3) vehicles for the Task Force Department, on the recommendation of the Purchasing Agent.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(8) **APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND SHORELINE, INC., FOR RESIDENTIAL SERVICES FOR CHEMICAL DEPENDENT YOUTH. PER DIEM COST FOR LEVEL III PLACEMENTS IS \$51 AND LEVEL IV PLACEMENTS IS \$74**

At this time, Mr. Doug Wright, Cameron County Counsel, stated that the name should be corrected to read: Gulf Coast Trades Center, Inc.," instead of "Shoreline, Inc."

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the Contract between Cameron County and Gulf Coast Trade Center, Inc., for Residential Services for Chemical Dependent Youth was approved, with the Level III Placements per diem cost in the amount of \$51.00 and Level IV Placements per diem cost in the amount of \$74.00.

The Service Contract is as follows:

(9) **IN THE MATTER TO CONTRACT WITH
CRIMINAL JUSTICE POLICY COUNCIL FOR THE
CAMERON COUNTY (CRIMINAL DISTRICT)
ATTORNEY TO PERFORM DATA COLLECTION
SERVICES (TABLED)**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Thomae and carried unanimously, this Item was TABLED for one (1) week, on the recommendation of County Counsel.

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(10) **APPROVAL OF REQUEST FOR PAYMENT OF
COUNTY JUDGE'S MEMBERSHIP DUES,
JUDICIAL SECTION OF THE STATE BAR OF
TEXAS, FOR PERIOD OF OCTOBER 1, 1992
THROUGH SEPTEMBER 30, 1993 IN THE AMOUNT
OF \$25.00**

Commissioner Thomae moved that the payment of the County Judge's membership dues in the amount of \$25.00 be approved for the Judicial Section of the State Bar of Texas, for the period between October 1, 1992 and September 30, 1993.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(11) **AUTHORIZATION TO ADVERTISE FOR BIDS FOR
A 1993 4-DOOR VEHICLE IN STOCK FOR
IMMEDIATE DELIVERY TO BE USED IN AUTO
THEFT DETAIL**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the advertisement for bids for a 1993 four (4) door vehicle was approved, for a vehicle in stock for immediate delivery to be used in Auto Theft Detail.

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(12) **CONSIDERATION AND ACKNOWLEDGEMENT
OF 4TH QUARTER SUMMARY OF PARK RANGER
ACTIVITIES FOR CAMERON COUNTY PARK
RANGER DIVISION**

Commissioner Thomae moved that the Fourth Quarter Summary Report of the Parks Ranger Activities for the Cameron County Park Ranger Division be acknowledged.

The motion was seconded by Commissioner Valencia.

At this time, Commissioner Thomae stated that he had received numerous complaints from persons that had requested that the Rangers provide some surveillance to the parking area of the boat ramp at the Island because of the high theft incidents and that they were told that "it was not their job" and he suggested that the job descriptions be revised to include that responsibility.

The Parks Director responded that the area was not Parks System land and that the Court had directed his Department to expand funds only in the Parks Systems but that he would do as the Court directed.

At this time, Judge Garza suggested that the Parks Director confer with the County Counsel and the County Auditor to determine the latitude for the Parks System to provide the protection to the public in the recreational settings.

Upon motion duly made by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Report is as follows:

(13)

AUTHORIZATION TO EXECUTE RENEWAL OF SERVICES AGREEMENT BETWEEN JOHN STONE AND CAMERON COUNTY PARK SYSTEM FOR PROVIDING RECREATION PROGRAMS AT ISLA BLANCA PARK NOVEMBER 1992 THROUGH MARCH 1993

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Service Agreement between Mr. John Stone and Cameron County Parks System was renewed, to provide Recreation Programs at Isla Blanca Park from November 1992, through March 1993.

The Service Contract is as follows:

SUPPLEMENTAL AGENDA

(1) REQUEST FOR PRELIMINARY APPROVAL

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, preliminary approval was given to the following subdivision, on the recommendation of the County Engineer:

- a) Dilworth Estates Subdivision, being a 5.04 acre tract of land out of the South portion of Block 12, Stuart Place Subdivision, Survey 294.

Location:

The proposed subdivision, within Precinct No. 4, is located on the West side of Dilworth Road approximately .6 of a mile South of Mayfield Road. It is a five (5) acre tract of land being subdivided into one (1) residential lot. Potable water will be furnished by the City of Harlingen Water Works and sanitary sewer will be by individual septic system. Dilworth Road has a sixteen foot wide concrete surface.

Commissioner Rosenbaum moved that preliminary approval be given to the following subdivision, on the recommendation of the County Engineer:

- b) Hondo Acres Subdivision, being the East of twenty (20) acres of Block 413, San Benito Land and Irrigation Company Subdivision. NO ACTION TAKEN

Location:

The proposed subdivision, within Precinct No. 3, is located on the Southwest corner at the Intersection of FM 2925 or East Browne Tract Road and Fernando East Road. It is a twenty (20) acre tract of land being subdivided into twelve (12) residential lots. Potable water will be furnished by East Rio Hondo Water Supply Corporation and sanitary sewer will be by individual septic system. FM 2925 and Fernando East Road have asphalt pavement and all proposed lots front the roads.

At this time, Commissioner Thomae questioned whether the proposed subdivision passed all the flood requirements and the County Engineer responded that, according to the most current FEMA Flood Zone Maps, the proposed subdivision was in Flood Zone "C", that being a non-flooding zone area.

The motion died for lack of a second.

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(2) **REQUEST FOR PRELIMINARY AND FINAL APPROVAL**

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, preliminary and final approval was given to the following subdivision, on the recommendation of the County Engineer:

- a) Falling Branches Subdivision, being a re-subdivision of 2.00 acres of land, more or less, out of Block 5, El Jardin Heights Subdivision, in share 19 of Espiritu Santo Grant.

Location:

The proposed subdivision, within Precinct No. 2, is located on the East side of Calle Barcelona, approximately .6 of a mile North of FM 3248, El Jardin Heights Road. It is a two (2) acre tract of land being subdivided into one (1) residential lot. Potable water will be furnished by El Jardin Water Supply Corporation and sanitary sewer will be by individual septic system. Calle Barcelona has a caliche surface.

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(14) **REQUEST FOR PRELIMINARY APPROVAL**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, preliminary approval was given to the following subdivision, on the recommendation of the County Engineer:

- a) Garden Acres Subdivision - being a 11.14 acre subdivision of Block 177, Monte Grande Subdivision Shares 19 and 15, Espiritu Santo Grant.

Location:

The proposed subdivision, within Precinct No. 3, is located on the West side of FM 803, Olmito North Road, approximately 1/2 mile North of FM 106, Rio Hondo East Road. It is an 11.14 acre tract of land being subdivided into four (4) residential lots. Potable water will be furnished by East Rio Hondo Water Supply Corporation and sanitary sewer will be by individual septic system.

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(15) **AUTHORIZATION TO NAME AND SEND A REPRESENTATIVE FROM EACH OF THE COMMISSIONERS' PRECINCTS TO A TWO-DAY TRAFFIC SAFETY SEMINAR IN BROWNSVILLE ON OCTOBER 29-30, 1992**

Mr. Andy Cueto, County Engineer, explained that Texas A&M Engineering Extension Service was sponsoring a two (2) day Traffic Safety Seminar concerning traffic management during construction and maintenance and he recommended that at least two (2) individuals from each Precinct attend.

Commissioner Cascos moved that representatives be designated, at the discretion of the County Commissioners, to attend a two (2) day Traffic Safety Seminar in Brownsville, Texas, on October 29-30, 1992.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(16) **APPROVAL OF REQUEST TO OPEN BIDS FOR FLORIDA ROAD DRAINAGE IMPROVEMENTS**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids as received for the Florida Road Drainage Improvements.

The bids received and opened are as follows:

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the bids were referred to the County Engineer and the Precinct No. 1 Commissioner for tabulation and recommendation to the Court of the best bid.

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(17) **REQUEST FOR PRELIMINARY AND FINAL APPROVAL**

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, preliminary and final approval was given to the following subdivision, on the recommendation of the County Engineer:

- a) Alfredo Frias Subdivision, being a subdivision of 0.638 acre of land out of Block 54, of Briggs and Coleman Subdivision of Survey 271 and the North 400 acres of Survey 272.

Location:

The proposed subdivision, within Precinct No. 4, is located on the North side of FM 508, Combes-Rio Hondo Road, approximately one (1) mile East of FM 507. It is a .65 acre tract of land being subdivided into one (1) residential lot. Potable water will be furnished by East Rio Hondo Water Supply Corporation and sanitary sewer will be by individual septic system.

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NOT ON AGENDA APPROVAL OF SUPPLEMENTAL LIST OF PRESIDING JUDGES AND ALTERNATES

At this time, Ms. Tencha de la Peña, Elections Administrator, requested approval of a Supplemental List of Presiding Judges and Alternates for the November 3, 1992 General Election.

Commissioner Thomae moved that action not be taken but to poll the Court, and it appeared to the consensus of the Court as determined by polling that the matter concerning the Supplemental List of Presiding Judges and Alternates for the November 3, 1992 General Elections be approved and ratified at the next Meeting.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Supplemental List is as follows:

(18) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the following travel and availability of funds in their budget:

- a) Emergency Management Coordinator to attend Emergency Planning Meeting on November 15-20, 1992 in Austin
- b) Micaela B. Moncivaiz, Judge Sarabia's Secretary, to attend Vital Statistics Conference in Austin on December 6-8
- c) County Clerk and one (1) Deputy to attend Vital Statistics Conference in Austin on December 6-8, 1992;
- d) County Clerk and three (3) Deputies to attend Vital Basics of Record Management Seminar on November 13, 1992; Management Budget; and
- e) County Auditor to Austin, Texas, for a Pre-Legislative Conference on October 29, 1992.

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(19) EXECUTIVE SESSION

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session on the following matters:

- a) Discuss, evaluate and review job performance and employment of Computer Center Director Rudy Juarez, pursuant to Article 16.05, Revised Civil Statutes).

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Court reconvened.

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(20) ACTION RELATIVE TO EXECUTIVE SESSION

a) In the matter to discuss, evaluate and review job performance and employment of Computer Center Director Rudy Juarez, Judge Garza reported that the Court did not have the opportunity to evaluate the job performance of the Computer Center Director. By a consensus of the Court as determined by polling, that the matter be tabled for one (1) week.

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

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There being no further business to come before the Court, upon motion by Commissioner Thomae, seconded by Commissione
was adjourned.

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APPROVED this **9th** day of **November**, 1992.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

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