

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 21st day of **SEPTEMBER, 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:

PRESENT:

9:00 A. M.

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. Doug Wright, Cameron County Counsel, 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 September 17, 1992, at 4:25 P. M.

NOTE: COMMISSIONER VALENCIA WAS NOT PRESENT AT THIS TIME.

(1) APPROVAL OF COUNTY CLAIMS

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

NAY: None

ABSTAIN: Commissioner Cascos as to the claim of Landair Travels, Inc., Warrant No. 65540 in the amount of \$583.00.

The Affidavit is as follows:

(2)

**APPROVAL OF BUDGET AMENDMENT AND/OR
SALARY SCHEDULE**

Commissioner Rosenbaum moved that the 1991/1992 Budget Amendment No. 43 and the Salary Schedule for the Cameron/Willacy Counties Probation Department No. 27-637 be approved as recommended by the County Auditor.

The motion was seconded by Commissioner Thoma and carried unanimously.

The Budget Amendment and Salary Schedule are as follows:

(3) **APPROVAL OF MINUTES' OF AUGUST 24, 1992, AUGUST 31, 1992, SEPTEMBER 4, 1992 AND SEPTEMBER 8, 1992, SEPTEMBER 14, 1992 (TABLED)**

AUGUST 24 AND 31, 1992, AND SEPTEMBER 4, 1992:

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Minutes of the Regular Meeting of August 24, 1992, at 1:30 P. M., the Minutes of the Regular Meeting of August 31, 1992, at 1:30 P. M. and the Minutes of the Special Meeting of September 4, 1992, at 1:30 P. M. were approved.

SEPTEMBER 8 AND 14, 1992 (TABLED)

The Minutes' of the Regular Meeting held September 8, 1992, at 1:30 P. M. and the Regular Meeting held September 14, 1992, at 1:30 P. M. were Tabled for one (1) week.

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(4) **AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE CONTRACT BETWEEN THE OFFICE OF THE COURT ADMINIS-TRATION AND CAMERON COUNTY TO PROVIDE FUNDING FOR THE ADMINIS-TRATIVE PRESIDING JUDGE'S ASSISTANT PROJECT FOR FISCAL YEAR 1993**

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the County Judge was authorized to execute the Contract between the Office of the Court Adminis-tration and Cameron County to provide funding for the Adminis-trative Presiding Judge's Assistant Project for Fiscal Year 1993.

The Contract is as follows:

(5) **PERMISSION TO CUT OFF PURCHASE ORDER
REQUEST ON SEPTEMBER 18, 1992, EXCEPT
FOR EMERGENCY SITUATIONS**

Mr. Rayburn MacNelly, County Auditor, explained that every year the Department Heads try to utilize their Budget prior to the year-end and that it creates a bookkeeping "nightmare" to try to close out the Fiscal Year.

Commissioner Cascos moved that the request to cut off Purchase Orders on September 18, 1992 be approved, except for emergency situations.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(6) **AUTHORIZATION TO REJECT AND RE-
ADVERTISE FOR ANNUAL BIDS FOR FISCAL
YEAR 1992-1993 FOR SAFETY EQUIPMENT**

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, authorization was given to reject and re-advertise for bids for Safety Equipment for the Fiscal Year 1992-1993.

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(7) **AUTHORIZATION TO AWARD ANNUAL BIDS
FOR FISCAL YEAR 1992-1993 FOR VARIOUS
ITEMS**

a) GASOLINE/DIESEL FUEL

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the sole bid of Hicks Oil and Butane, Harlingen, Texas, at a cost per gallon of Regular gasoline at .8730, Unleaded at .9030, and Diesel at .6390 was accepted, on the recommendation of the County Purchasing Agent.

b) OFFICE SUPPLIES

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the bid of Joyce Office Products, Brownsville, Texas, for Office Supplies at a cost of \$33,317.68 was accepted.

c) COPIER/TONER DISPERSANT

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the sole bid of Monroe Systems, San Antonio, Texas, for Copier Toner and Dispersant was accepted.

d) TIRES

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the low bid of Round Tires, Harlingen, Texas, for tires at a cost of \$51.59 per unit was accepted.

e) TYPEWRITER MAINTENANCE

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the low bid of Independent Typewriter Service, Brownsville, Texas, for Typewriter Maintenance at a cost of \$20.00 per unit was accepted.

●NOTE: Commissioner Valencia arrived at this time.

f) FOOD (DAIRY-BREAD)

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the bids on Dairy and Bread were awarded to the following bidders:

MILK (Group A)

Borden, Inc., Corpus Christi, Texas

BREAD (Group B)

Ritcher Baking Company, Corpus Christi, Texas

EGGS

Mr. Michael Forbes, County Purchasing Agent, reported that no bids were received for the purchase of "eggs" and he recommended to utilize a "monthly" bidding procedure.

Commissioner Thomae moved that a "monthly" bidding procedure be adopted for the purchase of eggs, having received no bids.

The motion was seconded by Commissioner Valencia and carried unanimously.

g) TRANSPORTATION OF VOTING MACHINES

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the low bid of Jones Moving and Storage, Harlingen, Texas, for the Transportation of Voting Machines was accepted, on the recommendation of the County Purchasing Agent.

h) LIGHT BULBS

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, the bid on Light Bulbs was awarded to the following bidders:

F40 Cool White and F96 Cool White

Valley Wide Electric, Brownsville, Texas

Incandescent Bulbs

Watson Electric Supply, Harlingen, Texas.

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(8) APPROVAL TO RETAIN THE HARLINGEN COUNTY BUILDING AS AN EARLY VOTING POLLING PLACE IN THE GENERAL ELECTION OF NOVEMBER 3, 1992

Judge Garza clarified that approval of this Item would in no way affect the Court's prior Resolution and action regarding the "Mobile" and "Retail" Polling Places, but it simply would include a location that had historically been used for Absentee Voting.

Ms. Tencha de la Peña, Elections Administrator, recommended that the Harlingen County Building be retained as a Polling Place simply because people had used that location for many years.

Commissioner Cascos moved that the Harlingen County Building be retained as an Early Voting Polling Place for the General Election of November 3, 1992.

The motion was seconded by Commissioner Thomae.

At this time, Ms. de la Peña stated that she still had reservations regarding the security of the Ballots at the Lopez Super Market, Harlingen, Texas, and added that she did not believe it to be a satisfactory location.

Mr. Joe G. Rivera, County Clerk, stated that 1) he and Commissioner Valencia had personally visited Lopez Super Market and reported that management was willing to allow the use of the vault for storage, so that security should

not be a problem, and 2) that this Item was not on the Agenda for discussion, since all that was being considered was the addition of another Polling Place.

Judge Garza concurred and stated that the only Item on the Agenda was the inclusion of the County Building as an Early Voting Polling Place.

There was some discussion regarding the confusion of the requirements and interpretations and Ms. de la Peña stated that she was responsible for the Elections and that she was trying to do her job.

Judge Garza called on the original motion, that being that Commissioner Cascos moved that the Harlingen County Building be retained as an Early Voting Polling Place in the General Election of November 3, 1992.

The motion was seconded by Commissioner Thomae and carried unanimously.

At this time, Commissioner Thomae explained, for the benefit of the audience, that the Harlingen County Building had been removed as a Polling Place because it was in Precinct No. 3 and that the Law required a Branch Office in each Commissioner's Precinct. He added that had the Harlingen County Building remained, it would have given Precinct No. 3 four (4) locations and none for Precinct No. 4, and that was the reason for including Lopez Super Market, Harlingen, Texas, as a Polling Place for Precinct No. 4.

At this time, Ms. Juanita Brodecky, resident, remarked that the name of the current Sheriff needed to be covered at the County Building for it to comply with the Voting Laws as a Polling Place. She added that in the matter of relocating the Polling Place to Lopez Super Market, she thought it could be done as long as the owner understood the need to abide by the Elections Laws. Ms. Brodecky stated that most of the persons in attendance at the Meeting were present to protest the "Mobile" Voting Places and that they were not convinced that it would be in the best interest of the Public. She said that she was personally convinced that the ones promoting (Mobile Voting) were not just trying to get people to vote but to get their vote, and that she was against spending money in that manner.

Judge Garza stated that in the interest of fairness to the persons wishing to register their presence in opposition or support of "Mobile" Voting and because this Item was not on the Agenda, he suggested that the Deputy County Clerk record their names for the Minutes.

The Names are as follows:

Mr. Rivera concluded that the problem of those opposing "Mobile" voting was not with the Commissioner's Court but with the State of Texas, who had passed legislation that provided for more access; and it was that legislation that allowed Cameron County and many other Counties to provide the opportunities for more people to vote.

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(9) **ADOPTION OF A RESOLUTION AUTHORIZING THE SUBMITTAL OF GRANT APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS UNDER THE COLONIA PLANNING FUND FOR A HOUSING AND INFRASTRUCTURE STUDY IN CAMERON PARK AND AUTHORIZING THE COUNTY JUDGE TO ACT ON ALL MATTERS REGARDING SUCH APPLICATION**

Commissioner Valencia moved that the Resolution be adopted for the submittal of the Grant Application to The Texas Department of Housing and Community Affairs under the Colonia Planning Fund for a Housing and Infrastructure Study in Cameron County, and that the County Judge be authorized to act on all matters regarding such Application.

The motion was seconded by Commissioner Thomae and carried unanimously.

The Resolution is as follows:

(10) ADOPTION OF RESOLUTION AUTHOR-IZING THE SUBMITTAL OF A GRANT APPLICATION TO THE TEXAS DEPART-MENT OF HOUSING AND COMMUNITY AFFAIRS UNDER THE COLONIA FUND FOR SANITARY SEWER IMPROVEMENTS IN LAS PALMAS SUBDIVISION, SECTIONS 1, 2, AND 3 AND AUTHOR-IZING THE COUNTY JUDGE TO ACT ON ALL MATTERS REGARDING SUCH APPLICATION

Commissioner Valencia moved that the Resolution be adopted for the submittal of a Grant Application to the Texas Department of Housing and Community Affairs under the Colonia Fund for Sanitary Sewer Improvements in Las Palmas Subdivision, Sections 1, 2 and 3, and that the County Judge be authorized to act on all matters regarding such Application.

The motion was seconded by Commissioner Thomae and carried unanimously.

The Resolution is as follows:

(11) **ADOPTION OF A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS UNDER THE COMMUNITY DEVELOPMENT FUND FOR SANITARY IMPROVEMENTS IN LAS PALMAS SUBDIVISION, SECTION 4 AND AUTHORIZING THE COUNTY JUDGE TO ACT ON ALL MATTERS REGARDING SUCH APPLICATION**

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, the Resolution for the submittal of a Grant Application to the Texas Department of Housing and Community Development Fund for Sanitary Improvements in Las Palmas Subdivision, Section 4, was adopted, and the County Judge was authorized to act on all matters regarding such Application.

The Resolution is as follows:

(12)

**APPROVAL OF CONTRACT BETWEEN
CAMERON COUNTY AND DOCTOR JAMES A.
FREEBERG**

Commissioner Thomae moved that the Contract between Cameron County and Doctor James A. Freeberg be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Service Contract is as follows:

**(13) APPROVAL OF ELECTRIC UTILITY EASEMENT
FOR CENTRAL POWER AND LIGHT OF LOS
INDIOS BRIDGE SITE LOT "E"**

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the request by Central, Power and Light for ten feet (10') of electric utility easement needed at the Los Indios International Bridge Site, Lot "E", was approved.

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**(14) AUTHORIZATION TO OPEN A PORTION OF A
COUNTY DEDICATED CLOSED ROAD SAID
PORTION OF AMTHOR BOULEVARD RUNNING
BETWEEN BLOCKS 130 AND 131 FROM THE
NORTH RIGHT-OF-WAY LINE OF STREET TO
THE NORTH BOUNDARY OF OLMITO TOWNSITE**

Commissioner Cascos moved that the request to open a portion of a County dedicated closed road be approved, that being a portion of Amthor Boulevard running between Blocks 130 and 131 from the North Right-of-Way line of street to the North boundary of Olmito Townsite.

Commissioner Thomae expressed his concern regarding this matter and explained that about twenty (20) years ago, the Court approved the closing of roads and allowed them to be used as acreage in order to cut the amount of taxes due. He said that if the land was being considered as a subdivision and they wanted to use the County Road, then the road would have to be brought up to County Standards before it could be accepted; and he suggested this matter be Tabled for one (1) week.

At this time, Commissioner Cascos withdrew his motion in order to allow one (1) week for the County Engineer to research this matter.

Mr. Andy Cueto, County Engineer, explained that the matter has been researched and that all that is needed at this time is authorization to advertise for the opening of the road, and that a Public Hearing will follow before action is taken.

Commissioner Cascos moved to advertise the opening of a portion of a County dedicated closed road, that being a portion of Amthor Boulevard running between Blocks 130 and 131 from the North Right-of-Way line of street to the North boundary of Olmito Townsite, subject to a Public Hearing and final approval by the Court.

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

AYE: Commissioners Rosenbaum, Cascos and Valencia

NAY: None

ABSTAIN: Commissioner Thomae.

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(15) IN THE MATTER TO OPEN BIDS AS RECEIVED FOR THE OLMITO OVERLAY PHASE III (TABLED)

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

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(16) REQUEST FOR PRELIMINARY APPROVAL

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

- a) 1577 Subdivision No. 2 - being a subdivision of 44.705 acres, being all of Block 79A, Block 80B, and 7.672 acres of Block 78KR, 1.366 acres of Block 76R, and 0.793 acres of Block 80A, all out of Rice Tract Subdivision.

Location:

The proposed Subdivision, within Precinct No. 4, is located off FM 1577 (Rice Tract Road) approximately 1/2 mile north of U.S. 281 (Military Highway). It is a 44.7 tract of land being divided into 54 residential lots. Potable water will be furnished by the Military Highway Water Supply Corporation and sanitary sewer will be by individual septic system. The developer is proposing two (2) new roads to be constructed according to County Standards.

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

- b) Molina Subdivision - being a 19.84 acre tract of land, more or less, and being a re-subdivision of all of Lot 1B, Block 114 as recorded in Map Record of El Jardin Re-subdivision.

Location:

The proposed Subdivision, within Precinct No. 2, is located at the intersection of Morrison Road and Charmaine Lane, adjacent to Rio del Sol Subdivision. It is a 19.8 acre tract of land being divided into two (2) residential lots and two (2) reserves. Potable water will be furnished by P.U.B. and sanitary sewer will be by individual septic system. Morrison Road has an asphalt pavement surface and Charmaine Lane has a caliche surface.

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(17) 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) Reynaldo Burnias Estates Subdivision - being the northeast one (1) quarter comprising of 2.50 acres out of Block 15, Olmito Garden Subdivision No. 1.

Location:

The proposed subdivision, within Precinct No. 2, is located off FM 803 (Olmito North Road) approximately one (1) mile North of FM 511. It is a 2.5 acre tract of land being divided into two (2) residential lots. Potable water will be supplied by Olmito Water Supply Corporation and sanitary sewer will be by individual septic system.

Upon motion by Commissioner Thomaе, 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) Inspiration Subdivision - being a subdivision of 2.2 acres out of Block 5, Dougherty-Paillet Subdivision.

Location:

The proposed subdivision, within Precinct No. 4, is located off Perk Lane approximately 1/4 mile South of Garrett Road. It is a 2.2 acre tract of land being divided into two (2) residential lots. Perk Lane has as asphalt pavement surface. Potable water will be furnished by Harlingen Water Works and sanitary sewer will be by individual septic system.

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- (18) **IN THE MATTER TO CHANGE ORDER NO. 1 TO THE REVENUE MARKETS, INC., CONTRACT FOR TOLL EQUIPMENT OF LOS INDIOS AND GATEWAY BRIDGES (TABLED)**
(19) **IN THE MATTER TO CHANGE ORDER NO. 2 TO SOUTH TEXAS UTILITY CONTRACTORS CONTRACT FOR WORK AT THE LOS INDIOS INTERNATIONAL BRIDGE (TABLED)**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, these Items were

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(20) **APPROVAL OF TRAVEL EXPENSE**

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, the following travel e funds in the budget:

- a) Parks Director to Austin, Texas, for one (1) day during the week of September 20-27, 1992, to meet with State Repr Parks.

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(21) **EXECUTIVE SESSION**

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Court met in E: following matters:

- a) Discuss the acquisition of land located at Lot 2, Block 173, Original Townsite, Brownsville, Texas, pursuant to S Revised Civil Statutes); and
b) Discuss the acquisition of Right-of-Way for Parcel No. 9, No. 16 and No. 17, Dakota Road South, pursuant to Sectio Civil Statutes).

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the Court reconver

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

- a) Discuss the acquisition of land located at Lot 2, Block 173, Original Townsite, Brownsville, Texas.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to direct the Cour the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the County Engineer v land located at Lot 2, Block 173, Original Townsite, Brownsville, Texas, along the terms and conditions as outlined in Executive Se

- b) Discuss the acquisition of Right-of-Way for Parcel No. 9, No. 16, and No. 17, Dakota Road South.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to direct the Cour said Parcels from two (2) distinct land owners, along the terms and conditions as applicable to each.

Commissioner Thomae moved that the County Engineer be directed to proceed with the acquisition of the Right-of-Way for P South, from two (2) distinct land owners, along the terms and conditions as applicable to each.

The motion was seconded by Commissioner Valencia and carried unanimously.

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

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APPROVED this **5th** day of **October**, 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