

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 12th day of **OCTOBER, 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:

9:30 A. 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

JOE G. RIVERA
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. Linda Irvine, Assistant County Auditor, 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 October 9, 1992, at 9:15 A. M.

(23)

APPROVAL OF REQUEST BY MARTIN K. EBY CONSTRUCTION, WHICH HAS A 5 1/2 MILLION DOLLAR CONTRACT WITH PUB TO USE, OR LEASE, PROPERTY LOCATED ON BLOCK 173, LOTS 5 AND 6, (CORNER OF 7TH AND HARRISON STREETS)

Mr. Andy Cueto, County Engineer, explained that the Martin K. Eby Construction Firm requested the use of the property located at the corner of 7th and Harrison Street in order to complete the work on a water line for the Public Utilities Board (PUB), and added that the Project would extend for about ten (10) months.

Commissioner Thomae questioned the amount of compensation and the suggestion was made to execute a Lease Agreement in the amount of \$200.00 a month for about ten (10) months.

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the request by the Firm of Martin K. Eby Construction Co. Inc., Ft. Worth, Texas, to use or lease the property located on Block 173, Lots 5 and 6 at the corner of 7th and Harrison Streets, was approved, in order for them to complete a 5 1/2 million dollar water line Contract with the Public Utilities Board, subject to final review by Legal Counsel.

The Agreement is as follows:

(25) EXECUTIVE SESSION

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 9:45 A. M. to discuss the following matters:

- a) Confer with Counsel regarding lawsuit styled Pilar Lerma vs. Joe G. Rivera, et al., pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Discuss the acquisition of Right-of-Way for Parcel 12, FM 802, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- c) Discuss County Engineering and Right-of-Way personnel matters, pursuant to Section 2(g) of Article 6252-17 (of the Texas Revised Civil Statutes);
- d) Confer with Counsel regarding Paul Harvey Smith vs. Cameron County, et al., pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- e) Discuss the acquisition of Right-of-Way for Parcel 17, Dakota Road Project, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Thomae and carried unanimously, the Court reconvened in Regular Session at 10:35 A. M.

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(26) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with Counsel regarding lawsuit styled Pilar Lerma vs. Joe G. Rivera.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that Counsel be directed to proceed along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session regarding the lawsuit styled Pilar Lerma vs. Joe G. Rivera, et. al.

- b) Discuss the acquisition of Right-of-Way for Parcel 12, FM 802.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that a counter offer would be made to the property owner for the acquisition of said Parcel, along the terms and conditions as outlined.

Commissioner Thomae moved that a counter offer be extended to the property owner for the acquisition of the Right-of-Way for Parcel 12, FM 802, along the terms and conditions as outlined in Executive Session.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

- c) Discuss County Engineering and Right-of-Way personnel matters. NO ACTION TAKEN

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that NO ACTION would be taken on this Item

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, NO ACTION was taken on this Item.

- d) Confer with Counsel regarding Paul Harvey Smith vs. Cameron County.

Judge Garza reported that the Court acknowledged a Status Report from Counsel and after some discussion, it was the consensus of the Court as determined by polling, that Counsel be directed to proceed along the terms and conditions as outlined regarding said matter.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session regarding the litigation styled Paul Harvey Smith vs. Cameron County, et al.

e) Discuss the acquisition of Right-of-Way for Parcel 17, Dakota Road Project.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to acknowledge the additional cost of said Parcel, to authorize the County Engineer to extend a counter offer, along the terms and conditions as outlined, and to direct that a Budget Amendment be prepared to transfer the amount as necessary to acquire the Right-of-Ways under Items 26 "b" and "e" from Line Item 088 to Line Item 70.

Commissioner Rosenbaum moved that the additional cost of the Right-of-Way for Parcel 17, Dakota Road Project, be acknowledged, that the County Engineer be authorized to extend a counter offer, along the terms and conditions as outlined, and that a Budget Amendment be prepared to transfer the amount as necessary from Line Item 088 to Line Item 70 to acquire the Right-of-Ways under Items 26 "b" and "e".

The motion was seconded by Commissioner Thomae and carried unanimously.

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(1) APPROVAL OF COUNTY CLAIMS

Commissioner Rosenbaum moved that all the County Claims as presented by the County Auditor's Office be approved.

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

AYE: Commissioners Rosenbaum and Thomae

NAY: None

ABSTAIN: Commissioner Cascos as to the claims of Waters Implement Company, Inc., Warrant No. 66633 in the amount of \$160.00 and Warrant No. 66634 in the amount of \$51.90.

The Affidavit is as follows:

(2)

APPROVAL OF BUDGET AMENDMENTS AND/OR SALARY SCHEDULES. APPROVAL OF SALARY SCHEDULES FOR FISCAL YEAR 1993

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, stated that the Salary Schedules for Fiscal Year 1993 were prepared by the individual Departments and included the three percent (3%) increase as directed by the Commissioners Court. She stated there was one (1) exception in the Salary Schedules and that it was being reviewed by Counsel. She explained that the District Judges court ordered an additional position for the County Auditor's Office and that there was a question as to whether the position needed Commissioners' Court approval in order to add it since it was not included in the Budget.

Upon motion by Commissioner Thomaе, seconded by Commissioner Cascos and carried unanimously, the Salary Schedules for the Fiscal Year 1993 for all the County Department were approved, subject to the one (1) exception in the Salary Schedule being reviewed by Counsel, that being the additional position for the County Auditor's Office that was Court ordered by the District Judges but not included in the Budget.

The Salary Schedules are as follows:

(3) **APPROVAL OF MINUTES OF OCTOBER 5, 1992**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Minutes of the Regular Meeting held October 5, 1992 at 1:30 P. M. were approved.

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(4) **AUTHORIZATION TO RESTRICT THE CAMERON COUNTY LIBRARY SYSTEM ALLOCATION FOR THE PURCHASE OF BOOKS, LIBRARY SUPPLIES, EQUIP-MENT, ETC., WITH ITS RETENTION IN THE CCLS FUND**

Commissioner Cascos remarked that it was his understanding that some Cities were depositing their allocation from the County Library System into their General Fund.

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, explained that the Cameron County Library System (CCLS) had been experiencing difficulty with the Cities that receive funds from the Library System. She explained that the Cities were requesting that County's allocation be transferred to the individual City for deposit in their General Fund to be used at their discretion. She stated that the Library Systems believed that the allocations, provided by the County, were for the Library System itself, and that the Court needed to re-emphasize the Court's position.

Commissioner Cascos moved that the County's position be re-affirmed that said funds be restricted to the Cameron County Library System (CCLS) allocation for the purchase of books, library supplies, equipment, etc., with the retention in the CCLS Fund.

The motion was seconded by Commissioner Thomae and carried unanimously.

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(5) **AUTHORIZATION TO ROLL-OVER REMAINING BUDGET IN LINE ITEMS 077 AND 096 IN THE COUNTY CLERK'S FISCAL YEAR 92 BUDGET TO FISCAL YEAR 93. APPROXIMATELY \$13,500.00**

Commissioner Cascos moved that approval be given to roll-over the remaining budget, in the amount of \$13,500.00, in Line Items 077 and 096 in the County Clerk's Fiscal Year 1992 Budget to Fiscal Year 1993.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(6) **CONSIDERATION AND ACKNOWLEDGEMENT OF STATE OR LOCAL DEPARTMENT/ AGENCY INDIRECT COST NEGOTIATION AGREEMENT WITH TEXAS DEPARTMENT OF HEALTH, COGNIZANT AGENCY, AND CAMERON COUNTY**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the State or Local Department/Agency Indirect Cost Negotiation Agreement with the Texas Department of Health, Cognizant Agency, and Cameron County was acknowledged.

The Agreement is as follows:

(7) **AUTHORIZATION TO OPEN BIDS FOR ONE (1) 4-WHEEL DRIVE VEHICLE FOR SHERIFF'S DEPARTMENT**

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, approval was given for the purchase of a 4-wheel drive vehicle for the Sheriff's Department.

The bids received and opened are as follows:

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the bids were referred to the Sheriff's Department and the Purchasing Agent for tabulation and recommendation to the Court of the best bid.

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(8) **AUTHORIZATION TO AWARD ANNUAL BIDS FISCAL YEAR 1992/1993 FOR CLEANING SUPPLIES**

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the low bids for Cleaning Supplies were awarded to the following bidders as outlined and on the recommendation of the Purchasing Agent:

ASTRO SUPPLY, - McAllen, Texas:

Category A:

- | | |
|------------------|--------------------|
| 3. Floor Wax | \$ 6.36 per gallon |
| 4. Floor Cleaner | 3.23 per gallon |

Category B:

- | | |
|---------------------|--------------------|
| 2. Liquid hand soap | \$ 4.11 per gallon |
|---------------------|--------------------|

Category C:

- | | |
|----------------|--------------------|
| 3. Lotion Soap | \$ 4.11 per gallon |
|----------------|--------------------|

Category D:

- | | |
|---------------------------|--------------|
| 3. Hand soap - Dispensers | \$ 4.00 each |
|---------------------------|--------------|

GULF COAST PAPER -Brownsville, Texas:

Category A:

- | | |
|---------------|-------------------|
| 1. Wipers | \$ 18.95 per case |
| 5. Can liners | 15.75 per case |
| 6. Can liners | 8.30 per case |

Category B:

- | | |
|------------------|--------------------|
| 1. Air Freshener | \$ 6.60 per gallon |
|------------------|--------------------|

Category C:

- | | |
|---|-------------------|
| 1. Natural roll towels
with Dispensers | \$ 17.65 per case |
| 2. JRT Scott Tissues
with Dispensers | 32.59 per case |

BUTLER PAPER - Corpus Christi, Texas:

Category A:

- | | |
|----------------------|-------------------|
| 2. Multi-fold towels | \$ 10.59 per case |
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(9) **APPROVAL OF COUNTY LATERAL ROAD
ACCOUNT REPORT FOR THE YEAR SEPTEMBER
1, 1991 THROUGH AUGUST 31, 1992**

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the County Lateral Road Account Report for the year September 1, 1991 through August 31, 1992, was approved.

The Report is as follows:

(10) APPROVAL FOR NEW MOBILE PHONE CONTRACT WITH CEL-CON FOR NINE (9) PORTABLE PHONES FOR CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE AND THREE (3) FOR HIDTA AT \$90 PER MONTH AIR TIME VALLEY-WIDE, PLUS PROVISION OF FREE PHONES WITH A THREE (3) YEAR WARRANTY

Commissioner Thomae moved that the New Mobile Phone Contract with Cel-Con for nine (9) portable phones for the Cameron County Drug Enforcement Task Force and three (3) for HIDTA at ninety dollars (\$90.00) per month air time Valley-wide, plus provision of free phones with a three (3) year Warranty, be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(11) APPROVAL OF CONTRACT TO PROVIDE SERVICES TO CAMERON COUNTY RESIDENTS BY JUAN F. SANTOS, MEDICAL ASSISTANT, IN THE BROWNSVILLE NURSING OFFICE OF THE CAMERON COUNTY HEALTH DEPARTMENT

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Contract to provide services to Cameron County residents by Juan F. Santos, Medical Assistant, in the Brownsville Nursing Office of the Cameron County Health Department was approved.

The Service Agreement is as follows:

(12) **IN THE MATTER TO RENEW INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE CITY OF BROWNSVILLE RE: AUTO THEFT (TABLED)**

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

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(13) **APPROVAL OF ESTABLISHMENT OF EARLY VOTING POLLING PLACES IN COMMISSIONER PRECINCT NO. 2 AND NO. 4, IN THE GENERAL ELECTION OF NOVEMBER 3, 1992**

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Early Voting Polling Places for Commissioner Precincts No. 2 and No. 4 for the November 3, 1992, General Election were approved at the following locations:

Precinct No. 2 - Lopez Supermarket No. 4
Hospital Shopping Center
Corner W. Jefferson and Central Boulevard
Brownsville, Texas

Precinct No. 4 - Main Fire Station
City of Harlingen
121 W. Jefferson Street
Harlingen, Texas.

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(14) **APPROVAL OF REQUEST TO ADVERTISE FOR BIDS FOR 1.34 HP-FL DISK DRIVE**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, authorization was given to advertise for bids for 1.34 HP-FL Disk Drive.

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(15) **AUTHORIZATION TO REQUEST PROPOSALS FOR A U. P. S. FOR THE HP3000, DTC'S AND DISK DRIVE UNITS**

Mr. Rudy Juarez, Computer Center Director, explained that the Uninterrupted Power Supply (UPS) unit would maintain constant power to the output devices during a power outage and would prevent costly damage to the Computer.

Commissioner Cascos moved that the request for proposals for a Uninterrupted Power Supply (UPS) Unit for the HP3000, Direct Terminal Connection (DTC's) and Disk Drive Units be authorized.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(16) **IN THE MATTER OF ADOPTION OF SAFETY POLICY (TABLED)**

(17) **IN THE MATTER TO ALLOW SAFETY/ RISK COORDINATOR TO BECOME A PART OF NEW EMPLOYEE ENROLLMENT (TABLED)**

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

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(18) **CONSIDERATION AND RATIFICATION OF COURT'S AUTHORIZATION FOR PARK SYSTEM DIRECTOR TO SOLICIT PROPOSALS FOR CONCESSIONAIRES ASSOCIATED WITH ANDY BOWIE PARK DEVELOPMENT**

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the approval for the Park System Director to solicit proposals for concessionaires associated with Andy Bowie Park Development, was ratified.

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(19) **CONSIDERATION AND RATIFICATION OF COURT'S AUTHORIZATION FOR PARK SYSTEM DIRECTOR TO SOLICIT PROPOSALS FOR PROFESSIONAL SERVICES (ENGINEERING AND ARCHITECTURAL) FOR DEVELOPMENT OF ANDY BOWIE PARK**

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the approval for the Park System Director to solicit proposals for Professional Engineering and Architectural Services for the development of Andy Bowie Park, was ratified.

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(20) **AUTHORIZATION TO AWARD BIDS AS RECEIVED FOR THE OLMITO OVERLAY PHASE III (LAKESIDE BOULEVARD WEST)**

Commissioner Cascos moved that the low bid of Wright Way Construction, Inc., Harlingen, Texas, be accepted for the Olmito Overlay Phase III Project for Lakeside Boulevard West.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(21) **REQUEST FOR PRELIMINARY APPROVAL**

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

- a) Siesta Acres Subdivision - being 20.21 acres of land out of Blocks 23, 24, 27, and 29 Bayview Citrus Groves Subdivision, Section 15, Unit 4.

Location:

The proposed Subdivision, within Precinct No. 3, is located on the North side of FM 510, San Jose Ranch Road, approximately one (1) mile West of Bayview. It is a 20.21 acre tract of land being subdivided into thirty (30) residential lots, with a proposed new road to be called Siesta Acres Lane to be built to County Standards. Potable water will be furnished by East Water Supply Corporation and sanitary sewer will be by individual septic system.

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

- b) Garden Groves Subdivision - being an 11.14 acre subdivision of Block 177, Monte Grande Subdivision Shares 19 and 15, Espiritu Santo Grant.

Location:

The proposed Subdivision, within Precinct No. 3, is located on the West side of FM 803, Olmito North Road, approximately 1/2 mile North of FM 108, Rio Hondo East Road. It is an 11.14 acre track of land being subdivided into four (4) residential lots.

At this time, Commissioner Thomae stated that FM 108 was not in Precinct No. 3, and questioned the location of the proposed subdivision and the suggestion was made to Table the Item and to have the Commissioner and the County Engineer personally "visit" the area.

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(22) **REQUEST FOR PRELIMINARY AND FINAL APPROVAL**

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

- a) Mario Flores Subdivision - being 1.0 acre out of Block 4, El Jardin Subdivision, Share 32, Espiritu Santo Grant.

Location:

The proposed Subdivision, within Precinct No. 1, is located at the North side of Houston Road, approximately 1/4 mile West of Browne Road. It is 1.0 acre tract being subdivided into a single residential lot. Potable water to be supplied by El Jardin Water Supply Corporation and sanitary sewer by individual septic system. Houston Road has a caliche surface.

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(24) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES

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) District Clerk to attend Meeting in Austin, Texas, on October 9-10, 1992; CANCELED
- b) County Auditor to Austin, Texas, for Pre-Legislative Conference with Texas Association of Counties on October 29-30, 1992;
- c) Justice of the Peace Arturo Salas to attend Justice of the Peace Training Course in Corpus Christi, Texas, on October 13-16, 1992;
- d) Ms. Leticia Garcia, Health Department employee, to attend Annual Conference for Advanced Nurse Practitioners in Houston, Texas, on October 8-11, 1992;
- e) Tax Assessor-Collector and four (4) Deputies to attend Seminar on November 14-17, 1992; and
- f) County Engineer to San Antonio, Texas, for the TACERA Fall Conference 1992 on November 14-17, 1992.

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(13) APPROVAL OF ESTABLISHMENT OF EARLY VOTING POLLING PLACES IN COMMISSIONER PRECINCT NO. 2 AND NO. 4, IN THE GENERAL ELECTION OF NOVEMBER 3, 1992

At this time, Ms. Rosemary Martinez, Administrative Assistant to the County Judge, informed the Court that the City of Harlingen had just called stating that the Fire Station was not adequate as a proposed location for Precinct No. 4. She stated that there were no secure places for the ballots and that the actual voting area would not be weather proof, and the suggestion was made to consider the Cultural Arts Center.

There was some discussion as to whether action should be taken since the Commissioner from Precinct No. 4 was not in attendance and considering the fact that Early Voting would begin Wednesday, October 14, 1992.

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Cultural Arts Center, Harlingen, Texas, was designated as an Alternate Site for Early Voting for Precinct No. 4 for the General Election of November 3, 1992, unless they change their minds regarding the Fire Station.

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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 **20th** day of **October**, 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