

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 10TH day of AUGUST, 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:
3:00 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 Mr. Billie Mack Simpson, Rio Hondo 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 August 7, 1992, at 2:42 P. M.

At this time, Commissioner Valencia introduced several residents from the community of Las Rusias area and added that their presence was in reference to a newspaper article the previous week concerning the three (3) Items on the Agenda that he submitted for the Court's consideration.

Commissioner Valencia remarked that it was never his intention to resort to "caliche politics" for politics and that he did not solicit, rather the people from Las Rusias and surrounding areas had requested assistance, including the Mayor of San Benito as indicated by the following letters:

Commissioner Valencia stated that it was his obligation to bring those requests before the Court for consideration and that it was not "fair" for Judge Garza to state that they were political favors.

Commissioner Valencia then invited comments from the residents, and Mr. Wally Weaver expressed the Community's gratitude to the Garcia Family for their donation and to the Court for their assistance on the matter of Las Rusias Cemetery.

Judge Garza clarified his comments regarding the reference to "caliche politics" and added that it was the "time-honored practice" of fighting over the division of caliche. He stated that the concern on that particular Item was not whether the name of the road was appropriate, rather that in taking an 18' road that had not been accepted as a County Road, it might set a precedent that was unwise, which was the same opinion expressed by Legal Counsel.

Commissioner Valencia remarked that he wished there were more people like the Garcia Family willing to invest thirteen thousand dollars (\$13,000.00) to help the Community.

Judge Garza stated that the name of the road was approved with several "subject to's", those being subject to dedication, adequate right-of-way and County Standards, and added that the Garcia Family agreed to the terms.

At this time, Commissioner Thomae stated his concerns regarding Judge Garza's "caliche politics" comments and expressed his opposition to the method of distribution of monies in the Road and Bridge Fund among the Precincts. He reminded the Court that the Road and Bridge Fund had an \$800,000.00 surplus, and that it would be appropriate to use some of those monies to repair the Bridges in his Precinct in order to get the children to school.

Judge Garza concluded by stating that as long as the Commissioners did not agree, he would have to break a tie; and as long as he was County Judge, he would have to make some decisions that may not be popular but that are in the best interest of the County.

At this time, Mr. Bill Roberts and Mr. Billie Mack Simpson, Rio Hondo residents, expressed their concerns regarding Bridges that have been closed, and the need for immediate repairs to the Roads and Bridges in their area.

Commissioner Thomae requested a Status Report from the County Engineer concerning State funding for the Bridges, and Mr. Andy Cueto, County Engineer, responded that Representatives from the Texas Department of Transportation would be in the County on Friday, August 14, 1992, to inspect the Bridges and to determine what the needs are in order to keep the Bridges open. He added that he was anticipating to receive an 80-20 State Grant and that he would be contacting the State on a weekly basis regarding this matter.

(1) APPROVAL OF COUNTY CLAIMS

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the County Claims were approved as presented by the County Auditor.

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

Mr. Rayburn MacNelly, County Auditor, reviewed the Budget Amendments and the Salary Schedules for the Health Department, the County Engineering Department and the District Attorney's Office; however, the Court did not have copies of two (2) of the Salary Schedules and the suggestion was made that they be considered later in the Meeting.

Commissioner Cascos moved that the 1991/1992 Budget Amendment No. 37 and the Salary Schedule for the Health Department, Department No. 27-637, be approved as outlined by the County Auditor.

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

AYE: Commissioners Rosenbaum, Cascos and Judge Garza

NAY: Commissioners Thomae and Valencia.

The Budget Amendment and the Salary Schedule are as follows:

(3) APPROVAL TO PROCLAIM 1992 AS THE YEAR OF THE GULF OF MEXICO

Commissioner Cascos moved that the request (by the President of the United States of America) to proclaim 1992 as the Year of the Gulf of Mexico be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Proclamation is as follows:

**(4) IN THE MATTER OF MINUTES OF AUGUST 3, 1992
(TABLED)**

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

At this time, Commissioner Cascos stated that he had read the Minutes and moved that the Minutes of the Regular Meeting held August 3, 1992 be approved, subject to a correction noted on Item No. 1.

The motion died for lack of a second.

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**(5) AUTHORIZATION TO AWARD RFP NO. 92-06-01 FOR
PHONE SYSTEM FOR DISTRICT ATTORNEY'S
DEPARTMENT**

Commissioner Valencia moved that the low bid of AAA Communications, Harlingen, Texas, in the amount of \$32,694.66 for a phone system for the District Attorney's Office be accepted, on the recommendation of the County Purchasing Agent.

The motion was seconded by Commissioner Thomae and carried unanimously.

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**(6) AUTHORIZATION TO AWARD OR REJECT AND RE-
ADVERTISE BIDS FOR TWO (2) VANS FOR HEALTH
WIC DEPARTMENT**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the low bid by Tip-O-Tex Chevrolet, Brownsville, Texas, for two (2) vans for the Health Women, Infant and Children (WIC) Department, was accepted.

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**(7) AUTHORIZATION TO AWARD BIDS FOR PLUMBING
FOR CAMERON PARK COMMUNITY CENTER**

Commissioner Cascos moved that the sole bid of Sais Commercial Systems, Brownsville, Texas, for the plumbing for Cameron Park Community Center be accepted, on the recommendation of the County Purchasing Agent.

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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**(8) AUTHORIZATION TO AWARD BIDS FOR PAVING FOR
CAMERON PARK COMMUNITY CENTER**

Commissioner Cascos moved that the low bid by CRG Paving and Construction, Brownsville, Texas, for the paving, including sidewalks, for Cameron Park Community Center, be accepted on the recommendation of the Purchasing Agent.

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

AYE: Commissioners Rosenbaum, Cascos and Valencia

NAY: Commissioner Thomaе.

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**(9) AUTHORIZATION TO REJECT AND RE-ADVERTISE
FOR BID FOR ELECTRICAL FOR CAMERON PARK
COMMUNITY CENTER**

Commissioner Cascos moved that the sole bid of Villarreal Electric, Harlingen, Texas, be rejected and that authorization be given to re-advertise for bids for the electrical work for Cameron Park Community Center.

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

AYE: Commissioners Rosenbaum, Cascos and Valencia

NAY: Commissioner Thomaе.

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**(10) IN THE MATTER TO AWARD OR REJECT AND RE-
ADVERTISE FOR BIDS FOR HVA/C FOR CAMERON
PARK COMMUNITY CENTER (TABLED)**

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

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**(11) APPROVAL TO APPOINT MS. AIDA URIBE TO THE
BOARD OF DIRECTORS OF THE CAMERON COUNTY
HOUSING AUTHORITY**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, Ms. Aida Uribe, Brownsville, Texas, was appointed to the Board of Directors of the Cameron County Housing Authority.

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**(12) AUTHORIZATION TO APPLY FOR 1992 TEXAS
DEPARTMENT OF HOUSING AND COMMUNITY
AFFAIRS' COMMUNITY DEVELOPMENT FUND**

Mr. Frank Bejarano, Program Development and Management Director, stated that this was a Community Development Fund allocated to the Region, and that the amount to be allocated was approximately \$150,000.00, to be used for water and sewer improvements in Cameron Park.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Application for the 1992 Texas Department of Housing and Community Affairs' Community Development Fund was approved.

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(13) AUTHORIZATION TO DESIGNATE ALFONSO R. GARCIA TO COORDINATE COMPLIANCE WITH HUD REGULATIONS ON SECTION 504 (24 CFR PART 8)

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, Mr. Alfonso R. Garcia, Community Development Coordinator, was designated to coordinate the compliance with the Texas Department of Housing and Community Affairs (HUD) Regulations on Section 504 (24 CFR Part 8).

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(14) CONSIDERATION AND ACTION TO SELECT A WATER AND/OR SEWER PROJECT PURSUANT TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS' 1992 COLONIA FUND APPLICATION PROCESS

Mr. Frank Bejarano, Program Development and Management Director, explained that the County did not participate in the first year's "Colonia Fund" provided by the State because it required that the applicants "front-end" the costs of water and sewer improvements. He added that they were taking a different approach by having the Utilities Companies front-end the financing and the County applying for the reimbursement and that the Harlingen Waterworks System appeared interested in pursuing funding for sewer improvements in the Las Palmas Subdivision.

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Las Palmas Subdivision Sewer Improvement Project, pursuant to the Texas Department of Housing and Community Affairs' 1992 Colonia Fund Application Process, was approved.

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(15) APPROVAL OF MOBILE VENDOR PERMIT RENEWAL FOR FRANCISCO TORRES HERNANDEZ, DBA: EL REY DEL ELOTE

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the renewal of the Mobile Vendor's Permit of Mr. Francisco Torres Hernandez, d.b.a. El Rey del Elote, was approved.

The Application is as follows:

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

Mr. Andy Cueto, County Engineer, indicated that the Legal Description for Item "a" should read as follows:
"Cameron Park Community Center Subdivision - being a 5.420 acre tract of land, more or less, being a re-plat of all of lot 33, Block 43, save and except 1600 square feet of land as Recorded in Volume 751, Page 256, Official Records Cameron County, Texas, Cameron Park Second Installment Subdivision as recorded in Volume 20, Page 1, of the Map Records of Cameron County, Texas."

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

- a) Cameron Park Community Center Subdivision - being a 5.420 acre tract of land, more or less, being a re-plat of all of lot 33, Block 43, save and except 1600 square feet of land as Recorded in Volume 751, Page 256, Official Records Cameron County, Texas, Cameron Park Second Installment Subdivision as recorded in Volume 20, Page 1, of the Map Records of Cameron County, Texas.

LOCATION:

The proposed Subdivision, within Precinct No. 2, is located in Cameron Park Section No. 2 Subdivision at the Southeast corner of F. M. 1847 (Paredes Line Road) and Gregory Avenue. It is a 5.4 acre tract of land with a proposed 2.2 acre lot and 3.2 acre reserve. A proposed 37' x 85' Community Resource Center will be constructed on the 2.2 acre lot. F. M. 1847 is a paved road while Gregory Avenue has a caliche surface. Potable water and sanitary sewer service will be provided by P. U. B. Drainage will be through a drain ditch adjacent to the property on the South side.

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

- b) Lewis Estates Subdivision - being a 2.41 acre tract out of the northeast portion of Block 16, Olmito Gardens Tract No. 1, Share 15, Espiritu Santo.

LOCATION:

The proposed Subdivision, within Precinct No. 2, is located on the West side of Lomax Road, approximately 3/4 mile North of Expressway 77. It is a 2.41 acre tract of land out of the Olmito Gardens Tract No. 1, a one lot subdivision for the development of a single family dwelling. Potable water will be served by Olmito Water Supply and sanitary sewer by septic system. Lomax Road has a caliche surface and drainage to the area is by road side ditch and natural ground flow.

(17) CONSIDERATION AND RECOMMENDATION OF ACCEPTANCE OF BIDS FOR SOUTH DAKOTA ROAD DRAINAGE IMPROVEMENTS

Commissioner Rosenbaum moved that the low bid of Fitzgerald Contracting Incorporated, Donna, Texas, for the South Dakota Road Drainage Improvements Project, in the amount of \$96,736.00, be accepted, as recommended by the County Engineer, subject to availability of funds in the Budget.

At this time, Commissioner Thomaе stated that the use of corrugated pipe would reduce the cost in half, and Mr. Andy Cueto, County Engineer, stated that corrugated pipes were not consistent with the Extra-Territorial Jurisdiction (ETJ) requirements of the City of Brownsville.

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

AYE: Commissioners Rosenbaum, Cascos, and Valencia

NAY: Commissioner Thomaе.

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(18) AUTHORIZATION TO ADVERTISE FOR BIDS FOR SURVEYING EQUIPMENT FOR ENGINEERING DEPARTMENT

Commissioner Cascos moved that the advertisement for bids for the Surveying Equipment for the Engineering Department be authorized.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(19) AUTHORIZATION TO ADVERTISE FOR BIDS FOR NORTH DAKOTA ROAD AREA PAVING IMPROVEMENTS

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the advertisement for bids for the North Dakota Road Area Paving Improvements were approved.

The Preliminary Engineering Report is as follows:

(20) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSE

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

- a) Ms. Maria Teresa Lopez and Ms. Maria Schroeder, Health Department employees, to El Paso, Texas, on September 14-17, 1992, to attend Women, Infant and Children (WIC) Southwest Region Conference;
- b) Program Development and Management Director and Community Development Coordinator to Austin, Texas, on August 13, 1992, to meet with Texas Department of Housing and Community Affairs' Officials regarding Planning Capacity and Colonia Planning Programs;
- c) Judge Everardo Garcia to attend Seminar on Advanced Personal Injury in Dallas, Texas, on August 11-14, 1992;
- d) County Engineer and Assistant to **FHWA** Region VI Road Advisors Conference in Arlington, Texas, on October 21-23, 1992;
- e) County Engineer to attend the American Society of Civil Engineers Fall Session, Texas Section, in Houston, Texas, on September 20 - October 3, 1992; and
- f) Park Ranger Chief Salvador Tinajero to San Antonio, Texas, on August 11, 1992, to conduct Meeting regarding Criminal Matters.

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(21) EXECUTIVE SESSION

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 3:55 P. M. to discuss the following matter:

- a) Discuss the retention of the Law Firm of Vinson and Elkins, in cooperation with Hidalgo County, to review Sierra Club vs. Baker, pursuant to Section 2(e) and 2(g) 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 4:16 P. M.

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(22) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Discuss the retention of the Law Firm of Vinson and Elkins, in cooperation with Hidalgo County, to review Sierra Club vs. Baker.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the Law Firm of Vinson and Elkins, Houston, Texas, would be retained to review the Sierra Club vs. Baker, the Contract not to exceed \$5,000.00, along the terms and conditions as outlined in the Proposal and on file with County Counsel.

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Law Firm of Vinson and Elkins, Houston, Texas, in cooperation with Hidalgo County, was retained to review the litigation styled Sierra Club vs. Baker, along the terms and conditions as outlined in the Proposal on file with the County Counsel, said Contract not to exceed the amount of \$5,000.00.

The Agreement is as follows:

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

DISTRICT ATTORNEY'S OFFICE

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, the Salary Schedule for the District Attorney's Office, Department No. 90-475 was approved.

ENGINEERING AND RIGHT-OF-WAY DEPARTMENT

Commissioner Cascos moved that the Salary Schedule for the Engineering and Right-of-Way Department, Department No. 15-622 be approved.

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

AYE: Commissioner Rosenbaum, Cascos and Judge Garza

NAY: Commissioners Thomae and Valencia.

The Salary Schedules are as follows:

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

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APPROVED this 17th day of August, 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