

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 30th day of NOVEMBER, 1992 there was conducted a REGULAR Session of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in Brownsville, Texas, for transacting any 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 Pro-tem Adolph Thomae, Jr. He then asked Mr. Ray Rodriguez, Health Department Chief Sanitarian, 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 November 25, 1992, at 10:56 A. M.

(1)

APPROVAL OF COUNTY CLAIMS

Commissioner Valencia moved that all the County Claims be approved 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, Thomae and Valencia

NAY: None

ABSTAIN: Commissioner Cascos as the claim of Landair Travel Inc., Warrant No. 69052 in the amount of \$292.00 and Waters Implement Company, Inc., Warrant No. 69192 in the amount of \$255.86.

The Affidavit is as follows:

JUDGE GARZA CAME IN AT THIS TIME.

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

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, the 1992/1993 Budget Amendment No. 6 and the Salary Schedule for the Health Department Women, Infant and Children (WIC), Department No. 32-630, were approved.

The Budget Amendment and Salary Schedule are as follows:

(3)

IN THE MATTER OF MINUTES (TABLED)

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, this Item was TABLED.

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(4)

**IN THE MATTER CREATING A NEW POSITION
FOR A DEPUTY CONSTABLE FOR PRECINCT NO.
5 WHICH INCLUDES THE SANTA MARIA AND
LOS INDIOS AREA (TABLED)**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, this

Item was TABLED.

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(5)

**CONSIDERATION AND DISCUSSION OF REPORT
ON ANDY BOWIE PARK SITE PLANNING AND
DEVELOPMENT PROGRAM PRESENTED BY
PARKS DIRECTOR AND PROJECT ENGINEER**

Mr. Kenneth Conway, Parks Director, presented a Report concerning the Planning and Development Program for Andy Bowie Park which consisted of the concept, function and the design philosophy and added that June 1, 1993 was the intended opening date.

He stated that Andy Bowie Park was intended to be a "day-use" Park for beach activities such as picnicking, playground activities and fishing.

Mr. Conway stated that the Park would be a self-sufficient facility, with the revenues generated from "day-use" fee, such as those charged at Isla Blanca Park, the concession rental income from two (2) food concessions and one (1) beach rental concession, and an opened-air pavilion available for group rentals.

He explained that the design philosophy of the facility consisted of designing it for 1) durability with the ability to withstand the corrosive effects of salt air and public abuse; 2) public safety by installing a gate at the entrance to the Park and utilizing Park Rangers; and 3) minimizing the fixed operating cost by installing high efficient electrical fixtures and low water consuming sanitary fixtures.

Mr. Conway added that several non-profit organizations in the Port Isabel area had expressed an interest in providing volunteer labor to build playground facilities as Community Service Projects and the suggestion was made that those plans be presented to the Court for review.

At this time, Mr. Marvin Boland, Project Architect, and Mr. James Rose, Project Engineer, presented the Plan Design Concept of Andy Bowie Park.

Commissioner Valencia questioned whether the Design Plans had been approved by the Parks Advisory Board and Mr. Conway responded that the initial Plans had been approved by the Board and that he had no problem presenting the Plans again for Board approval.

Commissioner Thomae moved that the Report on Andy Bowie Park Site Planning and Development Program presented by the Parks Director and the Project's Architect and Engineer be acknowledged and suggested that the Parks Advisory Board review the Design Plans.

The motion was seconded by Commissioner Valencia and carried unanimously.

At this time, Commissioner Thomae asked the Parks Director for a Status Report of the "squatters" at the Island and Mr. Conway responded that the majority of the spontaneous camp development had been stopped, but that there was

one (1) squatter resident at the far North end of the Island that had not complied with the Parks System requirements. He said that the matter had been referred to the Health Department and that the squatter had been issued a "warning" and an extension.

Mr. Ray Rodriguez, Health Department Chief Sanitarian, explained that the Health Department was accumulating documentation of their efforts prior to presenting the matter to the District Attorney's Office.

Judge Garza remarked that the Health Department's efforts were appropriate for someone that had "tenant rights", but in this case the individual was trespassing, and Mr. Rodriguez responded that the Judges usually preferred that the Health Department establish enough documentation of their efforts.

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- (6) **IN THE MATTER OF A 4 YEAR AND 7 MONTH LEASE BETWEEN CAMERON COUNTY AND DANIEL BRYANT DOING BUSINESS AS A BEACH RENTAL/RETAIL CONCESSION AT ANDY BOWIE PARK (TABLED)**
- (7) **AUTHORIZATION OF A 4 YEAR 7 MONTH LEASE BETWEEN CAMERON COUNTY AND MARCELLO AND LORI RODRIGUEZ DOING BUSINESS AS "LITTLE MARCELLA'S" FOOD CONCESSION AT ANDY BOWIE PARK**

Mr. Kenneth Conway, Parks Director, clarified that the term of the Contract of four (4) years and seven (7) months was determined by taking the scheduled opening date of the Park June 1, 1993, and ending the Contract date at the end of the Calendar Year, that being December 31, in order to facilitate the accounting and auditing procedures.

Mr. Conway stated that the Court authorized the solicitation of Proposals and that six (6) proposals were received, four (4) beach rental concessions proposals and two (2) food concession proposals which were reviewed independently by the Parks Advisory Board President and himself. He stated that the proposals and the past performance of the individuals, three (3) of them being existing concessionaires, provided enough informational history to arrive at a decision and to recommend the standard contract for Mr. Daniel Bryant for the Rental Concession and Mr. Marcelo Rodriguez for the Food Concession. Mr. Conway indicated that the review background was presented because an individual was present to protest or discuss Item No. 6.

At this time, Judge Garza clarified that Item No. 6 was the potentially contested Item and acknowledged the presence of the attorney representing the individual wishing to protest.

Judge Garza indicated that if there was a motion, a second and a consensus or majority of the Court to proceed with the Parks Advisory Board's and Parks Director's recommendation on Items No. 6 and 7, that being to award the four (4) year and seven (7) months Leases as outlined, and it was clearly what the Court wanted to do, that he did not see a problem. He added that if there were any reservations by the Court on any of the Items that might be contested, he would suggest to refer the Item for Legal Review and have it placed on the Agenda for consideration during the Executive Session, under contemplated litigation.

Mr. Conway clarified that Item No. 6 was being questioned and that there were no objections regarding the recommendation for Item No. 7.

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the four (4) year seven (7) month Lease between Cameron County and Marcello and Ms. Lori Rodriguez, dba "Little Marcella's" Food Concession at Andy Bowie Park, was authorized.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, Item No. 6 was TABLED for one (1) week and referred to County Counsel for review in Executive Session, pursuant to the applicable Statutes.

The Lease Agreement is as follows:

(8) **AUTHORIZATION TO ADVERTISE FOR PROPOSALS ON RESIDENTIAL SERVICES ON CJD FUNDS FOR THE PURCHASE OF SERVICES GRANT**

Commissioner Valencia moved that the advertisement for proposals for Residential Services on Criminal Justice Division (CJD) Funds for the Purchase of Services Grant be authorized.

The motion was seconded by Commissioner Thomae and carried unanimously.

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(9) **REQUEST FOR FINAL APPROVAL**

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

- a) Zamora Estates Subdivision - being the South 15.00 acres of the North 65.62 acres of the West one-half of the East one-half of Survey 299.

Location:

The proposed subdivision, within Precinct No. 3, is located on the East side of Dilworth Road North, approximately 1/2 mile South of FM 2994, Wilson Road. It is a 15.0 acre tract of land being subdivided into three (3) residential lots. Potable water will be by water well and sanitary sewer will be by individual septic system. The proposed subdivision is within the City of Harlingen ETJ and has been approved by the City of Harlingen.

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(10) **REQUEST FOR FINAL APPROVAL**

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

- a) Tequila Subdivision - being a 1.203 acre tract situated in Block 75, Minnesota Texas Land and Irrigation Company Subdivision of the La Feria Land.

Location:

The proposed subdivision, within Precinct No. 4, is located on the East side of Louisiana Road, 300' South of Tio Cano Lake Cross Road. It is a 1.2 acre tract of land, being subdivided into one (1) residential lot. Potable water will be by water well and sanitary sewer by individual septic tank. Louisiana Road is a caliche surface road.

At this time, Commissioner Thomae expressed his reservations concerning the additional cost of over \$800.00 to conduct the water study as required by the EPA and added that it would cost about \$15.00 to determine if the water was potable.

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**(11) CONSIDERATION TO ACKNOWLEDGE RECEIPT
OF REIMBURSEMENT FROM THE CITY OF
HARLINGEN FOR PARCELS NO. 12 AND NO. 13
OF THE FM/801 PROJECT**

Commissioner Valencia moved that the Receipt of Reimbursement from the City of Harlingen for Parcels No. 12 and No. 13 of the FM 801 Acquisition Project, in the amount of \$12,405.00, be acknowledged.

The motion was seconded by Commissioner Thomae and carried unanimously.

At this time, Commissioner Thomae requested that the County Engineer prepare a year-to-date Status Report of the Right-of-Way acquisitions, including parcel numbers and date of purchase.

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

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

- a) Six (6) Park System employees to attend **TRAPS** Region II Workshop in Corpus Christi, Texas, on December 3-4, 1992; DELETED
- b) Parks Director to travel to Austin, Texas, on January 14-16, 1993, to attend **TRAPS** Annual Board Conference;
- c) Three (3) District Clerk Employees to attend Vital Statistics Seminar in Austin, Texas, on December 6-8, 1992;
- e) Parks Director and three (3) staff or Board Members to travel to Corpus Christi, Texas, on December 12, 1992, for site visit of Playground Facility;
- f) Mr. Woodie Peables, **PAVC** Chairman and Ms. Alicia Peables, Assistant, to attend the Crime Victim Clearinghouse Update on December 8-10, 1992; and
- g) Two (2) Deputy County Clerks to travel to Mercedes, Texas, on December 1, 1992, for **DPS** Seminar.

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(13)

EXECUTIVE SESSION

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 2:40 P. M. to discuss the following matters:

- a) To confer with Counsel regarding condemnation litigation involving CL-B-32,145, Cameron County vs. Maria de Santos Yanes, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- b) To discuss the acquisition of land located at Lot 2, Block 173, Original Townsite Brownsville, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 2:55 P. M.

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(14)

ACTION RELATIVE TO EXECUTIVE SESSION

- a) To confer with Counsel regarding condemnation litigation involving CL-B-32,145, Cameron County vs. Maria de Santos Yanes.

Judge Garza reported that the Court received a Status Report from Counsel and after some discussion, it was the consensus of the Court as determined by polling, to acknowledge the Status Report and to direct the activity along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, County Counsel was directed to proceed with the activity regarding the condemnation litigation involving Cause Number CL-B 32-145, Cameron County vs. Maria de Santos Yanes, along the terms and conditions as outlined in Executive Session.

- b) To discuss the acquisition of land located at Lot 2, Block 173, Original Townsite Brownsville.

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

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the County Engineer and County Counsel were directed to proceed along the terms and conditions as outlined in Executive Session regarding the acquisition of land located at Lot 2, Block 173, Original Townsite Brownsville.

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

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APPROVED this **14th** day of **December**, 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

