

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 3rd day of AUGUST, 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:  
  
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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Mr. Doug Wright, Cameron County Counsel, 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 July 31, 1992, at 9:26 A. M.

**(1) APPROVAL OF COUNTY CLAIMS**

Commissioner Thomae 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, Thomae and Valencia

NAY: None

ABSTAIN: Commissioner Cascos as to the claim of Waters Implement Company, Inc., Warrant No. 63090 in the amount of \$88.95.

**The Affidavit is as follows:**

At this time, Mr. Rayburn MacNelly, County Auditor, presented a late claim as to the Texas Safety Association, Warrant No. 63133 in the amount of \$150.00 for approval.

Upon motion by Commissioner Thoma, seconded by Commissioner Rosenbaum and carried unanimously, the late claim as to Texas Safety Association, Warrant No. 63133 in the amount of \$150.00 was approved.

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

Commissioner Cascos moved that the 1991/1992 Budget Amendment No. 36 and the Salary Schedule for the Health Department, Department No. 27-637 be approved as recommended by the County Auditor.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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

**(3) APPROVAL OF MINUTES OF JULY 27, 1992**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Minutes of the Regular Meeting held on July 27, 1992, at 1:30 P. M. were approved.

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**(4) AUTHORIZATION TO MODIFY COUNTY COURT AT LAW SALARIES FOR THE FINAL PAY PERIOD OF THE FISCAL YEAR**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the modification of the County Court at Law salaries were authorized for the final Pay Period of the Fiscal Year.

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**(5) AUTHORIZATION TO PURCHASE INSURANCE FOR THE LOS INDIOS INTERNATIONAL BRIDGE**

Commissioner Cascos moved that the purchase of insurance for the Los Indios International Bridge be authorized.

The motion was seconded by Commissioner Thomae and carried unanimously.

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**(6) APPROVAL OF PROCLAMATION DECLARING AUGUST 15TH THROUGH AUGUST 30, 1992, "RIO GRANDE VALLEY FIREFIGHTER APPRECIATION DAYS"**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the Proclamation declaring August 15 through August 30, 1992, as "Rio Grande Valley Firefighter Appreciation Days", was adopted.

**The Proclamation is as follows:**

**(7) AUTHORIZATION TO AWARD BIDS FOR SAFETY EQUIPMENT FOR VARIOUS DEPARTMENTS**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the sole bid of C and S Safety, McAllen, Texas, for the Safety Equipment for various Departments was accepted, on the recommendation of the Purchasing Agent.

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**(8) AUTHORIZATION TO OPEN BIDS FOR TWO (2) VANS FOR HEALTH - WIC DEPARTMENT**

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, approval was given to open bids as received for two (2) Vans for the Health Women, Infants and Children's Department.

**The bids received and opened are as follows:**

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

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(9) **AUTHORIZATION TO OPEN BIDS FOR ELECTRICAL  
HVA/C, PLUMBING AND PAVING FOR CAMERON PARK  
COMMUNITY CENTER**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, approval was given to open bids as received for the Electrical HVA/C, Plumbing and Paving for Cameron Park Community Center.

**The bids received and opened are as follows:**

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

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**(10) AUTHORIZATION FOR THE TAX ASSESSOR-COLLECTOR TO ENTER INTO AGREEMENT WITH CHECK RITE FOR AUTOMATED CHECK VERIFICATION**

Mr. Tony Yzaguirre, County Tax Assessor-Collector, explained that the cost for the check verification would be \$15.00 per month per machine, and he was proposing to obtain four (4) machines at this time, and to provide for an additional four (4) machines in the Budget for next year.

Mr. Rayburn MacNelly, County Auditor, requested that a modification be made to the Agreement regarding the procedures dealing with "hot checks".

Commissioner Valencia moved that the County Tax Assessor-Collector be authorized to execute an Agreement with Check Rite, Harlingen, Texas, for automated check verification, subject to the modifications as outlined.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**The Agreement is as follows:**

**(24) EXECUTIVE SESSION**

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Court met in Executive Session at 1:50 P. M. to discuss the following matters:

- a) Discuss possible acquisition of land for the Cameron County Parks System, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- b) Discuss contemplated Lease Agreement with Rio Grande Marine Institute, 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 2:30 P. M.

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

- a) Discuss possible acquisition of land for the Cameron County Parks System.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the Parks Director be directed to draft a letter to the property owner on North Andy Bowie Park about the possibility of acquiring land by donation for a County Park. He reported some discussion with respect to possible City-County-Navigation District-type ventures in the area of Public Parks in Cameron County under the leadership of the Cameron County Parks System.

Commissioner Valencia moved to acknowledge and to direct the activity of the Parks Director concerning the possible acquisition of land for the Cameron County Parks System.

The motion was seconded by Commissioner Thomae and carried unanimously.

- b) Discuss contemplated Lease Agreement with Rio Grande Marine Institute.

Judge Garza reported that the Court discussed the potential contractual Lease Agreement with Marine Institute for certain properties in and around the County Airport and after some discussion, it was the consensus of the Court as determined by polling, that County Counsel be directed to prepare the Lease, along the terms and conditions as outlined, and to submit to Mr. Gene Webb, Chairman of the Rio Grande Marine Institute, for review and approval by their Board.

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, County Counsel was directed to prepare a Lease Agreement, along the terms and conditions as outlined in Executive Session, and to submit to Mr. Gene Webb, Chairman of the Rio Grande Marine Institute, for Board approval.

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**(13) CONSIDERATION AND ACTION REGARDING APPROVAL OF REVISED VERSION OF 1992 CAMERON COUNTY PUBLIC BEACH ACCESS AND DUNE PROTECTION PLAN AS AMENDED BY TEXAS GENERAL LAND OFFICE STAFF**

Mr. Kenneth Conway, Parks Director, explained that the Texas General Land Office was recommending the revisions in order to grant approval of the Plan, and that the Parks Advisory Board and Dune Protection Committee Chairperson had reviewed those changes and were recommending approval.



At this time, Judge Garza invited public comment and Mr. Lee Zieger, County resident, presented his concerns as outlined in the following prepared statement:

Mr. Conway responded to the comment regarding the restriction of vehicular traffic on the entire Beach, and stated that it would not be economically feasible because of federal regulations and the cost of the land. He added that the Plan is not a "static" Plan, and can be amended to meet the changing needs of Cameron County.

Mr. Rayburn MacNelly, County Auditor, recommended some changes concerning Funding and Audit procedures as stated on Page 14 of the Plan.

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the revised version of the 1992 Cameron County Public Beach Access and Dune Protection Plan, as amended by the Texas General Land Office Staff, was approved.

**The Plan is as follows:**

**(11) CONSIDERATION AND ACTION REGARDING ORDER,  
AS PREPARED BY TEXAS GENERAL LAND OFFICE  
STAFF, ADOPTING CAMERON COUNTY PUBLIC BEACH  
ACCESS AND DUNE PROTECTION PLAN WITH SAID  
PLAN BECOMING EFFECTIVE UPON STATE APPROVAL**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Order prepared by the Texas General Land Office Staff, to adopt the Cameron County Public Beach Access and Dune Protection Plan, was approved, said Plan to become effective upon State approval.

**The Order is as follows:**

(12) **ACTION RELATIVE TO MOBILE VENDOR PERMIT FOR  
JUAN TORRES, JR.**

Commissioner Valencia moved that the Mobile Vendor Permit for Mr. Juan Torres, Jr., Brownsville, Texas, be approved.

The motion was seconded by Commissioner Thomae and carried unanimously.

**The Vendor Permit is as follows:**

(14) **APPROVAL TO NAME A NO-NAME ROAD LEADING INTO THE LAS RUSIAS CEMETERY--NAME OF ROAD TO BE HORACIO GARCIA, JR. MEMORIAL DRIVE**

Commissioner Valencia explained that a certain family was willing to donate the money for the improvement of the road with the condition that the road be named in memory of Mr. Horacio Garcia, Jr., deceased.

Judge Garza questioned whether a "no-name" road leading into a Cemetery was a County Road and Commissioner Valencia stated that it was in the process of becoming a County Road, and that the family would donate the money only if the road was named.

Judge Garza asked whether the County, by naming a private road had in affect accepted it, by acknowledging some sort of interest in it even though it was not a standard road.

Mr. Andy Cueto, County Engineer, stated that he had discussed the matter with Commissioner Valencia and that Commissioner Valencia had indicated that he would be acquiring the right-of-way.

Commissioner Valencia added that the road had been maintained by the County for many years and that it would eventually become a County Road.

Commissioner Cascos asked County Counsel whether naming the road would infer that the County was accepting it as a County Road and Counsel stated that it added "color" to it.

Commissioner Cascos moved that the road leading into the Las Rusias Cemetery be named Horacio Garcia, Jr. Memorial Drive, subject to the acquisition of sufficient right-of-way and sufficient funds to bring the road to County standards, said road to be dedicated to the public before naming it.

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

AYE: Commissioners Rosenbaum, Cascos, Thomae and Valencia

NAY: Judge Garza.

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**(15) APPROVAL TO USE COUNTY EQUIPMENT/ PERSONNEL TO MOW GRASS/HIGH WEEDS IN THE SAN BENITO CITY CEMETERY**

Commissioner Valencia explained that the City of San Benito was requesting assistance in order to clean the City Cemetery.

Mr. Doug Wright, Cameron County Counsel, indicated that an Interlocal Agreement would be necessary because County equipment and personnel were involved.

Commissioner Valencia moved that the use of County Equipment and Personnel be authorized to mow the grass and high weeds in the San Benito City Cemetery, subject to Legal review and an Interlocal Agreement.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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**(16) APPROVAL TO USE COUNTY PERSONNEL AND EQUIPMENT TO REPAIR RATLIFF ROAD IN SAN BENITO**

Commissioner Valencia explained that part of Ratliff Road was within the City of San Benito, that it would be a similar situation as the previous Item and could be handled with an Interlocal Agreement.

Commissioner Thomaе explained that when a County Road goes into a City, such as in Rio Hondo, the Law allows the County go into the City and that an Interlocal Agreement is not necessary.

Commissioner Cascos moved that the use of County Personnel and Equipment be authorized for the repair of Ratliff Road in San Benito, subject to Legal review.

The motion was seconded by Commissioner Valencia and carried unanimously.

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**(17) AUTHORIZATION TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR PRECINCT NO. 2 OVERLAY PROJECT PHASE II**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the preparation of the Plans and Specifications and the advertisement for bids for Precinct No. 2 Overlay Project, Phase II, were authorized.

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**(18) APPROVAL OF REQUEST TO REJECT BID FOR PAVEMENT IMPROVEMENTS FOR NANCY SUBDIVISION AND AUTHORIZATION TO RE-ADVERTISE**

Mr. Andy Cueto, County Engineer, explained that he had received a letter from Commissioner Valencia requesting that the bid be rejected and to re-advertise.

Commissioner Valencia stated that he was never able to meet with the County Engineer to review the bid tabulation, and after receiving a letter from him, he tried to tell him to accept it, and he was recommending that the bid be accepted as received.

He expressed his concern regarding the communication problems between the two (2) offices and the fact that the County Engineer required everything in writing.

Commissioner Valencia moved to accept the bid (Mission Paving Co., Inc., Mission, Texas) for the pavement improvements for Nancy Subdivision, subject to the Contractor's willingness to accept.

The motion was seconded by Commissioner Thomae.

At this time, Commissioner Thomae stated that he had received a letter from the County Engineer advising him that the State had determined that two (2) bridges were not safe and needed to be closed. He added that he now has three (3) closed bridges in the same area and that the school buses would not be able to run the school routes. Commissioner Thomae stated that he does not have the money to build bridges and that the only solution would be to temporarily place two (2) 60" inch corrugated pipes. He also indicated that he has an additional five (5) bridges that need attention but that he has no money in his budget.

At this time, Judge Garza restated the motion by Commissioner Valencia, that being that on Counsel's advice, the bid (Mission Paving Co., Inc., Mission, Texas) for the pavement improvements for Nancy Subdivision be accepted, subject to the Contractor's willingness to enter into the Contract, which Commissioner Valencia indicated their willingness to accept.

The motion was seconded by Commissioner Thomae and carried unanimously.

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(19) **AUTHORIZATION TO OPEN BIDS AS RECEIVED FOR  
SOUTH DAKOTA - BRIDGE REPLACEMENT  
STRUCTURE**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Thomae and carried unanimously, approval was given to open bids as received for the South Dakota Bridge Replacement Structure.

**The bids received and opened are as follows:**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the bids were referred to the County Commissioner and the County Engineer for tabulation and recommendation to the Court of the best bid in one (1) week.

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**(20) APPROVAL OF NON-FINANCIAL INTERAGENCY COORDINATION AND COOPERATIVE AGREEMENT BETWEEN THE BROWNSVILLE ADULT LITERACY COUNCIL, INC., THE TEXAS DEPARTMENT OF HUMAN SERVICES, THE CAMERON COUNTY HOUSING AUTHORITY, THE BROWNSVILLE HOUSING AUTHORITY, CAMERON COUNTY AND THE ARNULFO L. OLIVEIRA MEMORIAL LIBRARY**

Commissioner Valencia moved that the Non-Financial Interagency Coordination and Cooperative Agreement between the Brownsville Adult Literacy Council, Inc., the Texas Department of Human Services, the Cameron County Housing Authority, the Brownsville Housing Authority, Cameron County and the Arnulfo L. Oliveira Memorial Library be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

**The Agreement is as follows:**



**(21) AUTHORIZATION TO APPROPRIATE PORTIONS OF UNBUDGETED SALES TAX COMMISSION IN ROAD AND BRIDGE FUND UP TO AMOUNT LEGALLY AVAILABLE, TO WIT \$212,242.00 OF THE \$468,745.00 AVAILABLE**

Mr. Rayburn MacNelly, County Auditor, explained that the amount of \$212,242.00 represented the amount of surplus in the Road and Bridge Fund that could be legally appropriated during the current budget year.

Commissioner Cascos moved that the amount of \$212,242.00 be allocated equally among the four (4) Commissioner Precincts, that being twenty-five percent (25%) per Precinct of the unbudgeted Sales Tax Commission in the Road and Bridge Fund that is legally available.

At this time, Commissioner Thomae expressed his reservations regarding the distribution of funds and added that he should receive fifty percent (50%) of the funds because he has over fifty percent (50%) of the roads.

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

AYE: Commissioners Rosenbaum, Cascos and Judge Garza

NAY: Commissioners Thomae and Valencia.

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**(22) AUTHORIZATION FOR EXTENSION OF COUNTY SICK LEAVE FOR ROSAURA GARCIA FOR AN ADDITIONAL THREE (3) WEEKS**

Mr. Rayburn MacNelly, County Auditor, explained that Ms. Rosaura Garcia had undergone extensive surgery and required an additional three (3) weeks; however, she has exhausted her sick leave and the additional time needed would be leave without pay.

Commissioner Valencia moved that the extension of County Sick Leave for Ms. Rosaura Garcia, Auditing Department, for an additional three (3) weeks be authorized, subject to review of the Personnel Policy by Counsel.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(23) **AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES**

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

- a) Mr. Lee Thompson, Safety/Risk Management Coordinator, to Austin on August 10-11, 1992, to attend Insurance Claims Seminar;
- b) Ms. Mary Ann Flores, Juvenile Investigator, to attend Training School in New Braunfels on August 17-21, 1992;
- c) Lt. Hector Cervantes and Lt. Abel Garcia, Sheriff's Department, to Dallas to attend mandatory training for Contractors with Bureau of Federal Prisons Conference on August 10-14, 1992;
- d) Ms. Aurora de la Garza, District Clerk, to attend Advanced County Government Seminar and Elections Seminar on August 18-21, 1992 in Austin; and
- e) Cameron County Drug Enforcement Task Force Director to attend TNCP Regional Meeting for Directors in Laredo on July 28, 1992.

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At this time, Mr. Joe G. Rivera, County Clerk, stated that the Elections Commission had appointed him to explore the possibility of Early Voting at high traffic locations, such as H. E. B., Walmart and Lopez Food Stores, and the suggestion was made to hold a "Workshop" with Commissioners' Court on Monday, August 10, 1992, at 11:00 a. m. to consider other locations.

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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 17TH day of August, 1992.

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**ANTONIO O. GARZA, JR.**  
**COUNTY JUDGE**

**ATTEST:**

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