

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 18TH day of MAY, 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

JOE G. RIVERA
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Ms. Blanca Betancourt, County Right-of-Way Agent, 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 County Clerk's Office on May 15, 1992, at 8:26 A. M.

(1) APPROVAL OF COUNTY CLAIMS

Commissioner Thomae moved to approve the County Claims as presented and on the recommendation by the County Auditor.

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

AYE: Commissioners Rosenbaum, Thomae and Valencia

NAY: None

ABSTAIN: Commissioner Cascos as to the claim of Landair Travels, Warrant No. 59158 in the amount of \$998.00.

The Affidavit is as follows:

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

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the 1991/1992 Budget Amendment No. 26 and the Salary Schedule for the Juvenile Probation Department, Department No. 45-571 were approved.

The Budget Amendment and Salary Schedule are as follows:

(3) APPROVAL OF MINUTES' OF MAY 4, 6 AND 11, 1992

Commissioner Cascos moved that the Minutes' of the Regular Meeting held on May 4, 1992, at 1:30 P. M., of the Special Meeting held on May 6, 1992, at 1:30 P. M. and of the Regular Meeting held on May 11, 1992, at 1:30 P. M. be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

(4) PRESENTATION OF "MONTHLY STATE-MENT OF EXPENDITURES AND ENCUM-BRANCES COMPARED WITH APPROPRIA-TIONS" OF MAJOR FUNDS AS OF APRIL 30, 1992

Mr. Rayburn MacNelly, County Auditor, presented the "Monthly Statement of Expenditures and Encumbrances compared with Appropriations" of major funds as of April 30, 1992, and highlighted the Funds that were expended by over 58.33 percent.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the "Monthly Statement of Expenditures and Encumbrances Compared with Appropriations" of major funds as of April 30, 1992, was acknowledged.

The Monthly Statement is as follows:

**(5 APPROVAL OF REQUEST TO PROCLAIM MAY 18, 1992,
AS "WILLIE VELAS-QUEZ MEMORIAL CAMPAIGN
DAY" IN CAMERON COUNTY**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, May 18, 1992, was proclaimed as "Willie Velasquez Memorial Campaign Day" in Cameron County.

The Proclamation is as follows:

(6) AUTHORIZATION TO APPOINT MS. JANIE BARROSO TO THE CAMERON COUNTY PARKS ADVISORY BOARD FOR A TWO (2) YEAR TERM

Commissioner Valencia moved that Ms. Janie Barroso, La Feria, Texas, be appointed to serve a two (2) year term on the Cameron County Parks Advisory Board.

The motion was seconded by Commissioner Thomae and carried unanimously.

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(7) CONSIDERATION AND ACTION REGARDING AFTER HOURS CALLS RELATING TO AFRICANIZED BEES

Mr. Ray Rodriguez, Health Department Chief Sanitarian, requested that the Sheriff's Department assist the Health Department by dispensing the referral telephone numbers to the after-hours and week-end callers regarding the sighting of Africanized Bees.

Judge Garza stated that he had understood that said procedure was agreed to when this Item was previously considered, that being that the Sheriff's Department would have the telephone number of the individual contracted to handle the "bee calls" for after-hours and week-ends, when the Health Department was not in operation.

He said that the process needed to be formalized so that the Public would be aware that the procedure existed.

Chief Carlos Tapia, Sheriff's Department, stated that there had been some confusion because of the changes in the law regarding the licensed personnel authorized to handle the calls and added that the Dispatcher was providing the referral number but that the response time to the calls was too long and that several persons would call on the same sighting.

Commissioner Cascos suggested that another licensed individual be retained in Brownsville, for the Southern area of the County, and Mr. Rodriguez responded that they were working on an Agreement with a local individual.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the Report regarding after hours calls relating to the "Africanized Bees" was acknowledged.

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(8) APPROVAL FOR CAMERON COUNTY TO ACCEPT CALLE BONITO, WITHIN ACRES BONITO SUBDIVISION, AS A COUNTY ROAD

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, Calle Bonito, within the Acres Bonito Subdivision, was accepted as a County Road.

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(9) AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE NANCY SUBDIVISION PAVING PROJECT

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the advertisement for bids for the Nancy Subdivision Paving Project was authorized.

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(10) AUTHORIZATION FOR THE ENGINEERING AND RIGHT-OF-WAY DEPARTMENT TO BEGIN RIGHT-OF-WAY ACQUISITION FOR A FINAL TOTAL OF 60' FOR CENTRAL AVENUE FROM FM 802 TO OLD PORT ISABEL AND FOR MORRISON ROAD FROM DANA AVENUE TO SALIDA DEL SOL

Mr. Andy Cueto, County Engineer, described the location of the proposed acquisitions on Central Avenue from FM 802 to Old Port Isabel Road and Morrison Road from Dana Avenue to Salida del Sol, in Precinct No. 2, and added that he would not know how many parcels of land were involved until the process of acquisitions was initiated.

Commissioner Cascos moved that the County Engineering and Right-of-Way Department be authorized to begin the right-of-way acquisitions for a final total of 60' for Central Avenue from FM 802 to Old Port Isabel Road and for Morrison Road from Dana Avenue to Salida del Sol.

The motion was seconded by Commissioner Thomae and carried unanimously.

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(11) REQUEST FOR PRELIMINARY AND FINAL APPROVAL

Upon motion by Commissioner Thomae, 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) Lucas Estate Subdivision - being .475 acre tract of land out of a certain 1.155 acre tract in Block 2, Stuart Townsite and Acreage Subdivision Survey 298, in Cameron County, Texas.

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(12) REQUEST FOR PRELIMINARY APPROVAL

Commissioner Cascos moved that preliminary approval be given to the following subdivision, on the recommendation of the County Engineer:

- a) Calle Esquina Subdivision - being all of Block 4 (55.08 acres), (save and except a triangular tract and a 20 foot strip of land containing 0.70 acre of land conveyed to the State of Texas and recorded in Volume 984, Page 706 D/R).

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

AYE: Commissioners Rosenbaum, Cascos and Valencia

NAY: Commissioner Thomae.

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(13) 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) Dominga Alvarez Subdivision - being a subdivision of 2.540 acres out of a 12.488 acre tract as described in Volume 1710, Page 239, Official Records of Cameron County, out of Survey Number 28, as patented by the State of Texas in Patent Number 255, Volume 24, Cameron County, Texas.

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(14) **AUTHORIZATION TO TRANSFER \$12,860.00 FOR INCIDENTALS TO COVER SUBDIVISION WATER RIGHTS, ENGINEERING SERVICES, TESTING AND OTHER FEES RELATED TO THE CAMERON PARK COMMUNITY CENTER**

Mr. Andy Cueto, County Engineer, explained that the amount of \$35,000.00 had been requested initially; however, only \$22,000.00 had been transferred and that the amount of \$12,860.00 was needed to complete the transactions associated with the Cameron Park Community Center.

Commissioner Valencia moved that the transfer in the amount of \$12,860.00 from the Surplus Fund be approved for "incidentals" to cover Subdivision Water Rights, Engineering Services, Testing and other Fees related to the Cameron Park Community Center.

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

AYE: Commissioners Rosenbaum, Cascos and Valencia

NAY: Commissioner Thomae.

(15) **AUTHORIZATION TO AWARD BIDS FOR THE RYAN ROAD, PHASE II PROJECT**

Commissioner Valencia moved that the bid of Mission Paving, Mission, Texas, in the amount of \$20,938.45 for the Ryan Road, Phase II Project, that being the low bid meeting specifications, be accepted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(16) **APPROVAL OF RESOLUTION AUTHORIZING THE COUNTY JUDGE TO EXECUTE A CORRECTION DEED TRANSFERRING TO THE TEXAS DEPARTMENT OF TRANSPORTATION PROPERTY FOR THE CONSTRUCTION OF FM 509 FROM U.S. 281 TO THE LOS INDIOS BRIDGE SITE**

Mr. Jack Brown, Project Engineer, explained that this Item had been approved several times, but that the Resolution authorizing the Correction Deed had not been previously adopted.

Commissioner Thomae moved to adopt a Resolution authorizing the County Judge to execute a Correction Deed to transfer property to the Texas Department of Transportation for the Construction of FM 509 from U. S. 281 to the Los Indios International Bridge site.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Resolution and Correction Deed are as follows:

(17) **AUTHORIZATION FOR COUNTY JUDGE TO ENTER INTO AGREEMENT FOR ADMINISTRATION OF FISCAL YEAR 1992 PERFORMANCE REWARD PROGRAM BETWEEN THE COUNTY OF CAMERON AND THE CAMERON/WILLACY COUNTIES COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT**

Mr. Richard Santellana, Adult Probation Department Director, explained that this Agreement would formalize the Resolution for the expenditures of the Performance Reward Funds for the Criminal Justice Plan approved by the Court in January, 1992, and added that the Interlocal Agreement between Cameron and Willacy Counties would be presented at a later date.

Commissioner Thomae moved that the County Judge be authorized to execute an Agreement for Administration of Fiscal Year 1992 Performance Reward Program between the County of Cameron and the Cameron/Willacy Counties Community Supervision and Corrections Department (Probation Department).

The motion was seconded by Commissioner Cascos and carried unanimously.

The Service Agreement is as follows:

(18) APPROVAL OF APPLICATION OF NAUTICAL PROPERTIES, INC., TO PURCHASE ABANDONED HIGHWAY PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 263.002 OF THE LOCAL GOVERNMENT CODE

Mr. Doug Wright, Cameron County Counsel, explained that the Application by Nautical Properties, Inc., Laguna Heights, Texas, approved by the Court on December 30, 1991, which requested the abandonment of the roadway, included that the abandoned portion be transferred to the adjoining property owners. He stated that the statutes changed in 1987 and that the transfer process requires that one (1) member of the Court be appointed to serve as liaison in order to sell the property and that an Appraiser be retained because the property can not be sold for less than the Fair Market Value. Mr. Wright added that the property is located at the corner of Highway 100 and Madison Street in Laguna Heights, Texas.

Judge Garza suggested that Commissioner Thomae be appointed as the representative of the Court, since the property was located in his Precinct, and Commissioner Thomae responded that he would work with County Counsel on this matter.

At this time, Mr. Wright indicated that the matter on whether the improvements on the property would be included in the Appraisal needed to be determined.

Commissioner Cascos moved to appoint Commissioner Thomae, in conjunction with the County Attorney, to proceed with the Application by Nautical Properties, Inc., Laguna Heights, Texas, to purchase the abandoned highway property in accordance with the provision of Section 263.002 of the Local Government Code.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(19) **AUTHORIZATION FOR COUNTY JUDGE TO ENTER INTO FARM LEASE BY COUNTY FOR TRACT 1 OF THE LANDRUM-WOOD PARTITION SHOWN BY MAP OF RECORD IN VOLUME 12, PAGE 30, OF THE CAMERON COUNTY, TEXAS MAP RECORDS AND CONTAINING 10.0 ACRES GROSS (APPROXIMATELY 7.0 ACRES ARE TILLABLE ACREAGE)**

Mr. Doug Wright, Cameron County Counsel, stated that the Court should be aware that the provisions on this Contract are similar to Item No. 18, but that there are no monetary considerations on this Agreement.

Commissioner Thomae moved that the County Judge be authorized to execute the Farm Lease Agreement for Tract 1 of the Landrum-Wood Partition shown by Map of Record in Volume 12, Page 30, of the Cameron County, Texas, Map Records and containing 10.0 acres gross, with approximately 7.0 acres being tillable acreage.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Lease Agreement is as follows:

(20) AUTHORIZATION FOR CAMERON COUNTY HEALTH DEPARTMENT (WIC) PROGRAM TO PARTICIPATE IN A STUDENT EXTERN-SHIP PROGRAM WITH STUDENT FROM CBM EDUCATION CENTER OF THE RIO GRANDE VALLEY

Upon motion by Commissioner Thomaе, seconded by Commissioner Rosenbaum and carried unanimously, the approval given for Cameron County Health Department (WIC) Program to participate in a Student Extern-ship Program with a student from CBM Education Center of the Rio Grande Valley, San Benito, Texas, was ratified, subject to legal review.

The Service Agreement is as follows:

**(21) IN THE MATTER OF QUARTERLY BEACH ACCESS PASS
FOR ANDY BOWIE PARK BEACH ACCESS ROAD: 90
DAY PASS FOR \$7.50 (TABLED)**

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, this Item was TABLED until Thursday, May 21, 1992, at 1:30 P. M.

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ANNOUNCEMENT:

At this time, Judge Garza announced that the Workshop initially scheduled for May 21, 1992 at 9:30 A.M., had been rescheduled to 1:30 P. M.

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(22) APPROVAL OF TRAVEL EXPENSES

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

- a) Justice of the Peace Bennie Ochoa to Dallas, Texas, to attend Justice of the Peace and Constables Convention on June 17-21, 1992;
- b) County Judge to Austin, Texas, on June 17-18, 1992, to attend Parks Advisory Board Meeting;
- c) Commissioner Valencia to Austin, Texas, on May 14-15, 1992, to attend Valley Regional Committee Meeting; (TABLED)
- d) Computer Department Director to Houston, Texas, to attend Meeting on May 22, 1992; and
- e) Ms. Mary Pizano, Program Development and Management Employee, to Galveston, Texas, to attend Drug Enforcement Task Force Organization Conference on May 26-29, 1992.

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(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Rayburn MacNelly, County Auditor, presented a late claim of J & B Contractors, dba South Texas Utilities Contractors, Mercedes, Texas, Warrant No. 59320 in the amount of \$263,244.28, for approval.

It appeared to be the consensus of the Court as determined by polling, that the claim as to J & B Contractors, dba South Texas Utilities Contractors, Mercedes, Texas, Warrant No. 59320 in the amount of \$263,244.28, be approved, to be ratified at the next Meeting.

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(23) EXECUTIVE SESSION

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the Court met in Executive Session at 2:25 P. M. to discuss the following matters:

- a) Proceed with condemnation on Old Alice Road, Parcel No. 14, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Discuss counter offer on FM 801, Parcel No. 5 and No. 6, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes); and

NOTE: JUDGE GARZA STATED THAT THE FOLLOWING ITEM WOULD NOT BE DISCUSSED:

- c) Confer with Counsel regarding contemplated litigation on financial matters relative to Sea Ranch Enterprises, Inc., leasehold in Isla Blanca County Park, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes). [TABLED ONE (1) WEEK]

Upon motion by Commissioner Thomaе, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 2:50 P. M.

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(24) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Proceed with condemnation on Old Alice Road, Parcel No. 14.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to authorize condemnation proceedings on this matter.

Upon motion by Commissioner Thomaе, seconded by Commissioner Valencia and carried unanimously, the condemnation proceedings on Old Alice Road, Parcel No. 14, were authorized.

- b) Discuss counter offer on FM 801, Parcel No. 5 and No. 6.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to reject the counter offer and proceed with condemnation regarding this matter.

Upon motion by Commissioner Thomaе, seconded by Commissioner Valencia and carried unanimously, the counter offer was rejected and the condemnation proceeding was authorized regarding Parcel No. 5 and No. 6 on FM 801.

NOTE: THIS ITEM WAS NOT DISCUSSED.

c) Confer with Counsel regarding contemplated litigation on financial matters relative to Sea Ranch Enterprises, Inc., leasehold in Isla Blanca County Park. (TABLED)

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**NOT ON APPROVAL OF CONTRACT FOR SERVICES
AGENDA FOR THE CONTROL OF AFRICANIZED BEES**

At this time, Judge Garza stated that in order to have two (2) licensed individuals on call for the extermination of the Africanized Bees, Mr. Ray Rodriguez, Health Department Chief Sanitarian, had prepared an Agreement, along the same terms and conditions as the current Contract, with Mr. Larry Esparza, Brownsville, Texas, for approval.

It appeared to be the consensus of the Court as determined by polling, that the County Judge be authorized to execute the Agreement with Mr. Larry Esparza, Brownsville, Texas, for the extermination of the Africanized Bees, to be ratified at the next Meeting.

The Service Agreement is as follows:

ANNOUNCEMENT:

Judge Garza announced that the next Regular Meeting of the Commissioners' Court will be scheduled for Tuesday, May 26, 1992, at 1:30 P. M.

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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 26th day of May, 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