

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 28th day of DECEMBER, 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

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 the entire Court to lead 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  
December 23, 1992, at 9:17 A. M.

At this time, Commissioner Thomaе remarked that he read a newspaper article which stated that the Public Utilities Board (PUB) was considering raising the electrical rates and that they had the cheaper rates in the State. He said that it occurred to him that the reason PUB had the cheaper rates was because they do not pay any taxes, and added that he studied the matter and found that Central Power and Light (CPL) paid \$341,935.01 in taxes to the County. He stated that by raising the rates, PUB would be able to give the City of Brownsville an extra \$200,000.00 in funds and he wondered if they could not "drop" a couple of hundred thousand to the County and he recommended that the Court consider pursuing this matter.

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**APPROVAL OF LEASE AGREEMENT BETWEEN CAMERON COUNTY AND RIO GRANDE MARINE INSTITUTE FOR LEASE OF APPROXIMATELY SIX ACRES WITHIN THE BOUNDARIES OF CAMERON COUNTY AIRPORT AREA**

Mr. Doug Wright, Cameron County Counsel, explained that he had reviewed the Agreement and that two (2) items were pending, those being the surveys to be conducted by the County Engineer in order to establish the easement right-of-ways and the exact location of the Project. He added that those items could be attached as Exhibits and he recommended approval.

Commissioner Thomaе moved that the Lease Agreement between Cameron County and the Rio Grande Marine Institute for the lease of approximately six (6) acres within the boundaries of Cameron County Airport Area be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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**(1) APPROVAL OF COUNTY CLAIMS**

At this time, Mr. Rayburn MacNelly, County Auditor, presented the following late claim for approval: Action Roofing, Harlingen, Texas, Warrant No. 70497 in the amount of \$3,258.00.

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, the County Claims were approved as presented inclusive of the late claim of Action Roofing, Harlingen, Texas, Warrant No. 70497 in the amount of \$3,258.00, as recommended by the County Auditor.

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**(2) APPROVAL OF BUDGET AMENDMENT AND/OR SALARY SCHEDULES - FISCAL YEAR 1992**

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Fiscal Year 1992 Budget Amendment No. 46 was approved on the recommendation of the County Auditor.

**The Budget Amendment is as follows:**

(3) **APPROVAL OF BUDGET AMENDMENTS AND/OR  
SALARY SCHEDULES - FISCAL YEAR 1993**

Commissioner Rosenbaum moved that the Fiscal Year 1993 Budget Amendment No. 9 be approved on the recommendation of the County Budget Officer.

The motion was seconded by Commissioner Thoma and carried unanimously.

**The Budget Amendment is as follows:**

(4) **APPROVAL OF MINUTES' OF DECEMBER 7, 14  
AND 21, 1992**

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, the

Minutes' for the following Regular Meetings were approved:

December 7, 1992 at 1:30 P.M.,

December 14, 1992 at 1:30 P.M., and

December 21, 1992 at 1:30 P.M.

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(5) **AUTHORIZATION TO RE-APPOINT JUDGE LUIS  
ROMERO TO THE FIRE DISTRICT BOARD**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, Judge

Luis Romero, Los Fresnos, Texas, was re-appointed to the Fire District Board.

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(6) **AUTHORIZATION FOR THE TRANSFER OF ALL  
LAPSED SALARIES IN AUDITOR'S OFFICE TO  
"PROFESSIONAL SERVICES" AND "OFFICE  
SUPPLIES"**

Mr. Rayburn MacNelly, County Auditor, explained that his Office had experienced additional costs for Professional Services and he requested the transfer of Lapsed Salaries to meet those expenditures.

Commissioner Cascos stated that this Item was similar to the County Engineer's request the previous week and questioned whether allowing a Department to keep the Lapsed Salaries would be setting a bad precedent.

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, responded that the Court had already given approval for one (1) Department to keep the Lapsed Salaries within his Department and added that the funds not utilized would then become Lapsed Salaries.

Commissioner Thomae moved that all Lapsed Salaries in the County Auditor's Office be transferred to the "Professional Services" and the "Office Supplies" Line Items.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(7) **AUTHORIZATION TO OPEN ANNUAL BIDS FOR  
SALE OF USED TIRES FOR VARIOUS  
DEPARTMENTS**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, approval was given to open annual bids as received for the sale of used tires for various Departments.

**The bid received and opened is as follows:**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the bid was awarded to Round Tire, Harlingen, Texas, that being the low and sole bid meeting specifications.

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**(8) AUTHORIZATION TO OPEN ANNUAL BIDS  
FISCAL YEAR 1992/1993 FOR SAFETY  
EQUIPMENT**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, approval was given to open the annual bids as received for Fiscal Year 1993 for Safety Equipment.

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

Upon motion by Commissioner Thomaе, seconded by Commissioner Cascos and carried unanimously, the bids were referred to the Purchasing Agent and the Safety and Risk Coordinator for tabulation and recommendation to the Court of the best bid.

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(9) **ACTION RELATIVE TO STATIONARY VENDOR'S PERMIT FOR JIMMIE ANDERSON FOR CAMERON COUNTY PUBLIC BEACHES**

Upon motion by Commissioner Thomaе, seconded by Commissioner Valencia and carried unanimously, the Stationary Vendor's Permit for Jimmie Anderson, Odessa, Texas, for Cameron County Public Beaches, was approved.

**The Permit Application is as follows:**



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

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

- a) Parks Department Secretary to travel to Austin, Texas, to represent Parks Director on January 16, 1993, at TRAPS Board Meeting to present Conference Bid with South Padre Island Delegation.

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**(12) EXECUTIVE SESSION**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 2:00 P. M. to discuss the following matters:

- a) Confer with Counsel regarding contemplated litigation involving Rafael Rivero vs. Cameron County, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- b) Confer with Counsel regarding pending litigation styled Paul Harvey Smith vs. Cameron County, et al., pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes).

At this time, Judge Garza explained that Item "b" had previously been considered in Executive Session and County Counsel had been directed to represent the members of the Court in all respects and added that several individuals were being sued in their individual capacity, including himself. Judge Garza stated that he requested this Item be considered again in his absence, in an effort to remove any appearance of impropriety with respect to having been present in the discussions and, in effect, settling the suit with someone else's money.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 2:15 P. M.

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

a) Confer with Counsel regarding contemplated litigation involving Rafael Rivero vs. Cameron County.

Mr. Rick Bilbie, County Counsel, reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel be directed to proceed along the terms and conditions as outlined in Executive Session and that the County Judge be authorized to execute any Documents in said matter.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session regarding the contemplated litigation involving Rafael Rivero vs. Cameron County and the County Judge was authorized to execute any Documents relating to said matter.

b) Confer with Counsel regarding pending litigation styled Paul Harvey Smith vs. Cameron County.

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

Commissioner Cascos moved that County Counsel be directed to proceed along the terms and conditions as outlined in Executive Session regarding the pending litigation styled Paul Harvey Smith vs. Cameron County.

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

AYE: Commissioners Rosenbaum, Cascos, Thomae and Valencia

NAY: None

ABSTAIN: Judge Garza.

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At this time, Judge Garza expressed his appreciation to Commissioner Thomae for the twenty-eight (28) years of service to the County and added that he had expressed those sentiments in a card to Commissioner Thomae and wanted to publicly state that there was "no man whose advice, support and friendship meant more when he supported me, or opposition gave me pause to reconsider the wisdom

of any of my decisions." Judge Garza stated that all the individual members of the Court had benefitted by working with Commissioner Thomae and he thanked him and added that the respect for him was sincere.

Commissioner Thomae thanked the citizens of Cameron County for allowing him to serve on the Court for twenty-eight (28) years and added that he "enjoyed it, learned a lot and that he hoped that Cameron County is a better place for my having served on this Court."

Commissioner Thomae stated he had accepted the decision of the electorate and that he had been providing Mr. James R. Matz, Commissioner-Elect, the orientation for the transition and he offered to assist in any manner as needed.

Commissioner Cascos complimented Commissioner Thomae for providing the indoctrination to Commissioner-Elect Matz and added words of appreciation for his years of service to the County.

At this time, Commissioner Thomae urged the Court to aggressively pursue the acquisition of Right-of-Ways.

Commissioner Valencia also expressed his appreciation to Commissioner Thomae.

Judge Garza, recalling a very special moment shared with Commissioner Thomae, asked for a brief moment of silence to "ask the Lord for the wisdom and courage to do what is right in government and to remember that, ultimately, we do serve the best interest of the people of Cameron County and that with His help and His guidance we can be the type of leadership that the people of Cameron County certainly deserve." Judge Garza concluded by asking that the "Lord give Commissioner Thomae good health and Godspeed and that He stay with him in the coming year."

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

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**APPROVED** this **11th** day of **January**, 1993.

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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**