

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 24TH 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

INELDA T. GARCIA, Deputy
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Ms. Jackie Lockett, Local Emergency Planning Committee (LEPC) Member, 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 August 21, 1992, at 12:27 P. M.

(1) APPROVAL OF COUNTY CLAIMS

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

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

AYE: Commissioners Rosenbaum, Thomae and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claims of E. De La Garza, Inc., Warrant No. 63833 in the amount of \$3,089.79, Warrant No. 63963 in the amount of \$2,852.77, Warrant No. 63964 in the amount of \$1,223.61, Warrant No. 63965 in the amount of \$155.58, and Warrant No. 93966 in the amount of \$198.88; and Commissioner Cascos as to the claim of Waters Implement Company, Inc., Warrant No. 64105 in the amount of \$4.95.

The Affidavits are as follows:

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

Upon motion by Commissioner Thomaе, seconded by Commissioner Cascos and carried unanimously, the 1991/1992 Budget Amendment No. 39 and the Salary Schedules for the County Judge's Office, Department No. 10-401 and the Emergency Preparedness Department, Department No. 10-406 were approved as outlined by the County Auditor.

The Budget Amendment and Salary Schedules are as follows:

(3) **APPROVAL OF MINUTES OF AUGUST 17, 1992**

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, the Minutes of the Regular Meeting held August 17, 1992 at 1:30 P. M. were approved.

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(4) **AUTHORIZATION TO AWARD BIDS FOR ROOF REPAIRS OF PASOL BUILDING AT 1405 E. ELIZABETH STREET**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the low bid of Gomez Sheet Metal and Roofing, Brownsville, Texas, in the amount of \$9,000.00, was accepted for the roof repairs of the Pasol Building at 1405 E. Elizabeth Street, Brownsville, Texas.

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(5) **AUTHORIZATION FOR THE COUNTY CLERK TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE TEXAS DEPARTMENT OF HEALTH, BUREAU OF VITAL STATISTICS, FOR A BVS REMOTE CERTIFICATE PRINTING SYSTEM**

Ms. Lettie Ramirez, Deputy County Clerk, explained that the "Remote Certificate Printing System" would provide the County Clerk's Office the ability to obtain Certified Copies of Birth Certificates from Austin for anyone born in another County or another city in Texas. She stated that the service would increase revenue, and that currently thirty (30) Cities in the State and eighteen (18) Counties have this System, and that Cameron County would be the first in the Rio Grande Valley to access the System. She stated that the cost for upgrading the current computer system would be approximately \$1,500.00, said amount being available in the Budget.

Commissioner Thomae moved that a Contractual Agreement by and between the County Clerk and the Texas Department of Health, Bureau of Vital Statistics (BVS), for a BVS remote Certificate Printing system, be authorized.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Agreement is as follows:

**(6) ACKNOWLEDGEMENT OF CAMERON COUNTY PARKS
SYSTEM DEPARTMENT POLICY MANUAL DATED
AUGUST 17, 1992**

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the Cameron County Parks System Department Policy Manual dated August 17, 1992, was acknowledged, and the adoption was tabled for a subsequent Meeting.

The Policy Manual is as follows:

(7) **AUTHORIZATION TO NAME THE BOULEVARD TO LOS INDIOS INTERNATIONAL BRIDGE**

Commissioner Thomae moved that the intent of Commissioners' Court to name the Boulevard to the Los Indios International Bridge as the "*Los Indios Boulevard*" be acknowledged, and that the necessary publications and notices regarding the matter be authorized.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(8) **AUTHORIZATION FOR COUNTY ENGINEER TO ACCEPT TEXAS WATER COMMISSION REIMBURSEMENT APPLICATION NO. 4201 FOR THE PRECINCT NO. 1 AND PRECINCT NO. 2 FUEL TANK CLEAN-UP**

Mr. Andy Cueto, County Engineer, explained that the County expended \$114,779.55 for the fuel tank clean-up and that the State will reimburse the County the amount of \$89,395.23 or 77.88% and added that the County Auditor had indicated that the reimbursement was a fair and a reasonable amount.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the County Engineer was authorized to accept the Texas Water Commission Reimbursement Application No. 4201, for the Precinct No. 1 and Precinct No. 2 fuel tank clean-up.

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(9) **IN THE MATTER OF REQUEST FOR PRELIMINARY APPROVAL (TABLED)**

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, action on the following subdivision was TABLED:

- a) Las Yescas Subdivision - being a resubdivision of Lots 29 and 36, out of Arroyo Gardens Unit No. 1, of Cameron County, Texas, as recorded in Volume 8, Page 64 of the Cameron County Map Records.

Location:

The proposed Subdivision, within Precinct No. 3, is located off FM 803 (Olmito North Road) approximately one (1) mile South of FM 106 (East Rio Hondo Road). It is a 26.4 acre tract of land to be subdivided into thirty-two (32) lots with a proposed new paved road. Potable water will be furnished by East Rio Hondo Water Supply and sanitary sewer will be by individual septic system. FM 803 has a paved surface and an adjacent County Road (El Preseño Road) has a dirt surface. The developer is proposing to furnish the materials, if Cameron County will furnish the labor and equipment to pave El Preseño Road. Drainage will be through the improvement of existing borrow ditches along FM 803 to an existing drain ditch approximately ¼ mile away.

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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 County Engineer:

- a) Cruz Subdivision - being a tract containing 0.552 acres of land, situated out of the West 26.5 acres of Block 26, Petersburg Syndicate Subdivision, according to Volume 4, Page 50 of the Cameron County Map Records, Cameron County, Texas.

Location:

The proposed Subdivision, within Precinct No. 3, is located off Teege Road approximately 3/4 mile East of the Expressway 77. It is a 0.55 acre tract of land being proposed as a one (1) residential lot Subdivision. Potable water will be provided by Harlingen Water Works; CP&L will provide electricity and sanitary sewer will be by individual septic system. Teege Road has an existing paved surface.

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:

- b) McMurray Subdivision - being a subdivision of 0.638 acre situated out of Block 93, of the San Benito Land and Water Company Subdivision, Concepcion de Carricitos Grant, as recorded in Volume 1, Page 6, of the Cameron County Map Records, Cameron County, Texas.

Location:

The proposed Subdivision, within Precinct No. 4, is located off Ohio Station Road, approximately one (1) mile South of FM 675. It is a 0.64 acre tract of land being proposed as a one (1) residential lot Subdivision. Potable water will be provided by Military Highway Water Supply Corporation and sanitary sewer will be by individual septic system. Ohio Station Road has a caliche surface.

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(11) DISCUSSION AND POSSIBLE ACTION CONCERNING THE DETERMINATION OF PLAT REQUIREMENTS PURSUANT TO LOCAL GOVERNMENT CODE SECTION 232.0046 CONCERNING THE FOLLOWING DESCRIBED PROPERTY:

The North 9.25 acres of the East 15 acres out of the West 50.00 acres of Survey 24 as described by Deed of Record in Volume 876, Page 705 of the Cameron County Deed Records and 9.25 acres out of 15.0 acres out of Survey 24 as described by Deed of Record in Volume 958, Page 181 of the Cameron County Deed Records, said property fronting on Bouldin Road for approximately 976.8 feet and having a depth of approximately 825.0 feet and containing a total of 18.50 acres.

At this time, Ms. Tammy Johnson, proposed buyer, stated that her husband and she wanted to build one (1) home in the Country and were requesting only one (1) Building Permit, but they had received conflicting plat requirements from Builders, Attorneys and Engineers, and had decided to bring the matter to Commissioners' Court for determination as to whether or not the land would need to be subdivided.

Mr. Andy Cueto, County Engineer, stated that the Subdivision Ordinance adopted by the Court on September 10, 1990, required that a plat be Filed for Record and added that the County Engineer's Office followed that Ordinance.

At this time, Mr. Doug Wright, Cameron County Counsel, stated that the Statues provide that the Commissioners' Court makes the final decision in the Appeals Process and has the discretion to make any exceptions; whether it be called either a "*variance*" or an "*exception*". He explained that Communities that are contiguous to the International Border have special problems and added that the County Engineer recognized that, from an Administrative stand point, problems were created when variances were granted.

Commissioner Thomae stated that he had no problems with the matter because the property was over five (5) acres and added that it was the purpose of the Appeals Process to allow the Commissioners' Court to make those exceptions.

At this time, Commissioner Thomae moved that an exception to the plat requirements be granted concerning the following described property:

The North 9.25 acres of the East 15 acres out of the West 50.00 acres of Survey 24 as described by Deed of Record in Volume 876, Page 705 of the Cameron County Deed Records and 9.25 acres out of 15.0 acres out of Survey 24 as described by Deed of Record in Volume 958, Page 181 of the Cameron County Deed Records, said property fronting on Bouldin Road for approximately 976.8 feet and having a depth of approximately 825.0 feet and containing a total of 18.50 acres.

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

AYE: Commissioners Rosenbaum, Thomae and Valencia

NAY: Commissioner Cascos and Judge Garza.

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(12) **IN THE MATTER OF ABANDONMENT OF A 0.106 TRACT OF LAND IN LAGUNA MADRE, SEA GARDEN TRAILER PARK (TABLED)**

(13) **IN THE MATTER OF DEDICATION OF A 0.040 ACRE TRACT OF LAND IN LAGUNA MADRE TO THE COUNTY BY RICHARD AND VELMA WARDHAL (FOR ALLEYWAY PURPOSES)(TABLED)**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, these Items were TABLED for one (1) week, as requested by the County Attorney.

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(14) **APPROVAL OF ABANDONMENT OF PUBLIC ROAD - BEING A PORTION OF MINNE-SOTA ROAD WEST OF CENTRAL AVENUE BETWEEN BLOCK 132 AND BLOCK 140 OF EL JARDIN SUBDIVISION**

At this time, Mr. Jim Lauderdale, Attorney-at-Law representing Magic Valley Electric, requested that a portion of Minnesota Road West of Central Avenue be abandoned since it had never been used.

Commissioner Cascos moved that the abandonment of the Public Road, being a portion of Minnesota Road west of Central Avenue, between Block 132 and Block 140 of El Jardin Subdivision, be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Resolution and Order is as follows:

(15) **APPROVAL TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES**

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

- a) Constable Jose A. Jimenez to Brownsville, Texas, on September 18-19, 1992, to attend Annual Conference and Workshop;
- b) Mr. Gilbert Garza, LEPC Member to attend FEMA Exercise in Hearst, Texas, on August 12, 1992;
- c) Mr. Don Boykin, VSO, to San Antonio, Texas, to attend Training Conference on August 31 through September 4, 1992;
- d) Mr. Michael Puckett, Treasurer, to attend 44th Annual Treasurers Conference in Laredo, Texas, on September 14-17, 1992;
- e) County Judge to attend Parks Advisory Board Meeting on August 26-28, 1992, in Bastrop, Texas; and
- f) County Judge to attend Texas College of Probate Judges Annual Meeting in Dallas, Texas, on October 1-3, 1992.

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

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APPROVED this 21st day of September, 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