THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 9th day of NOVEMBER, 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: **PRESENT:**

1:30 P. 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 Ms. Gloria Oliveira and Ms. Juanita Brodecky, County residents, 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 November 6, 1992, at 11:58 A. M.

(13) AUTHORIZATION TO DIRECT THE CANVASSING OF VOTES OF GENERAL ELECTION HELD NOVEMBER 3, 1992, PURSUANT TO APPLICABLE PROVISION OF THE ELECTION CODE OF THE STATE OF TEXAS

Ms. Tencha de la Peña, Elections Administrator, advised the Court that the November 3, 1992 General Election returns must be canvassed and that with the assistance of the County Clerk's and the County Judge's Office, they could proceed to compare the results.

Commissioner Thomae moved that the canvassing of votes of the General Election held November 3, 1992 be authorized, pursuant to the applicable provisions of the Election Code of the State of Texas.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(2) APPROVAL OF BUDGET AMENDMENT AND/OR COUNTY CLAIMS

At this time, Ms. Rosemary Martinez, Administrative Assistant to the County Judge, stated that this Item should read: "and/or Salary Schedules" instead of "County Claims."

Commissioner Valencia moved that the 1992/1993 Budget Amendments No. 3 and No. 3-A and the following Salary Schedules be approved:

Bail Bond Administration, Department No. 10-411,

County Court at Law No. 1, Department No. 10-426,

County Court at Law No. 2, Department No. 10-427,

Sheriff's Bridge Detail, Department No. 10-562,

Children's Justice Advocacy Network, Department No. 20-474,

Misdemeanor Intake Attorney Screening Unit, Department No. 25-474 and No. 25-475,

Trial Before Court Minority, Department No. 27-627,

Juvenile Law Enforcement Officer, Department No. 53-561 and No. 53-562, and

Los Indios Bridge, Department No. 77-610.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Budget Amendments and Salary Schedules are as follows:

(1) APPROVAL OF COUNTY CLAIMS

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

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

AYE: Commissioners Rosenbaum, Cascos and Valencia

NAY: None

ABSTAIN: Commissioner Thomae as to the claims of Thomae-Garza Funeral Directors, Warrant No. 67563 in the amount of $500.00 and Warrant No. 67722 in the amount of $500.00.

The Affidavit is as follows:

(3) APPROVAL OF MINUTES' OF OCTOBER 20 AND 26, 1992

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, the Minutes of the Special Meeting held October 20, 1992, at 1:30 P.M. and the Minutes of the Regular Meeting held October 26, 1992, at 1:30 P.M. were approved, noting the revision to the Minutes of October 26, 1992, Item No. 4, as highlighted and provided by Ms. Nellie Garcia, Deputy County Clerk.

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(4) APPROVAL TO REFUND TAXES TO HERITAGE COMMUNICATIONS IN THE AMOUNT OF $24,309.87 FOR THE ERRONEOUS PAYMENT OF TAXES

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, approval was given to refund taxes to Heritage Communications in the amount of $24,309.87, for the erroneous payment of taxes, as per the District Court Order and on the recommendation of the County Auditor.

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(5) RECOGNITION OF COMPLETION OF 32 HOURS OF ORGANIZED INSTRUCTION IN PROGRAMS SPONSORED BY THE TEXAS AGRICULTURAL EXTENSION SERVICE, V.G. YOUNG INSTITUTE OF COUNTY GOVERNMENT

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Certificates of Completion of thirty-two (32) hours of organized instruction in Programs sponsored by the Texas Agricultural Extension Service, V. G. Young Institute of County Government, for Commissioner Rosenbaum were acknowledged.

The Certificates are as follows:

(6) AUTHORIZATION TO OPEN ANNUAL BIDS FISCAL YEAR 1992/1993 FOR LASER TONER CARTRIDGE RECYCLING

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Thomae and carried unanimously, approval was g

1992/1993 for laser toner cartridge recycling.

The bids received and opened are as follows:

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the bids were referred to the Purchasing Agent and the County Auditor for tabulation and recommendation to the Court of the best bid in one (1) week.

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(7) **AUTHORIZATION TO OPEN ANNUAL BIDS FOR FISCAL YEAR 1992/1993 FOR COMPUTER PRINTER RIBBONS**

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids as received for Fiscal Year 1992/1993 for computer printer ribbons.

The bids received and opened are as follows:

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the bids were referred to the County Auditor and the Purchasing Agent for tabulation and recommendation to the Court of the best bid in one (1) week.

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(8) AUTHORIZATION TO OPEN BIDS FOR THE SALE OF SCRAP TIRES FOR VARIOUS DEPARTMENTS

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

Mr. Rayburn MacNelly, County Auditor, stated that no bids were received and he recommended that the Item be re-advertised.

Commissioner Thomae moved to acknowledge that no bids were received and to direct the re-advertisement for the sale of scrap tires by the County Purchasing Department.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(9) AUTHORIZATION TO OPEN BIDS FOR PATROL VEHICLES AND VANS FOR VARIOUS DEPARTMENTS

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, approval was given to open bids as received for the Patrol vehicles and vans for various Departments.

The bids received and opened are as follows:

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the bids were referred to the County Auditor and the Purchasing Agent for tabulation and recommendation to the Court of the best bid.

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(10) AUTHORIZATION TO AWARD BIDS FOR ONE (1) PICK-UP TRUCK FOR THE SHERIFF'S DEPARTMENT

Commissioner Thomae moved that the low bid of Boggus Motors, Harlingen, Texas, in the amount of $12,110.00, be accepted for one (1) pick-up truck for the Sheriff's Department.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(11) AUTHORIZATION TO AWARD BIDS FOR ONE (1) TRACTOR FOR PARKS AND ONE (1) FOR PRECINCT NO. 4

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the following low bids were accepted on the recommendation of the County Auditor:

Item A: One (1) tractor - Parks Department:

Barbee-Neuhaus, Weslaco, Texas, $19,665.22, with trade

Item B: One (1) tractor - Precinct No. 4:

Barbee-Neuhaus, Weslaco, Texas, $24,957.30.

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(12) APPROVAL OF CONTRACT WITH CRIMINAL JUSTICE POLICY COUNCIL FOR THE CAMERON COUNTY (CRIMINAL DISTRICT) ATTORNEY TO PERFORM DATA COLLECTION SERVICES

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Contract with the Criminal Justice Policy Council for Cameron County, to-wit: the Criminal District Attorney's Office, to perform Data Collection Services was approved.

The Service Contract is as follows:

(14) RATIFICATION OF ACTION TAKEN IN REGARDS TO PRESIDING JUDGES AND ALTERNATES FOR THE GENERAL ELECTION OF NOVEMBER 3, 1992

Commissioner Thomae moved that the approval given regarding the Presiding Judges and Alternates for the General Election of November 3, 1992 be ratified.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(15) APPROVAL OF REQUEST BY BERTA CABAZA MIDDLE SCHOOL IN SAN BENITO FOR THE USE OF A VOTING MACHINE

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the request of Berta Cabaza Middle School in San Benito, Texas, for the use of one (1) voting machine was approved, subject to the standard agreement.

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(16) APPROVAL OF ADMINISTRATIVE FEES OF CONTRACTS FOR ELECTION SERVICES ENTERED UPON BY VARIOUS ENTITIES WITH THE ELECTIONS ADMINISTRATOR BE CARRIED OVER TO FISCAL YEAR 1992/1993 IN BUDGET 10-491

Commissioner Thomae moved that the Administrative Fees of Contracts for Election Services entered upon by various entities with the Elections Administrator be carried over to Fiscal Year 1992/1993 in Budget Line Item 10-491.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(17) CONSIDERATION AND POSSIBLE RATIFICATION OF TWO-YEAR EXTENSION OF TAX CONTRACT BY AND BETWEEN CAMERON COUNTY AND HEARD, GOGGAN, BLAIR AND WILLIAMS, PURSUANT TO MEMORANDUM OPINION BY LEGAL COUNSEL THAT: 1) A PUBLIC HEARING ON THIS ISSUE SHOULD BE HELD, AND 2) SAID ACTION IS NECESSARY TO MINIMIZE THE RISK OF LITIGATION AND RESULTING EXPENSE SHOULD SAID ACTION BE CHALLENGED BY TAXPAYER FOR FAILURE TO COMPLY WITH THE APPLICABLE PROVISION OF THE OPEN MEETINGS ACT.

At this time, Judge Garza solicited public comments and the following individuals expressed their concerns and objections with regards to hiring outside firms to collect the delinquent taxes, not obtaining competitive bids and the additional penalties assessed when delinquent:

Ms. Juanita Brodecky, Rio Hondo resident,

Mr. Malcolm H. Brown, Brownsville resident,

Mr. Ernesto Lopez, Brownsville resident, and

Mr. Tony Yzaguirre, Tax-Assessor Collector.

Commissioner Cascos questioned whether the delinquent accounts were being turned over for collections too soon and Mr. Yzaguirre stated that the State statute required that any delinquent account, as of July 1 of every year, be turned over to the Collection Agency. Mr. Yzaguirre added that he was in the process of obtaining a clarification from the State whether taxpayers could be exempt from paying the penalties and attorney's fees if they made arrangements for payment with his Office prior to July 1st.

Ms. Brodecky stated that more diligent efforts needed to be provided by the local Office in the collection efforts prior to turning the delinquent accounts to a Collection Firm. She added that many taxpayers are not up-to-date on the regulations concerning penalties and interests that are applied after a first year delinquency. She stated that the delinquent notice should clearly state the amount of penalty, that being thirty-eight percent (38%), which made paying the taxes that much more difficult.

Commissioner Cascos clarified that the Tax-Assessor Collector did not have the latitude to determine which delinquent accounts were referred to the collection agency after the June 30th deadline, and that the collection agency did not have any control over the accounts being referred. He added that perhaps greater efforts needed to be exercised by the local Office before the July 1st deadline and added that after that date, it was up to the collection agency to determine which accounts would be pursued.

Judge Garza reiterated his previous comments concerning the fact that the Contract does not expire for another eight (8) months and the need to obtain competitive proposals to ultimately better serve the citizens of the County.

At this time, Mr. Doug Wright, County Counsel, reminded the Court that the discussion was not within the Item being considered and suggested that any other discussion should be placed on the Agenda for further consideration.

The following individuals expressed their concerns and suggested that this Item be analyzed and other proposals solicited before the Contract was awarded:

Mr. Conrado Cantu, Brownsville resident, and

Mr. Joe Lopez, Brownsville Independent School District Board member.

At this time, Mr. Christopher Phillepe, Attorney with the Law Firm of Heard, Goggan, Blair, and Williams, explained the Firm's position regarding the citizens of Cameron County and spoke in favor of Mr. Roger Ortiz, staff member, and his concern for the tax payers of Cameron County.

Mr. Phillepe responded to the criticisms directed against his Firm by stating that his Firm did donate money to Mr. Yzaguirre and his campaign, but that no money was donated towards Mr. Ortiz' campaign. He added that "there was something wrong with the system if a man could not run for Office if he wanted to, and that it was morally reprehensible to be put under pressure to fire an employee who was doing a good job and wanted to run for Office."

The following individuals spoke in favor of the Firm of Heard, Goggan, Blair, and Williams and expressed their appreciation for the services provided to the people who had solicited their help:

Commissioner Valencia, Precinct No. 4,

Commissioner Thomae, Precinct No. 3,

Ms. Frances Domanski, County resident, and

Mr. Alex Perez, Cameron County Sheriff.

Sensing and hearing no further comments the Public Hearing was closed.

Commissioner Valencia moved that the approval given for the two (2) year extension of the Tax Contract by and between Cameron County and the Law Firm of Heard, Goggan, Blair and Williams be ratified, pursuant to the Memorandum Opinion by Legal Counsel.

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

AYE: Commissioners Cascos, Thomae and Valencia

NAY: Commissioner Rosenbaum and Judge Garza.

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(18) APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND PEOPLE AGAINST VIOLENT CRIME

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Contract between Cameron County and People Against Violent Crime was approved.

The Contract is as follows:

(19) AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE CHANGE ORDER NO. 2 TO CONTRACT WITH FITZGERALD CONTRACTING, INC. ON FISHING HARBOR DOCK REHABILITATION

Commissioner Thomae moved that the County Judge be authorized to execute Change Order No. 2 to the Contract with Fitzgerald Contracting, Inc., on the Fishing Harbor Dock Rehabilitation.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Change Order No. 2 is as follows:

(20) AUTHORIZATION TO RE-APPOINT SAM SATO, HOWARD B. GIRAULT AND H. ROSS HILL TO THE CAMERON COUNTY DRAINAGE DISTRICT NUMBER ONE BOARD OF DIRECTORS FOR A TWO-YEAR TERM

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the following individuals were re-appointed to the Cameron County Drainage District Number One Board of Directors for a two (2) year term:

Mr. Sam Sato, Los Fresnos, Texas,

Mr. Howard B. Girault, Los Fresnos, Texas, and

Mr. H. Ross Hill, Brownsville, Texas.

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(21) AUTHORIZATION TO RETAIN MARTIN & BROWN ENGINEERING AND SURVEYING ON AN HOURLY BASIS FOR VARIOUS PARK SYSTEM CAPITAL IMPROVEMENT/ RENOVATION PROJECTS PROVIDING THAT TOTAL FEES SHALL NOT EXCEED $10,000

Mr. Kenneth Conway, Parks Director, explained that the Parks Department had solicited proposals and that the Review Committee was recommending that Martin Engineering be retained for the renovation Projects at Isla Blanca Park. He added that the Projects would include the dredging of the Sea Ranch Marina, the replacement of the roof at the Sea Ranch Restaurant, the expansion of the Beach Front Pavilion Parking lot and the resurfacing of the road.

Commissioner Thomae moved that the Firm of Martin and Brown Engineering and Surveying, Harlingen, Texas, be retained on an hourly basis for various Park System Capital Improvement/Renovation Projects, the total fees not to exceed the amount of $10,000.00.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(22) AUTHORIZATION TO RETAIN MEJIA AND ROSE, INC., FOR ENGINEERING AND ARCHITECTURAL SERVICES ASSOCIATED WITH ANDY BOWIE PARK DEVELOPMENT

Commissioner Thomae moved that the Firm of Mejia and Rose, Inc., Brownsville, Texas, be retained for the Engineering and Architectural Services associated with the Andy Bowie Park Development Projects, the total fees not to exceed the amount of $60,000.00.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(23) IN THE MATTER REGARDING PARK BOARD RECOMMENDED RATE INCREASE FOR RV SPACE RENTAL AT ISLA BLANCA PARK (TABLED)

Mr. Kenneth Conway, Parks Director, explained that the Parks Board was recommending an increase in the rate structure for the Recreational Vehicle (RV) parking based on the results of a survey conducted to determine the rates being charged in the private sector.

Commissioner Valencia voiced his reservations concerning an increase and suggested that the Item be tabled.

At this time, Mr. Lee Ziegler, County resident, expressed his concerns regarding the rate increases and recommended that persons involved with tourism industry participate in those decisions.

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

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(24) CONSIDERATION AND REQUEST FOR ACKNOWLEDGEMENT AND ACCEPTANCE OF $89,395.23 FOR THE REMEDIATION OF LEAKING PETROLEUM STORAGE TANKS AT PRECINCTS NO. 1 AND NO. 2

Commissioner Valencia moved that the reimbursed amount of $89,395.23, for the remediation of the leaking petroleum storage tanks at Precincts No. 1 and No. 2, be accepted.

The motion was seconded by Commissioner Thomae and carried unanimously.

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(25) IN THE MATTER OF CHANGE ORDER NO. 1 TO NORTH DAKOTA ROAD PAVEMENT IMPROVEMENT (TABLED)

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

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(26) APPROVAL OF CHANGE ORDER NO. 2 FOR OLMITO PAVEMENT IMPROVEMENTS PHASE II

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, Change Order No. 2 for the Olmito Pavement Improvements Phase II was approved.

The Change Order No. 2 is as follows:

(27) AUTHORIZATION TO AWARD FLORIDA ROAD DRAINAGE IMPROVEMENTS

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the low bid of McAllen Construction, Inc., McAllen, Texas, in the amount of $75,660.00, was accepted for the Florida Road Drainage Improvements.

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(28) AUTHORIZATION TO DEVELOP PLANS AND SPECIFICATIONS FOR PAVEMENT OF MAVERICK ROAD FROM SOUTHMOST ROAD TO DAKOTA ROAD AND TO ADVERTISE FOR BIDS

Commissioner Rosenbaum moved that the development of Plans and Specifications for the pavement of Maverick Road from Southmost Road to Dakota Road and the advertisement of bids be authorized.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Plans and Specifications are as follows:

(29) AUTHORIZATION TO RE-AFFIRM THE STATUS OF GAVITO ROAD

Mr. Andy Cueto, County Engineer, explained that the County Engineer's Office had received inquiries from some private corporations regarding Gavito Road because it passes through some Right-of-Way land that belongs to the Fish and Wildlife Department. He said that the inquiries concerned whether it was legal for the public to use Gavito Road and added that his Office researched the matter and found that Gavito Road was dedicated to the public, by Deed and by plat, in August 1944.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the status of Gavito Road was re-affirmed, as per the Report by the County Engineer.

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(30) AUTHORIZATION TO ADVERTISE FOR PROPOSED SPEED LIMITS, WEIGHT LIMITS, NAMING OF ROADS AND TRAFFIC CONTROL ON VARIOUS SEGMENTS OF COUNTY ROADS AND/OR BRIDGES

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the advertisement for the proposed Speed Limits, Weight Limits, Naming of Roads and Traffic Control on various segments of County Roads and/or Bridges was authorized.

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(31) REQUEST FOR FINAL APPROVAL

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, final approval was given to the following subdivision, subject to signage being provided by the property owners and on the recommendation of the County Engineer:

a) Psalm 23 Subdivision - being a 9.4 acre subdivision comprised of Lot 1, Block C, Coe Subdivision and all of Lots 1, 2, 19, and 20, Fitzgerald Subdivision.

Location:

The proposed subdivision, within Precinct No. 4, is located off Crockett Road between the Old Highway 83 and Expressway 83. It is a 9.4 acre tract of land being subdivided into seven (7) residential lots with a new paved road. Potable water will be furnished by the City of Harlingen Water Works and sanitary sewer will be by individual septic system.

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

b) Atkinson Family Partition - being all of Lot No. 1, containing 12.0 acres (11.98 actually calculated) more or less, and the west 3.0 acres of Lot No. 2, both out of Block "F" Arroyo Garden Unit 4, Share 22, Espiritu Santo Grant.

Location:

The proposed subdivision, within Precinct No. 3, is located on the South side of Fernando East Road approximately two (2) miles west of FM 1847 (Paredes Line Road). It is a 15 acre tract of land being partitioned into four (4) residential lots. Potable water will be furnished by East Rio Hondo Water Supply Corporation and sanitary sewer will be by individual septic system. Fernando East Road has a caliche surface and a 60' Right-of-Way.

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

c) Old Alice Estates Subdivision - being 94.291 acres and being 11.690 acres of Block 1, 37.186 acres of Block 8, 30.298 acres of Block 9 and 15.117 acres of Delta Farms Subdivision.

Location:

The proposed subdivision, within Precinct No. 3, is located on the west side of Old Alice Road approximately 3/4 mile south of State Highway 100. It is a 17.5 acre tract of land being subdivided into nineteen (19) residential lots. Potable water will be furnished by Olmito Water Supply Corporation and sanitary sewer will be by individual septic system. This proposed subdivision is within the ETJ of the City of Brownsville and has been approved by Brownsville.

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

d) Zarate Family Partition - being a 0.635 acre tract out of 7.0 acres Private Survey No. 412, Share 1, Espiritu Santo Grant.

Location:

The proposed subdivision, within Precinct No. 2, is located on the south side of Old Military Highway in San Pedro. It is a 0.64 acre tract of land given by Maria Zarate to her son, Ernesto Zarate, in 1979. This tract of land will be a residential lot with potable water by Military Highway Water Supply Corporation and sanitary sewer by individual septic system. This tract of land is within the City of Brownsville's ETJ, but it has "grandfather" exceptions from the City of Brownsville's Subdivision Rules and Regulations.

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(32) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES

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

a) County Auditor to Austin, Texas, to attend Pre-Legislative Conference on October 29-30, 1992;

b) District Clerk and two (2) Deputies to Austin, Texas, to attend "Records Management Today" on November 12-13, 1992;

c) Assistant Auditor/Purchasing to Austin, Texas, to attend "Buying Recycled in Texas" Seminar on November 9-10, 1992;

d) Two (2) Computer Programmers to Dallas, Texas, to attend Database Partial and Generic Partial Retrieval Seminar on November 13, 1992;

e) County Judge's Secretary to attend Conference on Vital Statistics on December 6-8, 1992;

f) Mr. Rolando Martinez, Health Administrator, Mr. Reynaldo Rodriguez, Chief Sanitarian, and Mrs. M.S. San Pedro, Registered Nurse, to attend Meeting in McAllen, Texas, on November 12-13, 1992;

g) Tax Assessor/Collector and one (1) Deputy to attend 34th Institute on Property Taxation Conference on December 14-16, 1992, in Austin, Texas;

h) Constable Roberto Martinez to attend Civil Process School in Dallas, Texas, on November 17-20, 1992; (DELETED) and

i) Constable Juan Sanchez to attend Civil Process School in Dallas, Texas, on November 17, 1992.

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At this time, Mr. Doug Wright, Cameron County Counsel, indicated that Item No. 2 did not mention the approval of the Salary Schedules and suggested that the Item be ratified at the next Meeting.

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(33) EXECUTIVE SESSION

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 3:15 P. M. to discuss the following matters:

a) To discuss the acquisition of Right-of-Way for Parcels No. 9, No. 10, and No. 15, Dakota Road South, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);

b) To discuss the acquisition of Right-of-Way for Parcel No. 3, FM 801, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);

c) To discuss the acquisition of Right-of-Way for Parcels No. 1, No. 4 and No. 5, Haine Drive, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);

d) To confer with Counsel regarding lawsuit styled Wayne Norman vs. County of Cameron, et al, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);

e) Regarding contemplated litigation involving Arturo and Cindy Cavazos against the Cameron County Sheriff's Department, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and

f) To discuss Concession Lease Amendment between Jim Vendetti and Lina Fakhry, DBA (doing business as): Lemon Ice and Cameron County, pursuant to Section 2(f) 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 4:10 P. M.

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(13) AUTHORIZATION TO DIRECT THE CANVASSING OF VOTES OF GENERAL ELECTION HELD NOVEMBER 3, 1992, PURSUANT TO APPLICABLE PROVISION OF THE ELECTION CODE OF THE STATE OF TEXAS

Ms. Tencha de la Peña, Elections Administrator, reported that there were a few changes in the Canvassing of Votes for the General Election held November 3, 1992, but that it did not change the results of the elections.

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Canvassing of Votes for the General Election held November 3, 1992, pursuant to the applicable provision of the Election Code of the State of Texas was acknowledged.

The Canvassed results are as follows:

SUPPLEMENTAL AGENDA

(1) EXECUTIVE SESSION

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 4:14 P. M. to discuss the following matter:

a) To discuss, evaluate and review job performance and employment of Computer Center Director Rudy Juarez, pursuant to Section 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 4:55 P. M.

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(34) ACTION RELATIVE TO EXECUTIVE SESSION

a) To discuss the acquisition of Right-of-Way for Parcels No. 9, No. 10, and No. 15, Dakota Road South.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to extend an offer on Parcels No. 9 and No. 15 and to direct the appraisal on Parcel No. 10, along the terms and conditions as outlined in Executive Session.

Commissioner Rosenbaum moved that an offer for the acquisition of Right-of-Way on Parcels No. 9 and No. 15, Dakota Road South, be extended along the terms and conditions as outlined in Executive Session and that an appraisal be directed on Parcel No. 15.

The motion was seconded by Commissioner Thomae and carried unanimously.

b) To discuss the acquisition of Right-of-Way for Parcel No. 3, FM 801.

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

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, an offer would be extended regarding the acquisition of the Right-of-Way for Parcel No. 3, FM 801, along the terms and conditions as outlined in Executive Session.

c) To discuss the acquisition of Right-of-Way for Parcels No. 1, No. 4 and No. 5, Haine Drive.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that an offer be extended along the terms and conditions as outlined in Executive Session.

Commissioner Thomae moved that an offer be extended regarding the acquisition of the Right-of-Way for Parcels No. 1, No. 4 and No. 5, Haine Drive, along the terms and conditions as outlined in Executive Session.

The motion was seconded by Commissioner Cascos and carried unanimously.

d) To confer with Counsel regarding lawsuit styled Wayne Norman vs. County of Cameron, et al.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel be directed to file answers for the County and for the individuals as filed in their individual capacity and to proceed in the defense of said lawsuit.

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, County Counsel was directed to file answers for the County and the individuals in their individual capacity regarding the lawsuit styled Wayne Norman vs. County of Cameron, et al., and to proceed with the defense of said lawsuit.

e) Regarding contemplated litigation involving Arturo and Cindy Cavazos against the Cameron County Sheriff's Department.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel be directed to proceed with the defense of said case along the terms and conditions as outlined in Executive Session.

Commissioner Cascos moved that County Counsel be directed to proceed with the defense regarding the contemplated litigation involving Arturo and Cindy Cavazos against the Cameron County Sheriff's Department, along the terms and conditions as outlined in Executive Session.

The motion was seconded by Commissioner Thomae and carried unanimously.

f) To discuss Concession Lease Amendment between Jim Vendetti and Lina Fakhry, dba Lemon Ice and Cameron County.

Judge Garza reported that after some discussion and on the recommendation of the Parks Director, it was the consensus of the Court as determined by polling, that the Court would execute the Lease Amendment, subject to final review by County Counsel and presentation for Corporate signatures.

Commissioner Thomae moved that the Lease Amendment between Jim Vendetti and Lina Fakhry, dba Lemon Ice and Cameron County be approved, subject to final review by County Counsel and corporate signatures.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Lease Amendment is as follows:

2a) To discuss, evaluate and review job performance and employment of Computer Center Director Rudy Juarez.

Judge Garza reported that the Court had an opportunity to review the Report prepared by the Firm of Arthur Anderson and Company regarding the evaluation of the Data Processing Center and the Computer Center Personnel and to discuss the status of the Department with the Computer Center Director. Judge Garza added that the Court met in and out of the presence of the Computer Center Director to discuss the status of his job performance and after some discussion, it appeared to be the consensus of the Court as determined by polling, that the Computer Center Director would be requested to remain in an "acting" capacity for a period of sixty (60) to ninety (90) days, during which time the Court would solicit applications by advertising for said position.

Commissioner Thomae moved to request that the Computer Center Director remain in an "acting" capacity and to direct the advertisement to solicit applications for said position.

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

AYE: Commissioners Cascos, Thomae and Judge Garza

NAY: Commissioners Rosenbaum and Valencia.

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

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APPROVED this **23rd** day of **November**, 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