

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 13th day of JANUARY, 1992 there was conducted a REGULAR 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

ADOLPH THOMAE, JR.
COMMISSIONER, PRECINCT NO. 3

COMMISSIONER, PRECINCT NO. 4

INELDA T. GARCIA, Deputy
COUNTY CLERK

ABSENT:

NATIVIDAD VALENCIA

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Ms. Jackie Locket, Out-Going Chairperson and Mr. David Hanawa, In-Coming Chairperson, of the Local Emergency Planning Committee, 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 County Clerk's Office on January 10, 1992, at 11:48 A. M.

(1) APPROVAL OF COUNTY CLAIMS

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the County Claims were approved as presented.

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

Commissioner Thomae moved to approve the 1990/1991 Budget Amendment No. 46, the 1991/1992 Budget Amendment No. 10, and the Salary Schedules for the Health - W.I.C. Department, Department No. 32-630 and the County Clerk's Office, Department No. 10-403.

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

AYE:Commissioners Rosenbaum and Thomae

NAY:Commissioner Cascos - as to the increased compensation reflected on the Salary Schedules only.

The Budget Amendments and Salary Schedules are as follows:

(3) **IN THE MATTER OF THE MINUTES OF DECEMBER 30,
1991 (TABLED)**

Commissioner Cascos moved to approve the Minutes of the Regular Meeting held on December 30, 1991 at 1:30 P. M.

The motion died for lack of a second.

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

(4) **ADOPTION OF CHANGES TO THE OUT-OF -COUNTY
TRAVEL POLICY FOR CAMERON COUNTY
EMPLOYEES**

Mr. Rayburn MacNelly, County Auditor, stated that as a result of changes to the Internal Revenue Services (I.R.S.) reporting regulations regarding taxable and non-taxable reimbursements, his Office was recommending that the "Out-of-County Travel Policy" be changed.

Mr. MacNelly explained that overnight travel expenses would continue to be reimbursed on a "per diem" basis; however, daily travel expenses for meals would not be paid on a "per diem" basis because it would then be taxable. He added that expenses for daily travel in excess of six (6) hours would require receipts and that expenses for meals and travel time, of less than six (6) hours, would NOT be reimbursed.

Commissioner Thomae moved that the changes to the Out-of-County Travel Policy be adopted effective January 13, 1992, on the recommendation of the County Auditor.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Out-of-County Travel Policy is as follows:

(5) **APPROVAL OF REQUEST FOR APPROPRIATION OF FUNDS TO THE LOCAL EMERGENCY PLANNING COMMITTEE FOR ADDITIONAL HAZARDOUS MATERIAL ACTIVITY**

Ms. Jackie Lockett, Out-Going Chairperson of the Local Emergency Planning Committee, requested additional funding in the amount of \$20,000.00 for Administrative and Contractual expenses in order to open two (2) Branch Offices.

Commissioner Thomae moved to appropriate the amount of \$20,000.00 from the Bridge Surplus Fund to the Local Emergency Planning Committee for additional "hazardous material activity".

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(6) **APPROVAL OF CONTRACT BETWEEN THE CAMERON COUNTY DISTRICT CLERK AND SHELL SHRADER, COMPUTER PROGRAM REGARDING ATTORNEY GENERAL FUNDS**

Commissioner Cascos moved to Table this Item.

Commissioner Thomae suggested to approve the Contract subject to legal review.

At this time, Commissioner Cascos withdrew his motion to Table this Item.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the Contract between the Cameron County District Clerk and Shell Shrader was approved, subject to legal review.

(7) **APPROVAL OF AGREEMENTS FOR PHYSICAL EXAMINATION SERVICES WITH SAN BENITO MEDICAL ASSOCIATES, INC. AND RAUL GARZA, JR., M.D., AND AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE SAID AGREEMENTS**

Commissioner Thomae moved that the approval given to the Agreements for Physical Examination Services with San Benito Medical Associates, Inc. and Raul Garza, Jr. M.D., be ratified and that the County Judge be authorized to execute said agreement.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Letters of Agreement are as follows:

(8) **CONSIDERATION AND ACTION TO OPEN SEALED PROPOSALS FOR THE SALE OR LEASE OF THE OLD COUNTY JAIL AND AUTHORIZATION FOR STAFF TO PREPARE A RECOMMENDATION FOR PRESENTATION TO THE COURT**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open the Proposals as received for the Sale or Lease of the "Old County Jail".

The Proposals received and opened are as follows:

- 1) Simon Properties, Inc., Brownsville, Texas, and
- 2) Martinez & Barrera, Attorneys at Law, Brownsville, Texas.

Upon motion by Commissioner Thomaе, seconded by Commissioner Cascos and carried unanimously, the proposals were referred to the County Planning, the County Engineer and the County Auditor for evaluation and recommendation to the Court of the best Proposal.

At this time, Mr. Frank Bejarano, Program Development and Management Director, reviewed the steps needed to complete the Sale or Lease of the "Old County Jail" which are as follows:

(9) **APPROVAL OF ADDITIONAL PHYSICAL EXAM PROVIDERS TO SERVE THE BROWNSVILLE AREA**

Mr. Frank Bejarano, Program Development and Management Director, explained that this Item was necessary because the Court had previously approved the Brownsville Medical Center as a Service Provider; however, the Physical Examinations are conducted by Dr. Victor Gonzales for the hospital, and that the Sheriff's Office had contracted with Dr. Gustavo Stern to conduct the Physical Examinations as well as the Psychology and Drug Testing.

Commissioner Thomae moved to approve the additional Physical Examination Providers for the Brownsville area, that being Dr. Victor Gonzales and Dr. Gustavo Stern.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Letters of Agreement and List of Providers are as follows:

NOT ON CLARIFICATION REGARDING PHYSICAL

AGENDA EXAM REQUIREMENTS FOR PART TIME EMPLOYEES

At this time, Mr. Frank Bejarano, Program Development and Management Director, stated that the Court approved the Physical Examination Testing for all new County Employees, full-time or part-time, but since the implementation of the Policy, they have experienced the need for clarification on certain instances. He stated that the questions have been whether the part-time help for the Elections Administrator, and the Private Industry Councils' Summer Youth and "On-the-Job Training (OJT) Program qualify for the Physical Examination. The suggestion was made to exempt those part-time employees.

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(10) APPROVAL OF PAYMENT OF 1991 ASSESSMENT TO THE COUNTY JUDGES AND COMMISSIONERS ASSOCIATION OF TEXAS IN THE AMOUNT \$750.00

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the payment of the 1991 Assessment to the County Judges and Commissioners Association of Texas in the amount \$750.00 was approved.

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(11) IN THE MATTER ON 1991 ANNUAL REPORT OF THE CAMERON COUNTY HISTORICAL COMMISSION (TABLED)

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, this Item was TABLED.

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(12) CONSIDERATION AND ACTION REGARD-ING THE SELECTION OF AN ARCHITECT FOR THE REMODELING WORK OF THE NEW BROWNSVILLE HEALTH FACILITY

Mr. Rolando Martinez, Health Administrator, stated that the Selection Committee was recommending the firm of Gayle Wilhite, as the Architects for the remodeling work to be done at the Brownsville Health Facility.

Commissioner Cascos moved to retain the firm of Gayle Wilhite, Architects, Brownsville, Texas, for the remodeling work at the "New Brownsville Health Facility".

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(13) IN THE MATTER OF CONTRACT BETWEEN CAMERON COUNTY AND U. T. MEDICAL BRANCH FOR HEALTH CARE SERVICES (TABLED)

Mr. Rolando Martinez, Health Administrator, stated that this Contract is identical to last year's Contract and that he was recommending the renewal.

Commissioner Thomaе questioned the cost to the County and the services provided by the U. T. Medical Branch, and since there was no definite information available, he suggested to "Table" this Item.

Mr. Martinez stated that there was some confusion because the County Indigent Health Care eligibility guide lines are 25% of Poverty Level.

Judge Garza stated that the Court needed to know how much in the way of services were provided to: a) Cameron County residents as referred by the County Health Department and b) Cameron County residents in general.

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

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(14) **ADOPTION OF NEW VOTING PRECINCT LINES DUE TO
THE TEXAS HOUSE RE-DISTRICTING PLAN**

Ms. Tencha de la Peña, Elections Administrator, stated that the latest Texas House Redistricting Plan for the 1992 Elections would split several Voting Precincts.

At this time, Mr. Andy Cueto, County Engineer, reviewed the Voting Precinct Lines on the Map according to the House Plan.

Commissioner Thomae questioned whether Precinct No. 43 was going to be split and added that it is the only Precinct in the County that included two (2) Cities and that it is not right.

Ms. De la Peña stated that changing Precinct No. 43 would require submission and approval by the Justice Department, and that the House Redistricting Plan had been approved by the Justice Department.

She added that the Court needed to decide whether to add the Precincts that have been split into the contiguous Precincts, or to create new Precincts, and she recommended that new Precincts be created in the Bayview area. She stated that her concern was that if voters were going to be transferred from one Precinct to another, that it must be done very soon.

Mr. Cueto proceeded to describe the changes of the Precinct lines as follows:

Precinct No. 64 -would incorporate the split portion of Precinct No. 28

Precinct No. 3 -Los Fresnos would remain, but Precincts No. 66 and No. 67 would be created

Precinct No. 66 -Bayview area - New Precinct

Precinct No. 67 -Laguna Vista area - New Precinct

Precinct No. 16 -Incorporated a portion of Precinct No. 48

Precinct No. 62 -Incorporated a portion of Precinct No. 48

Precinct No. 43 -Split along the City Limits of Harlingen and San Benito to form Precinct No. 68

Precinct No. 59 -Laguna Heights would remain the same.

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the following Voting Precincts were adopted as outlined by Mr. Cueto:

Precinct No. 64 -would incorporate the split portion of Precinct No. 28

Precinct No. 3 -Los Fresnos would remain, but Precincts No. 66 and No. 67 would be created

Precinct No. 66 -Bayview area - new Precinct

Precinct No. 67 -Laguna Vista area - new Precinct

Precinct No. 16 -Incorporated a portion of Precinct No. 48

Precinct No. 62 -Incorporated a portion of Precinct No. 48

Precinct No. 43 -Split along the City Limits of Harlingen and San Benito to form Precinct No. 68

Precinct No. 59 -Laguna Heights would remain the same.

(15) APPROVAL OF REQUEST FOR ADDITIONAL FUNDS FOR OFFICE EQUIPMENT

Ms. Tencha de la Peña, Elections Administrator, stated that she had requested two (2) "special" filing cabinets for the Voter Applications which cost \$799.00 each, but was allowed only \$700.00 for Equipment on her Budget Line Item.

Commissioner Thomaе moved to appropriate an additional \$900.00 from the Surplus Fund for the acquisition of Equipment for the Elections Administrator Department.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(16) IN THE MATTER OF PLANS FOR RE-MODELING OF ELECTIONS ADMINISTRATION OFFICES (NO ACTION TAKEN)

Ms. Tencha de la Peña, Elections Administrator, presented the Court the remodeling Plans for the Elections Administrator's Office as prepared by the County Engineering Department. The remodeling would extend the Office into the Lobby and she stated that Mr. Pete Blanco, Maintenance Supervisor, estimated the cost of remodeling to be \$5,880.00 if the labor is provided by his Department; however, he has other work pending and could not handle this job until a later date. She added that according to Mr. Blanco, obtaining outside labor would increase the cost by approximate \$3,500.00.

Commissioner Cascos asked Mr. Blanco for the approximate time-frame to consider this project and Mr. Blanco responded that he could handle the job around June and would take approximately three (3) weeks to complete.

Ms. de la Peña stated that the remodeling should be completed before the 1992 March Primaries.

Judge Garza asked Mr. Blanco for the list of priorities and suggested that perhaps there were some projects that could be delayed by three (3) weeks to save \$3,500.00.

Ms. de la Peña requested that the Court visit her Department to view the limited space and the need to expand her Office.

At this time, the suggestion was made to take "NO ACTION" and that the Members of the Court go to the Elections Administrator's Department after the Court recessed this Meeting.

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(17) AUTHORIZATION TO SIGN CONTRACT FOR DISPOSAL OF MEDICAL WASTE FOR HEALTH DEPARTMENT

Mr. Rolando Martinez, Health Administrator, stated that the Health Department had an Agreement with the City of Brownsville to dispose the Medical Waste ("red trash"); however, due to changes in State Law, the City could no longer accept "red trash".

He stated that he contacted several Commercial Waste Disposal Companies, and that Browning Ferris Industries (BFI) would dispose the "red trash" at a cost of \$17.50 a box. Mr. Martinez indicated that the other Health Agencies were also utilizing BFI.

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Contract for the disposal of the "Medical Waste" for the Health Department was awarded to Browning Ferris Industries, on the recommendation of the Health Administrator.

The Contract is as follows:

NOTE: Judge Garza left the Courtroom at this time.

(18) AUTHORIZATION TO AWARD BIDS FOR ONE (1) VAN, ONE (1) SEDAN, AND THREE (3) PICKUPS FOR VARIOUS DEPARTMENTS

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the bids for the following vehicles were awarded as outlined and on the recommendation of the County Purchasing Agent:

A - 1/2 Ton Pick-Up

L. T. Boswell, San Benito, Texas, without trade - \$8,136.00

B - Four (4) Door Sedan

Kellogg Chevrolet, San Benito, Texas, without trade - \$15,656.00

C - 1/2 Ton Pick-Ups Two (2)

L. T. Boswell, San Benito, Texas, without trade - \$23,075.00

D - Van

Kellogg Chevrolet, San Benito, Texas, without trade - \$13,965.00

Mr. Michael Forbes, County Purchasing Agent, indicated that two (2) bids were received that did not meet specifications, that being Cardenas Motors, Brownsville, Texas, on Item A, and Tip-O-Tex Chevrolet, Brownsville, Texas, on Item B.

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NOTE: Judge Garza returned to the Courtroom.

(30) APPROVAL TO ADVERTISE FOR BIDS ON THE FOLLOWING ITEMS RELATIVE TO THE LOS INDIOS INTERNATIONAL BRIDGE

- a. Construction of Roadway, Drainage and Utility Facilities
- b. Toll Equipment
- c. Administrative Building and Toll Canopies.

Mr. Jack Brown, Project Engineer, indicated that these Items would substantially complete the Los Indios International Bridge Project. He suggested to add an "Alternate Bid on Toll Equipment" to include needed equipment for the Gateway International Bridge.

Upon motion by Commissioner Thoma, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to advertise for bids on: a) Construction of Roadway, Drainage and Utility Facilities, b) Toll Equipment, c) Administrative Building and Toll Canopies, and in addition, to request an "Alternate Bid on Toll Equipment" for replacement of Equipment on the Gateway International Bridge.

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(24) **AUTHORIZATION TO OPEN LOVELESS ROAD WITHIN
PRECINCT NO. 4 AREA**

Mr. Andy Cueto, County Engineer, stated that he requested an opinion as to what constituted a "County Road," and that it was the County Counsel's opinion that ten (10) years of "blatant" use and maintenance by the County would constitute a Road as a County Road. He added that they had "proof" to that; therefore, a Public Hearing to open the Road was not necessary, and requested that the County "formally" open Loveless Road as a County Road.

Commissioner Thomae moved to acknowledge Loveless Road as "Opened" and as a "County Road" within the Precinct No. 4 area.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(19) **APPROVAL OF LICENSE BETWEEN PORT-WAY
BAPTIST CHURCH AND THE CAME-ROD COUNTY
HEALTH DEPARTMENT TO OPERATE A SATELLITE
CLINIC FOR W.I.C. PROGRAM**

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the License between Portway Baptist Church and the Cameron County Health Department, to operate a Satellite Clinic for the W.I.C. Program, was approved.

The License is as follows:

(20) APPROVAL OF PURCHASE OF "WORD PERFECT" SOFTWARE

Judge Garza stated he placed this Item on the Agenda, indicating that the Computer Center Director had requested the software; however, it was deferred until the assessment of said Department.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the purchase of "Word Perfect" Software was approved, subject to the Budget Amendment being prepared.

(21) IN THE MATTER FOR CAMERON COUNTY TRUSTEE TO SELL 12-1/2 X 157' LOTS 17 AND 5, OF THE NORTH AMERICAN VILLAGE SUBDIVISION AND 0 X 157' LOT 18, BROWNSVILLE, TEXAS (TABLED)

(22) IN THE MATTER FOR CAMERON COUNTY TRUSTEE TO SELL LOT 12, BLOCK 81A OF THE STILLMAN SUBDIVISION, BROWNSVILLE, TEXAS, AT PUBLIC AUCTION IN ACCORDANCE WITH ARTICLE 7345B SECTION 9 OF THE TEXAS TAX CODE AND SECTION 51.002 OF THE TEXAS PROPERTY CODE (TABLED)

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

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(23) APPROVAL OF CHANGE ORDER ON FUEL PUMP SITE PRECINCT NO. 1 PROJECT FOR TWO NEW 22' GATES AT \$430.00 EACH

Mr. Andy Cueto, County Engineer, stated that the County Engineer tried to use Surplus Materials but they did not have the same measurements.

Commissioner Cascos suggested that the cost of the gates be split between Precinct No. 1 and Precinct No. 2 Budgets.

Commissioner Rosenbaum moved that the Change Order on the Fuel Pump Site for the Precinct No. 1 Project for two (2) new 22' gates at a cost of \$430.00 each be approved, said funds to be allocated from Precincts No. 1 and No. 2 Budgets.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Change Order is as follows:

**(25) APPROVAL OF REQUEST FOR ELECTRICAL UTILITY
EASEMENT**

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the following

Electrical Utilities Easements were approved on the recommendation on the County Engineer:

"An easement 10' in width, 5' on either side of the primary underground electrical cable, from the riser pole to and including a 10' by 10' easement around the padmount transformer in the property shown on the attached Exhibits A and B".

The Exhibits are as follows:

**(26) APPROVAL OF REQUEST FOR ELECTRICAL UTILITY
EASEMENT**

Upon motion by Commissioner Thoma, seconded by Commissioner Casco and carried unanimously, the following

Electrical Utilities Easements were approved on the recommendation of the County Engineer:

"An easement 10' in width, on either side of the primary underground electrical cable, from the riser pole to and including a 10' by 10' easement around the padmount transformer in the property shown on the attached Exhibit A".

The Exhibits are as follows:

**(27) AUTHORIZATION TO ADVERTISE FOR PROPOSALS
FOR A "RURAL ADDRESSING SYSTEM" FOR CAMERON
COUNTY IN CONJUNCTION WITH CAMERON COUNTY
9-1-1**

Mr. Andy Cueto, County Engineer, stated that the Item should read: "Authorization to Prepare Proposals for" and not to "Advertise for Proposals".

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, preparation of the Proposals for a "Rural Addressing System" for Cameron County in Conjunction with Cameron County's 9-1-1 was authorized.

At this time, Commissioner Thomae requested that the names of the County Roads be updated.

Mr. Cueto stated that he would appreciate receiving the County-Maintained Road List from the Commissioners so that the County Engineering Department could complete the County Road Map. He added that "Load Limits", "Speed Limits", and "Name Changes" are due next week, in order to prepare the appropriate advertisements.

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(28) REQUEST FOR PRELIMINARY APPROVAL

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, preliminary approval was given to the following subdivision:

- a) Betty Ford Subdivision, being 3.163 acres out of Block 6 of the Collins Subdivision.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, preliminary approval was given to the following subdivision:

- b) M & I Subdivision, being the North 5.179 acres out of Lot 1, Las Villitas Subdivision, Share 15, Espiritu Santo Grant.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, preliminary approval was given to the following subdivision:

- c) L & I Subdivision, being a 1.201 acre Subdivision out of a certain 3.469 acre parcel, out of Block 34 Pomelo Subdivision, subject to the five (5) listed items:
 - 1. Adjoiners with deed reference,
 - 2. 10' additional "Right-of-Way" for State Highway 107,
 - 3. 25' setback building line,

4. Grid elevation at 100' intervals - contour line if possible and

5. Clarify 41' drainage easement - proposed or existing, Precinct No. 4 area.

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(29) REQUEST FOR FINAL APPROVAL

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, final approval was given to the

following subdivision on the recommendation of the County Engineer:

- a) Reyes and Aguilar Subdivision, being 2.007 acres out of Block 13, D.D. Lovelace Subdivision of the Champion Tract, Cameron County Precinct No. 4 area.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, final approval was given to the

following subdivision on the recommendation of the County Engineer:

- b) Resaca Jardin Subdivision, 17.107 acres being a re-plat of Lots 2, 3, 7, 8, and 9, Block 210, El Jardin Re-Subdivision.

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(31) APPROVAL OF TRAVEL REQUEST

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the following travel expenses were approved subject to availability of funds in their budget:

- a. Planning Development and Management Director to attend Texas Capital Workshop in Austin on January 28-29, 1992;
- b. County Judge and Commissioners to attend conference at Texas A & M on January 6-8, 1992;
- c. Commissioner Valencia to attend meeting with State Officials in Austin on January 14-15, 1992;
- d. Drug Enforcement Task Force Director Crispin Treviño, to attend Pre-Grant TNCP meeting in Austin on January 7-8, 1992;
- e. Sheriff's Department Investigator Mary A. Flores to attend Crime Prevention Course in Laredo on January 13-18, 1991;
- f. Sheriff's Department Investigator Mary A. Flores to attend Juvenile Law Course in Houston on January 22-24, 1992; and
- g. Parks Director to Austin on January 3, 1992, to meet with Coastal County Park Directors regarding Beach Cleaning activities.

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(32) EXECUTIVE SESSION

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the Court met in Executive Session at 2:50 P. M. to discuss the following matters:

- a) Discuss purchase of Parcel 30, FM 801, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Discuss Engineering and Right-of-Way matters, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- c) Discuss purchase of Parcels 4 and 5 Loop 590, Section III, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- d) Confer with Counsel concerning State of Texas et al vs. Gary Smith, et al, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- e) Confer with Counsel concerning potential litigation over taxes with regard to Bahia Mar Hotel on South Padre Island, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Court reconvened in Regular Session at 3:40 P. M.

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Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Regular Session was recessed until 5:00 P. M.

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Court reconvened in Regular Session at 5:15 P. M.

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Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the Court re-met in Executive Session at 5:15 P. M.

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Court reconvened in Regular Session at 5:50 P. M.

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(33) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Discuss purchase of Parcel 30, FM 801.

Judge Garza reported that after some discussion in Executive Session, it was the consensus of the Court as determined by polling, to accept the seller's counter offer of \$2,535.00 for said Parcel.

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the seller's counter offer in the amount of \$2,535.00 was accepted for the purchase of Parcel 30, FM 801.

- b) Discuss Engineering and Right-of-Way matters.

Judge Garza reported that the Court received a Report from the County Engineering Department with respect to the acquisition of Right-of-Way and the Personnel affecting said acquisition, and added that Commissioner Thomae requested an additional week to study the matter.

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Report by the County Engineer was acknowledged.

- c) Discuss purchase of Parcels 4 and 5 Loop 590, Section III.

Judge Garza stated that he had excused himself from the Executive Session, by virtue of the fact that the seller of Parcels 4 and 5 was represented by the Firm of David C. Garza, of which he remains a Counsel, and he called on the Senior Member of the Court (Commissioner Thomae) to report on Item "c".

Commissioner Thomae stated that it was the consensus of the Court, as determined by polling, to accept the counter offer as presented by the Right-of-Way Agent, Ms. Blanca Betancourt.

Commissioner Thomae moved to accept the counter offer for the purchase of Parcels 4 and 5 Loop 590, Section III, as presented by Ms. Blanca Betancourt, Right-of-Way Agent.

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

AYE: Commissioners Rosenbaum, Cascos, and Thomae

NAY: None

ABSTAIN: Judge Garza.

d) Confer with counsel concerning State of Texas, et al vs. Gary Smith.

Judge Garza reported that after some discussion with Counsel, it was the consensus of the Court as determined by polling, that Mr. Rick Bilbie, County Attorney on litigation, would report back in one (1) week with several suggestions as to whom may be retained to act as "Lead Counsel" on this matter, since he may have a "conflict of interest" on this matter.

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the County Counsel's Report was acknowledged, and Counsel was directed to offer suggestions in one (1) week.

e) Confer with Counsel concerning potential litigation over taxes with regard to Bahia Mar Hotel on South Padre Island.

Judge Garza reported that after discussion with Counsel of the Firm of Heard, Goggan and Blair, and Mr. Rick Bilbie, County Counsel, it was the consensus of the Court as determined by polling, to direct Counsel of the Firm Heard, Goggan and Blair, acting through Rick Bilbie, County Counsel, to pursue the course of action as directed in Executive Session.

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Attorney with the Firm of Heard, Goggan and Blair, acting through County Counsel Rick Bilbie, was directed to pursue the course of action as directed in Executive Session concerning the litigation over taxes with regard to Bahia Mar Hotel on South Padre Island.

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**(16) IN THE MATTER OF PLANS FOR REMODELING OF
ELECTIONS ADMINISTRATION OFFICES (TABLED)**

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, this Item was Tabled.

Commissioner Cascos stated that he would like to know where "Early Voting" would take place.

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There being no further business to come before the Court, upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the meeting was adjourned.

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APPROVED this _____ day of January, 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