

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 8TH day of JUNE, 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

NORA ANDERSON, Deputy Clerk
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Mr. Steve Thompson, Manager at Laguna Atascosa Wildlife Refuge, 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 June 4, 1992, at 3:53 P. M.

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Rayburn MacNelly, County Auditor, presented a late claim regarding the refund of taxes in the amount of \$807.83 to Mr. Fernando Alvarez, Warrant No. 60389.

Commissioner Valencia moved to approve the County Claims as presented inclusive of the late claim of Mr. Fernando Alvarez, concerning a tax refund, Warrant No. 60389 in the amount of \$807.83.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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

Commissioner Thomae moved that the 1991/1992 Budget Amendment No. 29 and the Salary Schedules for the Drug Enforcement Task Force, Department No. 50-474-75 and No. 50-476-25, the Impact Drug Court, Department No. 21-477, and the Adult Probation Department, Department No. 91-579 be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Budget Amendment and Salary Schedules are as follows:

(3) **APPROVAL OF MINUTES OF MAY 26, 1992**

Commissioner Cascos moved that the Minutes of the Regular Meeting held on May 26, 1992, at 1:30 P. M. be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(4) **PRESENTATION OF CHECK BY STEVE THOMPSON, REFUGE MANAGER, LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE, TO CAMERON COUNTY IN THE AMOUNT OF \$195,708.00**

Mr. Steve Thompson, Manager of the Laguna Atascosa National Wildlife Refuge, presented the Court a check in the amount of \$195,708.00 from the United States Department of Fish and Wildlife which represents the Department's annual "in lieu of taxes" payment.

Mr. Thompson proceeded to give a brief report of the activities at the Refuge to attract tourists, as well as the efforts of the Agricultural Wildlife Coexistent Committee and added that the Wildlife Refuge ranked among the number one (1) spot for "bird watching" and that it attracted people from all over the world.

He reported on problems experienced recently due to the poor condition of the roads at the Refuge and asked for assistance from the Court for road maintenance and road signs.

At this time, Commissioner Thomae explained that his budget constraints have not allowed him to address the road problems in that area.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the check in the amount of \$195,708.00 presented to Cameron County by Mr. Steve Thompson, Manager of Laguna Atascosa National Wildlife Refuge, was acknowledged.

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(5) APPROVAL TO APPOINT GRACE GARCIA TO THE PERSONNEL AND INSURANCE POLICY COMMITTEES

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, Ms. Grace Garcia, Administrative Assistant to Commissioner Valencia, was appointed to the Cameron County Personnel and Insurance Policy Committees.

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(6) APPROVAL TO USE COUNTY EQUIPMENT AND PERSONNEL TO INSTALL CULVERTS, DRAIN ROADS AND MAKE ENTRANCES AT THE SANTA MARIA SCHOOL DISTRICT

Commissioner Thomae moved that authorization be given for the use of County equipment and personnel to install culverts, to drain the roads and make the entrances at the Santa Maria School District.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(7) IN THE MATTER OF LEASE AGREEMENT BETWEEN INTERNATIONAL BANK, N.A. AND CAMERON COUNTY FOR OFFICE SPACE FOR JUSTICE OF THE PEACE BENNIE OCHOA (TABLED)

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, this Item was TABLED and referred to Legal Counsel for review.

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**(8) IN THE MATTER OF THE PRELIMINARY REPORT OF
THE PORT ISABEL-CAMERON COUNTY AIR-PORT
ZONING COMMISSION (TABLED)**

At this time, Commissioner Thomaе requested that a member of the Cameron County Airport Zoning Commission present a Report of their Meeting in order to inform the Public of their actions.

Judge Garza clarified that the Zoning Commission Meetings were posted and opened to the Public.

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

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(9) 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 Assistant County Engineer:

- a) Psalm 23 Subdivision - being a 9.4 acre subdivision comprised of Lot 1, Block C, Coe Subdivision and all of Lots 1, 2, 19 and 20, Fitzgerald Subdivision.

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(10) REQUEST FOR PRELIMINARY AND FINAL APPROVAL

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

- a) Nasario S. Soto Subdivision - being 8.5715 acres out of Block 88, El Fresno Tract San Benito Irrigation Company Subdivision.

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(11) APPROVAL OF FINAL PAYMENT TO MCALLEN CONSTRUCTION COMPANY FOR WORK AT THE LOS INDIOS INTER-NATIONAL BRIDGE AND ACCEPTANCE OF THE BRIDGE FOR LIABILITY PURPOSES

Mr. Jack Brown, Project Manager, explained to the Court that McAllen Construction Company and their insurance company would be released from liability upon final payment for the work at the Los Indios International Bridge, and that the liability would be assumed by the County. He added that the work had been inspected and had been completed according to the specifications and he recommended approval of final payment.

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, final payment to McAllen Construction Company for work at the Los Indios International Bridge was approved and the Bridge was accepted for liability purposes.

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**(12) AUTHORIZATION TO PAVE CACTUS ROAD AND
ACQUISITION OF RIGHT-OF-WAY TO 60' FROM FM 1847
TO FM 1575**

Commissioner Thomae explained that the right-of-way was being donated at no cost to the County in order to pave Cactus Road.

Commissioner Thomae moved that the paving of Cactus Road and the acquisition, by donation, of the 60' right-of-way from FM 1847 to FM 1575 be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(13) **AUTHORIZATION TO ACQUIRE RIGHT-OF-WAY AND
PAVING OF HAINE DRIVE FROM WAYLAND ROAD TO
FM 1846 BETWEEN HARLINGEN AND SAN BENITO**

At this time, Commissioner Thomae stated that Wayland Road should read: "Whalen" Road.

Commissioner Thomae moved that authorization be given to acquire the right-of-way, that by donation, and to direct the negotiations of the balance of the right-of-way concerning the acquisition of right-of-ways and paving of Haine Drive from Whalen Road to FM 1846 between Harlingen and San Benito, subject to final approval by the Court.

The motion was seconded by Commissioner Valencia and carried unanimously.

(14) **APPROVAL OF REQUEST BY REYNERIO A. CISNEROS,
DBA RICOS ELOTES TACO EXPRESS, FOR RENEWAL
OF MOBILE VENDOR'S PERMIT**

Note: Judge Garza left the Courtroom at this time.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the renewal of the mobile Vendor's permit of Mr. Reynario A. Cisneros d.b.a. Ricos Elotes Taco Express was approved.

The Application is as follows:

(15) APPROVAL OF TRAVEL EXPENSES

Note: Judge Garza returned to the Courtroom at this time.

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

- a) County Clerk to attend County and District Clerks 97th Annual Conference in Plano, Texas, on June 22-26, 1992;
- b) District Clerk to Austin, Texas, to attend Texas Judicial Council on June 4, 1992, and two (2) Deputies to visit the State Library on Microfilming of Records and the District Clerk's Office;
- c) Judge Everardo Garcia to attend 5th Annual **TCDLA** Advance Criminal Law Short Course on June 10-12, 1992 in San Antonio, Texas;
- d) One (1) Health Department employee to attend Border Health Task Meeting in Austin, Texas, on June 12, 1992; and
- e) Ms. Juana Wyatt, Precinct No. 3 Secretary, to attend Seminar in McAllen, Texas, on June 24, 1992.

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(16) EXECUTIVE SESSION

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 2:10 P. M. to discuss the following matters:

- a) Discuss Personnel/Insurance Clerk vacancy, pursuant to Section 2(g) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- b) Discuss Real Estate Lease at Isla Blanca Park by and between Cameron County and Beach Snacks, Incorporated, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 3:00 P. M.

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(17) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Discuss Personnel/Insurance Clerk vacancy.

Judge Garza reported that after some discussion, the majority of the Court agreed as determined by polling, that Mr. Frank Bejarano, Program Development and Management Director, should be directed to exercise his discretion as a Department Head to fill the vacancy, along the terms and conditions outlined in Executive Session.

Commissioner Thomae moved that Mr. Frank Bejarano, Program Development and Management Director, be directed to exercise his discretion as a Department Head to fill the Personnel/Insurance Clerk vacancy, along the terms and conditions outlined in Executive Session.

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

AYE: Commissioners Cascos, Thomae and Valencia

NAY: Commissioner Rosenbaum.

- b) Discuss Real Estate Lease at Isla Blanca Park by and between Cameron County and Beach Snacks, Incorporated.

Judge Garza reported that after some discussion it was the consensus of the Court as determined by polling, that no action be taken on this matter as recommended by Mr. Doug Wright, County Counsel, and that Counsel be directed to confer with the parties involved.

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, Mr. Doug Wright's, County Counsel, Report was acknowledged, that being that no action be taken on the matter regarding the Real Estate Lease at Isla Blanca Park by and between Cameron County and Beach Snacks, Incorporated, and Counsel was directed to confer with the parties involved.

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

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APPROVED this 29th day of June, 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

