

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 1st day of JUNE, 1993 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:

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COUNTY JUDGE

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**LUCINO ROSENBAUM, JR.**  
COMMISSIONER, PRECINCT NO. 1

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**CARLOS H. CASCOS**  
COMMISSIONER, PRECINCT NO. 2

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**JAMES R. MATZ**  
COMMISSIONER, PRECINCT NO. 3

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**NATIVIDAD VALENCIA**  
COMMISSIONER, PRECINCT NO. 4

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**JOE G. RIVERA**  
COUNTY CLERK

ABSENT:

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**ANTONIO O. GARZA, JR.**

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The meeting was called to order by Judge Pro-tem Carlos H. Cascos. He then asked Mr. Oscar Garcia, Brownsville resident, 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 May 28, 1993 at 1:09 P. M.

(17) **AUTHORIZATION TO ABANDON A 5 FOOT EASEMENT  
OUT OF LOT 23, RESACA ACRES SUBDIVISION, THE  
STRIP BEING 0.042 ACRE TRACT (1,834.250 SQ. FT.) AND  
AUTHORIZATION FOR THE COUNTY JUDGE TO  
EXECUTE A QUIT CLAIM FOR THE SAME**

At this time, Mr. Edmundo Gonzalez, Gonzalez Engineer, explained that the easement out of Lot 23, Resaca Acres Subdivision, was originally designed as a storm sewer and water line easement because some of the areas in the subdivision were irrigated, but that no improvements had been made and the owners were requesting that the easement be abandoned.

Commissioner Valencia questioned whether the property was outside the City of Brownsville's Extra Territorial Jurisdiction (ETJ) and suggested that Mr. Gonzalez notify the City Engineer's Office concerning the abandonment.

Commissioner Rosenbaum moved that the 5 foot easement, out of Lot 23, Resaca Acres Subdivision, the strip being 0.042 acre tract, be abandoned, and that the County Judge be authorized to execute a Quit Claim for said easement, subject to notification to the City of Brownsville.

The motion was seconded by Commissioner Valencia and carried unanimously.

**The Quit Claim Deed is as follows:**

**(1) APPROVAL OF COUNTY CLAIMS**

Commissioner Valencia moved that the County Claims be approved as presented and on the recommendation by the County Auditor.

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

**AYE:** Commissioners Rosenbaum, Matz and Valencia

**NAY:** None

**ABSTAIN:** Judge Pro-tem Cascos as to the claim of Waters Implement Co., Inc., Warrant No. 78956, in the amount of \$284.61.

**The Affidavit is as follows:**

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

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Fiscal Year 1993 Budget Amendment No. 25 was approved, as presented by the Budget Officer.

**The Budget Amendment is as follows:**

(4) **IN THE MATTER OF MINUTES OF MAY  
25, 1993 (TABLED)**

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

(5) **AUTHORIZATION TO APPROVE AMENDED ATTORNEY  
GENERAL 5TH JUDICIAL REGION ADMINISTRATIVE  
CONTRACT**

Mr. Rayburn MacNelly, County Auditor, explained that the Amendment was to include the requirement that an annual audit of the Special Fund be conducted by a Certified Public Accounting Firm, and added that it was the current established County procedure.

Commissioner Rosenbaum moved that the Amended Attorney General 5th Judicial Region Administrative Contract be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Amendment is as follows:**

**(6) AUTHORIZATION TO HOLD A PUBLIC HEARING ON  
THE PETITION FOR CREATION OF CAMERON COUNTY  
DRAINAGE DISTRICT NO. 6**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, the Hearing was opened for public comments.

Mr. Andy Cueto, County Engineer, explained that the creation of Drainage District No. 6 was a re-creation of the old Drainage District No. 2, which had been abandoned, and included most of the Southmost area and some of West Brownsville. He added that the area experienced severe flooding two (2) years ago and Commissioner Rosenbaum requested that the issue of the Drainage District be addressed.

At this time, Ms. Agnes Browne, Brownsville resident, requested that the boundaries for the Drainage District be clarified and that the implications for the property owners be defined.

Mr. Cueto proceeded to describe the boundary lines with the use of a Map, and added that the tax burden could not be determined until the Preliminary Engineering Report was prepared. He stated that the Report would define the boundaries, the total assessed tax value within the boundaries, and the cost based on the needs assessment.

Hearing and sensing no further comments, upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Hearing was closed.

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(7) **AUTHORIZATION OF ORDER FOR CAMERON COUNTY  
DRAINAGE DISTRICT NO. 6 AND APPOINTMENT OF A  
CIVIL ENGINEER TO PREPARE A PRELIMINARY  
ENGINEERING REPORT AND MAP**

Commissioner Rosenbaum moved that the Order creating Cameron County Drainage District No. 6 be adopted, that Holdar Engineers, Brownsville, Texas, be retained to prepare a Preliminary Engineering Report and Map, and that the County Engineer be directed to negotiate the Proposal on the "Scope of Services" for the Court's consideration in order for a funding source to be determined.

The motion was seconded by Commissioner Valencia and carried unanimously.

**The Order is as follows:**

**(8) AUTHORIZATION TO ACCEPT A \$5,000.00 METAL RECYCLING BIN FROM WALMART, AT NO COST, TO BE PLACED AT THE PRECINCT NO. 3 WAREHOUSE**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, a \$5,000.00 metal recycling bin was accepted from Walmart, Harlingen, Texas, at no cost to the County, said container to be placed at the Precinct No. 3 Warehouse.

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**(9) AUTHORIZATION TO APPROVE PROCLAMATION DESIGNATING THE MONTH OF JUNE 1993 TO BE "SET A GOOD EXAMPLE" MONTH IN AND FOR THE CITY OF HARLINGEN AND CAMERON COUNTY, TEXAS**

Commissioner Valencia moved that the Proclamation designating the Month of June 1993 as "Set A Good Example" Month, in and for the City of Harlingen and Cameron County, Texas, be adopted.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Proclamation is as follows:**



**(10) APPROVAL FOR CONTRACT WITH BOBBIE AND REGINA PARKER FOR WAREHOUSE TO STORE SEIZED VEHICLES IN THE AMOUNT \$350.00 PER MONTH FROM JUNE 1, 1993 TO MAY 31, 1994**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Contract with Mr. Bobby Parker and Ms. Regina Parker, Brownsville, Texas, was approved for the warehouse storage of seized vehicles, said rental to be in the amount of \$350.00 per month for the period of June 1, 1993 to May 31, 1994, as recommended by Mr. Crispin Trevino, Drug Enforcement Task Force Director.

**The Contract is as follows:**

**(11) APPROVAL OF LEASE CONTRACT WITH BOCA CHICA TOWERS FOR LEASE OF OFFICE SPACE, 1759.32 SQUARE FEET, AT 400 AND 403 BOCA CHICA TOWER IN THE AMOUNT OF \$1,495.42 PER MONTH FROM JUNE 1, 1993 TO MAY 31, 1994**

Commissioner Valencia moved that the Lease Contract with Boca Chica Towers be approved, for the lease of 1759.32 square feet of Office Space at 400 and 402 Boca Chica Towers, in the amount if \$1,495.32 per month from June 1, 1993 to May 31, 1994.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**The Lease Agreement is as follows:**

(12) **AUTHORIZATION TO APPROVE CONTRACT FOR THE  
CAMERON COUNTY CHILD WELFARE**

At this time, Mr. Alex Westbrook, President of the Cameron County Child Welfare Board, explained that the Contract, which provides protective services to abused and neglected children, between the County and State was being up-graded to include the name change to read: "Department of Protective and Regulatory Services" instead of "Texas Department of Human Services" and added language to comply with the ADA requirements.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, the Contract with the Cameron County Child Welfare Board for Child Protective Services was approved.

**The Contract is as follows:**

**(13) IN THE MATTER OF REQUEST FOR CLEARANCE FOR ELECTRICAL HOOK-UP (DENIED)**

At this time, Ms. Amelia Rangel, Brownsville resident, explained the problems experienced with the "conflicting" information concerning the requirements for a septic tank for her property in order to obtain an electrical permit and requested the Court's assistance in the matter.

After a lengthy discussion, Mr. Ray Rodriguez, Health Department Chief Sanitarian, explained that Ms. Rangel needed to install a septic system that would meet the rules and regulations for compliance in order to proceed.

Judge Pro-tem Cascos suggested that the resident work with the Health Department and the Commissioner from Precinct No. 1 in order to resolve the matter.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the request for clearance for the electrical hook-up was DENIED.

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**(14) IN THE MATTER TO NEGOTIATE A LEASE AGREEMENT BETWEEN BRENNAN WELLS AND CAMERON COUNTY FOR A PROPOSED CONCESSION AT ANDY BOWIE PARK - THE VETERAN'S PAVILION (DENIED)**

Mr. Kenneth Conway, Parks Director, reviewed the following concession proposal presented by Mr. Brennan Wells for a concession at the Andy Bowie Park - Veteran's Pavilion:

Judge Pro-tem Cascos questioned whether the Public needed to be advised that the space was available for Leasing and Mr. Conway responded that it was his understanding from County Counsel that the first Proposal could be considered by the Court, or the Court could advertise for proposals, depending on the Court's Policy.

At this time, Mr. Brennan Wells briefly explained his proposal and the contemplated improvements and the suggestion was made to solicit additional proposals.

Commissioner Matz moved that the negotiations of a Lease Agreement not be entertained but rather that proposals for a Concession at Andy Bowie Park - Veteran's Pavilion be solicited.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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**(15) APPROVAL OF APPLICATION FOR RENEWAL OF MOBILE VENDORS PERMIT NO. 2515, LEMON ICE INC. OF TEXAS**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the renewal Application of Mobile Vendors Permit No. 2515, Lemon Ice, Inc. of Texas, was approved.

**The Application is as follows:**

**(16) APPROVAL OF APPLICATION FOR MOBILE VENDOR'S PERMIT TO HECTOR Z. GARCIA, DBA: HECTORS'S ROLLING SNACK**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Application of Mobile Vendor's Permit with Mr. Hector Z. Garcia, dba Hector's Rolling Snack was approved.

**The Application is as follows:**

**(18) AUTHORIZATION TO TRAVEL AND OR APPROVAL OF TRAVEL EXPENSES**

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

- a) District Clerk's and three (3) Deputies to attend the Annual County and District Clerk's Conference in Abilene on June 20-25, 1993;
- b) District Clerk to attend the Texas Association of Counties (TAC) Post Legislative Conference in Austin on August 18-20, 1993;
- c) Five (5) members of the Juvenile Probation Department to travel to El Paso to attend the 1993 TCA Annual Conference and the 1993 Border Children Justice Project Annual Conference on June 12-16, 1993;
- d) Ms. Mary Ann Flores, Juvenile Probation Department to travel to El Paso to attend the 1993 TCA Annual Conference and the 1993 Border Children Justice Project Annual Conference on June 12-16, 1993;
- e) Three (3) (Drug Task Force) Officers to travel to Lake Charles, Louisiana, Federal Court on June 13, 1993;
- f) Five (5) (Drug Task Force) Agents to travel to El Paso to attend the TNOA Conference on July 17-22, 1993; and
- g) Constable Arturo Gonzalez to travel to Waco on July 7-10, 1993, to attend Annual Conference and Workshop.

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At this time, Judge Pro-tem Cascos questioned the Status of the Right-of-Way Bond Issue, and the County Engineer presented the Preliminary Right-of-Way Assessment Report prepared by Shiners, Moseley and Associates, Inc., Consulting Engineers, and suggested that a "Workshop" be scheduled to review the Report.

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**(19) EXECUTIVE SESSION**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 2:17 P. M. to discuss the following matters:

- a) Discuss Dakota Avenue South, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Discuss Old Alice Road, Parcel No. 14, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- c) Discuss FM801, Parcels No. 5 and No. 6, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Court reconvened in Regular Session at 2:35 P. M.

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

- a) Discuss Dakota Avenue South

Judge Pro-tem Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that the Right-of-Way Agent be directed to proceed with condemnation of said parcel.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the Right-of-Way Agent was directed to proceed with the condemnation of the Dakota Avenue South parcel.

**The Order is as follows:**

b) Discuss Old Alice Road, Parcel No. 14.

Judge Pro-tem Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, to authorize the allocation of up to \$750.00 for a current appraisal of said property, said funding to be allocated from Surplus.

Commissioner Rosenbaum moved that the amount of up to \$750.00, from Surplus, be allocated for a current appraisal of Old Alice Road, Parcel No. 14.

The motion was seconded by Commissioner Valencia and carried unanimously.

c) Discuss FM801, Parcels No. 5 and No. 6.

Judge Pro-tem Cascos reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel be directed to negotiate with the property owners, along the terms and conditions as outlined in Executive Session concerning said parcels.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel was directed to negotiate with the property owners of FM801 Parcels No. 5 and No. 6, along the terms and conditions as outlined in Executive Session.

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

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APPROVED this **8th** day of **JUNE**, 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**