

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 27TH day of APRIL, 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

NATIVIDAD VALENCIA  
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA  
COUNTY CLERK

ABSENT:  
\_\_\_\_\_

----- 0 -----

The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked the Palmer Drug Abuse Program (PDAP) Board members present, 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 April 24, 1992, at 10:26 A. M.

**(1) APPROVAL OF COUNTY CLAIMS**

Commissioner Valencia moved to approve the County Claims as presented and on the recommendation by the County Auditor's Office.

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

AYE: Commissioners Rosenbaum, Cascos, and Valencia

NAY: None

ABSTAIN: Commissioner Thomae as to the claim of Thomae-Garza Funeral Directors, Warrant No. 58258 in the amount of \$500.00.

**The Affidavit is as follows:**

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

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the 1991/1992 Budget Amendment No. 23 and the Salary Schedules for the Engineering and Right-of-Way Department, Department No. 15-622 and the Health-WIC Department, Department No. 32-630, were approved.

**The Budget Amendment and Salary Schedules are as follows:**

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

At this time, Mr. Joe G. Rivera, County Clerk, requested that this Item be Tabled for one (1) week.

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

----- 0 -----

(4) **AUTHORIZATION TO OPEN BIDS FOR VARIOUS  
VEHICLES FOR THE PARKS DEPARTMENT**

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, approval was given to open bids as received for various vehicles for the Parks Department.

**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 County Auditor and Parks Department for tabulation and recommendation to the Court of the best bid in one (1) week.

----- 0 -----

(7) **IN THE MATTER OF THE CAMERON COUNTY  
DISTRICT ATTORNEY'S OFFICE TO PAY TO PALMER  
DRUG ABUSE PROGRAM, BROWNSVILLE, THE  
AMOUNT OF SEVEN THOUSAND FIVE HUNDRED  
DOLLARS (\$7,500.00) IN ACCORDANCE WITH TEXAS  
CODE OF CRIMINAL PROCEDURE, ARTICLE 59.06(H)  
TO BE USED FOR DRUG ABUSE PREVENTION  
TREATMENT AND REHABILITATION PROGRAMS**

Judge Garza stated that it was his impression, after discussing the matter with Mr. Luis Saenz, District Attorney, that this Item could be tabled or the Item could be approved and then the District Attorney could meet with the Palmer Drug Abuse Program (PDAP) members regarding the appropriation of additional funds.

Judge Garza stated that County Counsel needed to determine if the Court or the District Attorney's Office makes the decision concerning the statutes on the ten percent (10%) appropriation from the Drug Forfeiture Funds.

At this time, Ms. Lynn Black, PDAP Board President, read a section of the Law that stated that the "governing body of a political subdivision or the Attorney representing that subdivision present the recommendations (on the appropriations) and that it is up to the governing body (the Court) to decide.

Commissioner Cascos questioned whether it was up to the Court to approve the request or to approve the amount to be allocated, and Ms. Black responded that she did not know at this time, since they had requested to be on the May 11, 1992 Agenda and not today.

Ms. Black explained that PDAP wanted to negotiate a Contract with the County that stipulated that a certain percentage be allocated from the Drug Forfeiture Funds, and added that they would be very appreciative of the \$7,500.00, if that was the first of four (4) payments, or a similar arrangement. She added that PDAP was instrumental in supporting and lobbying for passage of

State House Bill 1185 (which established the ten percent (10%) allocation towards Drug Rehabilitation Programs), and that the Program had provided "free" services to chemical dependent persons and families since 1983.

Judge Garza stated that there were other similar programs in the County and that it was his understanding that the District Attorney wanted to evaluate the number of service providers in the County before committing the funds.

Commissioner Thomae remarked that the District Attorney needed to determine the number of Agencies and the type of services provided to the County in order to allocate funding and suggested that the Court approve the \$7,500.00.

Commissioner Thomae moved that the amount of \$7,500.00 be approved in accordance with the Agreement with Palmer Drug Abuse Program, pursuant to Section h, Article 59.06 of the Texas Code of Criminal Procedures, and that the Contract be placed on the May 11, 1992 Agenda for execution.

The Motion was seconded by Commissioner Rosenbaum.

At this time, Judge Garza asked Mr. Doug Wright, Cameron County Counsel, if he had seen the Agreement and he responded that he had not seen the Agreement and suggested to Table this Item.

At this time, Commissioner Thomae withdrew his motion.

Commissioner Thomae moved that the amount of \$7,500.00, for the Palmer Drug Abuse Program, be set aside and that the Contract be reviewed and presented to the Court for approval on May 11, 1992.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

----- 0 -----

**(5) APPROVAL OF REQUEST TO ADVERTISE FOR BIDS FOR A NEW TELEPHONE SYSTEM FOR THE SHERIFF'S OFFICE IN HARLINGEN, TO BE PAID FROM FUND 90-560**

Commissioner Cascos moved that the advertisement for bids for a new Telephone System for the Sheriff's Office in Harlingen, Texas, be approved, said funds to be allocated from Fund 90-500.

The motion was seconded by Commissioner Valencia and carried unanimously.

----- 0 -----

**(6) AUTHORIZATION TO APPROPRIATE FUNDS AND AWARD BID FOR WATER-BLASTING EXTERIOR BRICK WALLS OF THE CAMERON COUNTY COURTHOUSE**

Commissioner Rosenbaum moved that the low bid of Clear Pressure Wash, Brownsville, Texas, for the water-blasting and application of a Mildew Inhibitor to the exterior brick walls of the Cameron County Courthouse be accepted, said funds to be allocated from Lapsed Salaries.

The motion was seconded by Commissioner Valencia and carried unanimously.

**(8) IN THE MATTER REGARDING LEASE AGREEMENT FOR DOLPHIN COVE SNACK BAR CONCESSION BETWEEN CAMERON COUNTY AND DEBORAH GREEN (TABLED)**

At this time, Mr. Kenneth Conway, Parks Director, requested that this Item be Tabled due to the absence of the proposed concessionaire.

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

----- 0 -----

**(9) CONSIDERATION AND ACTION RELATIVE TO APPOINTMENT OF CAMERON COUNTY DUNE PROTECTION COMMITTEE TO ADMINISTER DUNE PROTECTION COMPONENT OF CAMERON COUNTY PUBLIC BEACH ACCESS AND DUNE PROTECTION PLAN**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Thomae and carried unanimously, the following individuals were appointed to serve on the Cameron County Dune Protection Committee to administer the Dune Protection Component of the Cameron County Public Beach Access and Dune Protection Plan:

- 1) Mr. Pete Moore, South Padre Island
- 2) Mr. Michael Goald, South Padre Island
- 3) Mr. Calvin Byrd, Port Isabel
- 4) Ms. Janice Heinze, Port Isabel; and
- 5) Mr. Teo Galvan, Brownsville.

At this time, Mr. Kenneth Conway, Parks Director, stated that he would be withdrawing from the Dune Protection Component.

----- 0 -----

**(10) APPROVAL OF MOBILE VENDORS PERMIT RENEWAL FOR ABO MARAND DBA "ABO'S BEACH RENTAL" PERMIT NO. 2413 AND "BAMBEE" PERMIT NO. 2389**

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, the Mobile Vendors' Permit Renewal for Mr. Abo Marand, dba "ABO'S BEACH RENTAL", Permit No. 2413 and "Bambee", Permit No. 2389 were approved.

**The Permits are as follows:**

**ANNOUNCEMENT:**

At this time, Mr. Kenneth Conway, Parks Director, announced that the House Environmental Affairs Committee would be holding a Public Hearing to discuss funding for Park Acquisitions at the Convention Center in South Padre Island on Tuesday, April 28, 1992, at 9:00 A. M., and he invited the members of the Court to attend.

----- 0 -----

**(11) AUTHORIZATION TO COMBINE ENGINEERING AND RIGHT-OF-WAY DEPARTMENT AND FLOOD CONTROL DEPARTMENT BUDGETS FOR THE 1993 FISCAL YEAR**

Mr. Andy Cueto, County Engineer, requested that the Engineering and Right-of-Way Department and the Flood Control Department be combined to increase the efficiency, to reduce the paper work and to facilitate the Budget preparations.

At this time, Commissioner Thomae expressed his objections to the idea, stating that it was easier to know what was going on in each Department and how much it was costing if the Departments were not combined.

Commissioner Cascos moved that the Engineering and Right-of-Way Department and the Flood Control Department Budgets for the 1993 Fiscal Year be combined to increase the efficiency involved in Planning for the Department, to streamline the operations and to reduce the paper work.

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

AYE: Commissioners Rosenbaum, Cascos and Judge Garza

NAY: Commissioners Thomae and Valencia.

----- 0 -----

**(12) IN THE MATTER OF MAINTENANCE RESPONSIBILITY FOR PROPERTY OWNED BY CAMERON COUNTY AS TRUSTEE (TABLED)**

Mr. Andy Cueto, County Engineer, requested direction from the Court to establish procedures regarding the maintenance responsibilities concerning the property owned by "Cameron County as Trustee". He said that the County Engineer's Office frequently received "Notices" from the Cities to have the property cleaned, and that the "Notices" were sent to the Maintenance Department, but were returned to his Department.

Commissioner Thomae suggested that if the "Notice" is from a City, the City can handle the matter by placing a lien on the property.

At this time, Judge Garza asked County Counsel what the County's responsibilities were as a "trustee" and suggested that the County Engineer discuss the matter with County Counsel to establish a procedure.

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, this Item was TABLED and the County Engineer was directed to consult with County Counsel on this matter.

----- 0 -----

**(13) AUTHORIZATION FOR THE CREATION OF A PORT ISABEL-CAMERON COUNTY AIRPORT ZONING COMMISSION AS REQUIRED BY TEXAS DEPARTMENT OF TRANSPORTATION DIVISION OF AVIATION**

Mr. Andy Cueto, County Engineer, explained that the Texas Department of Transportation Division of Aviation was requiring that an Airport Zoning Commission be established in order for the County to qualify for certain State Funding. He said that the Commission would be responsible for "elevation zoning" and would enforce the Zoning Ordinances according to the State and Federal Guidelines.

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the creation of the Port Isabel-Cameron County Airport Zoning Commission as required by the Texas Department of Transportation Division of Aviation was approved.

----- 0 -----

**(14) IN THE MATTER OF PORT ISABEL-CAMERON COUNTY AIRPORT ZONING COMMISSION CONSISTING OF A CHAIRMAN, SECRETARY, AND ONE MEMBER (TABLED)**

Mr. Andy Cueto, County Engineer, explained that the Airport Zoning Commission should consist of three (3) members and the suggestion was made to have members of the Court present their recommendations in one (1) week.

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

----- 0 -----

**(15) APPROVAL OF TRAVEL EXPENSE**

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

- a) Aurora de la Garza, District Clerk, to Austin, Texas, to attend Attorney General Child Support Meeting on May 7-8, 1992;
- b) Eight (8) Women, Infants and Children (WIC) employees to Corpus Christi, Texas, on April 30, 1992, through May 1, 1992;
- c) Community Development Coordinator to Austin, Texas, on March 27-28, 1992, to hand deliver Colonia Fund II Grant Application in order to meet deadline; and
- d) County Court at Law Judge A. G. Betancourt to attend Criminal Justice Conference on May 13-15, 1992, in Dallas, Texas.

----- 0 -----

**(16) EXECUTIVE SESSION**

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Court met in Executive Session at 2:30 P. M. to discuss the following matters:

- a) Discuss the acquisition of temporary easements for the reconstruction of FM 510, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Discuss Farm/Tenant Lease adjacent to the Los Indios Bridge Site, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);



- c) Discuss personnel matter involving the acceptance of Letter of Resignation of Justice of the Peace Hortencia Martinez and the appointment of a person to fill the position; and
- d) Consult with Legal Counsel concerning Contract with La Esperanza, Incorporated, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Thomaе, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Regular Session at 4:00 P. M.

----- 0 -----

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

- a) Discuss the acquisition of temporary easements for the reconstruction of FM 510.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Engineer's Office be directed to negotiate the acquisition of the temporary easements for the reconstruction of FM 510.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the County Engineer's Office was directed to negotiate the acquisition of the temporary easements for the reconstruction of FM 510.

- b) Discuss Farm/Tenant Lease adjacent to the Los Indios Bridge Site.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel be directed to negotiate a Lease Agreement with Mr. Desiderio Zamora, along the terms and conditions as outlined in Executive Session, and that the County Judge be authorized to execute said Lease Agreement.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel was directed to negotiate a Lease Agreement with Mr. Desiderio Zamora, along the terms and conditions as outlined in Executive Session, and the County Judge be authorized to execute said Lease Agreement.

- c) Discuss personnel matter involving the acceptance of Letter of Resignation of Justice of the Peace Hortencia Martinez and the appointment of a person to fill the position.

Judge Garza explained that the Court accepted the "Letter of Resignation" of Justice of the Peace Hortencia Martinez effective April 24, 1992, and that the Court had the opportunity to discuss the position with Mr. Arturo Salas and Mr. Richard Van Gordon, La Feria residents, who had expressed a desire for the vacancy. Judge Garza added that, typically, the Court would deferred to the wishes of the County Commissioner from that Precinct, and added that Commissioner Valencia had recommended Mr. Salas.

At this time, Commissioner Valencia expressed his support for Mr. Salas and added that City Officials from the City of La Feria also favored his appointment.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, Mr. Arturo Salas, La Feria, Texas, was appointed to the position of Justice of the Peace, Precinct No. 7.

- d) Consult with Legal Counsel concerning Contract with La Esperanza, Incorporated.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel be directed to proceed along the terms and conditions as previously outlined in Executive Session, that being that the Court had formally given La Esperanza, Inc., "Notice to Terminate" the Agreement.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel was directed to proceed along the terms and conditions as previously outlined.

At this time, Judge Garza reported that with respect to the \$7,300.00 contractual monthly payment that was previously withheld from La Esperanza, Inc., (it was the consensus of the Court as determined by polling), to approve that payment and in all respect to refer the matter to the County Counsel.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the monthly contractual payment in the amount of \$7,300.00 to La Esperanza, Inc., was approved.

----- 0 -----

**(1) APPROVAL OF COUNTY CLAIMS**

At this time, Ms. Rosemary Martinez, First Assistant County Auditor, presented the following late claims concerning the Arroyo Alto Grant for approval: J. B. Contractors, Mercedes, Texas, Warrant No. 58313 in the amount of \$34,243.65 and the City of La Feria, Warrant No. 58314 in the amount of \$3,780.00.

Upon motion by Commissioner Thoma, seconded by Commissioner Rosenbaum and carried unanimously, the late claims as to J. B. Contractors, Mercedes, Texas, Warrant No. 58313 in the amount of \$34,243.65 and the City of La Feria, Warrant No. 58314 in the amount of \$3,780.00 were approved.

----- 0 -----

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

----- 0 -----

**APPROVED** this 11th day of May, 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**