

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 11th day of APRIL, 1995, there was conducted a REGULAR PUBLIC 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:

GILBERTO HINOJOSA
COUNTY JUDGE

LUCINO ROSENBAUM, JR.
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

HECTOR PEÑA
COMMISSIONER, PRECINCT NO. 4

PRISCILLA J. KEE Deputy
COUNTY CLERK

ABSENT:



The meeting was called to order by Judge Gilberto Hinojosa. He then asked Rev. George W. Graydon, Church of the Redeemer, Brownsville, Texas, for the invocation and Commissioner Cascos 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 April 07, 1995, at 9:32 A. M.:

(1) APPROVAL OF THE COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented the late claims as to the Fifth Administrative District, Warrant No. 116588, in the amount of \$20,000.00 and the Texas Department of Banking, Warrant No. 116589, in the amount of \$100.00, for approval.

Commissioner Peña moved that the County Claims be approved, inclusive of the late claims as to Warrant No. 116588, in the amount of \$20,000.00 and Warrant No. 116589, in the amount of \$100.00, as recommended by the County Auditor.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(2) IN THE MATTER OF THE BUDGET AMENDMENTS AND/OR SALARY SCHEDULES [PASSED]

The County Auditor reported that there were no Budget Amendments and/or Salary Schedules for approval.

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(3) IN THE MATTER OF THE MINUTES OF MARCH 28, 1995 [PASSED]

At this time, the Deputy County Clerk reported that there were no Minutes for approval.

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(4) AUTHORIZATION TO FUND THE COUNTY'S ILLEGAL DUMPING OF TRASH (IDT) PROJECT AS A PILOT PROGRAM THROUGH THE PRISONERS AT WORK (PAW)

At this time, Judge Hinojosa stated that he had discussed the Prisoner at Work Program with the County Sheriff and added that they were attempting to consolidate said Program with the Cameron County Probation Department Community Service Program, and that a Plan would soon be implemented.

Mr. Mark Leinart, Deputy Sheriff, explained that the non violent misdemeanor offenders would be assigned to collect trash, and added that the only cost to the County would be the funding of two (2) Jail Staff positions, in order to guard the inmates while at work.

Judge Hinojosa stated, that depending on the success of the Pilot Program, he would recommend that the Program be extended and to use non violent offenders awaiting transfer or those jailed, as a condition of probation, including those held for child support offenses. He added that a Prisoners at Work Team could be assigned to the Commissioner Precincts and the Parks System in order to help clean the Parks.

Judge Hinojosa suggested using Jail Guards to guard the in-mates, adding that it would be a minimal expenditure until the end of the Fiscal Year, said funding to be allocated from the General Fund.

At this time, Commissioner Matz expressed his support for the Prisoners at Work Program noting the benefits and savings to the tax payers.

Commissioner Rosenbaum moved that funding for the County's Illegal Dumping of Trash Project (IDT), as a Pilot Program through the Prisoners at Work (PAW) Program, be approved, said funds to be allocated from the General Fund.

The motion was seconded by Commissioner Matz.

At this time, Commissioner Cascos expressed his support for the Program, and added that there would be some savings in the Project by using the prisoners, but that there would be no extra monies available at the end of the Fiscal Year, and questioned whether the Road and Bridge Fund could be utilized for the Program.

At this time, Mr. Doug Wright, County Counsel, expressed his concerns regarding Insurance issues and whether or not there might be potential Workers' Compensation issues involved, and the suggestion was made to research the issue of responsibility.

Upon motion duly made by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the funding for the County's Illegal Dumping of Trash Project (IDT), as a Pilot Program through the Prisoners at Work (PAW) Program was approved, said funds to be allocated from the General Fund.

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(5) **AUTHORIZATION TO ALLOW THE TEXAS DEPARTMENT OF HEALTH REGIONAL OFFICE TO CONDUCT AN AUDIT AND ASSESSMENT OF THE COUNTY'S HEALTH DEPARTMENT**

At this time, Judge Hinojosa stated he had met the Regional Director of the Texas Department of Health, and requested an Audit and Assessment of the Health Department in order to maximize the service provided by the County's Health Department

Upon motion by Commissioner Rosenbuam, seconded by Commissioner Matz and carried unanimously, the Texas Department of Health Regional Office was authorized to conduct an Audit and Assessment of the County's Health Department.



(6) **AUTHORIZATION FOR THE TAX ASSESSOR COLLECTOR TO UTILIZE THE LA FERIA JUSTICE OF THE PEACE OFFICE FOR A BRANCH TAX OFFICE SUB-STATION PROJECT, TO BE FUNDED BY THE COUNTY TAX COLLECTOR AND THE COUNTY CLERK'S OFFICES, AS PROVIDED IN THE VERNON CIVIL STATUTES**

At this time, Mr. Tony Yzaguirre, County Tax Assessor Collector, requested Court approval to establish a Branch Tax Office Sub-Station at the La Feria Justice of the Peace Office, in order to provide more efficient services to the citizens. He stated that an individual would be hired and the funds would be provided from the current Tax Assessor Collector's and County Clerk's Budgets until the end of the Fiscal Year, and that the position would be included in the next Fiscal Year's Budget.

Judge Hinojosa stated that he had suggested that the Constable's Office and the Justice of the Peace Office be consolidated and questioned whether this was part of that proposal, Mr. Yzaguirre responded that it was the first step in consolidating the Offices.

At this time, Mr. Mark Yates, County Auditor, stated that he understood the Tax Assessor Collector's point of view, but felt that the idea was "pre-mature" and suggested to wait until the next Fiscal Year.

Commissioner Cascos stated that he supported the idea and suggested that they wait until the next Fiscal Year, and added that the expenditures were increasing but the Revenues were not increasing to off-set the expenditures.

There was some discussion concerning the available funds for the Project, the impact to next year's Budget and the need to service the areas of Santa Rosa and La Feria and Mr. Joe G. Rivera, County Clerk, explained that it would be a "Pilot Program," to better serve the citizens of that area, until the end of the Fiscal Year, and that if the Program did not succeed, it would be terminated.

Commissioner Peña moved that the Tax Assessor Collector be authorized to utilize the La Feria Justice of the Peace Office for a Branch Tax Office Sub-Station Project, said funds to be allocated by the Tax Assessor/Collector's and County Clerk's Office, as provided in the Vernon Civil Statutes, Article 6657 a-13c, said Offices to work with the County Auditor for a cost effective Plan.

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

AYE: Commissioners Rosenbaum, Matz and Peña

NAY: Commissioner Cascos.

**(7) RATIFICATION BY THE COUNTY JUDGE ON THE
QUIT CLAIM DEED ON LOT NO. 7, BLOCK 17,
HVESTENDAHL ADDITION NO. 2 TO THE CITY OF
SANTA ROSA, CAMERON COUNTY, TEXAS**

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Quit Claim Deed concerning Lot No. 7, Block 17, Hvistendahl Addition No. 2, to the City of Santa Rosa, Cameron County, Texas, was ratified.

**(8) ACKNOWLEDGEMENT OF A REPORT FROM THE
RIO GRANDE RIVER WATERMASTER, MR. JOHN
HINOJOSA, ON THE STATUS OF WATER
AVAILABILITY FOR THE LOWER RIO GRANDE
VALLEY AND CAMERON COUNTY**

At this time, Mr. John Hinojosa, Rio Grande Watermaster, reviewed the problem of water availability for the Lower Rio Grande Valley and Cameron County. He stated that the County was currently at 59% of the total water supply and estimated that it would be at 50% by July 1, 1995. He added that some of the smaller cities would exhaust their annual water allotments due to the agriculture and irrigation use by the end of the summer, and would require the purchase of water on a Contractual basis.

Mr. Hinojosa stated that the problem was the lack of water flow into the Basin from the water shed, stating that

most of the water originated in Mexico, and added that Mexico was at 16% of their water supply in their reservoirs.

Commissioner Cascos questioned what the County could do to start the conservation process, and Mr. Hinojosa suggested that the County should be aware that the Rio Grande River was the only source of water supply, and that every individual was responsible to conserve water and the suggestion was made to adopt a Resolution as "good faith effort" to notify the Public of the critical stage of the water availability in the County.

Commissioner Cascos moved that Commissioner Matz prepare a plan for water conservation and to Report to the Court in two (2) weeks with recommendations, and that the Report from the Rio Grande River Watermaster be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

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**(9) IN THE MATTER OF A LICENSE AGREEMENT
WITH THE HARLINGEN POLICE DEPARTMENT
TO USE THE CAMERON COUNTY AIRPORT
[TABLED]**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, this Item was **TABLED.**

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**(10) AUTHORIZATION OF A LEASE AGREEMENT
(RENEWAL) WITH THE LA FERIA CO-OP TO USE
THEIR BUILDING FOR THE JUSTICE OF THE
PEACE PRECINCT NO. 7**

Commissioner Peña moved that the Lease Agreement with the La Feria CO-OP be renewed, in order to use their Office Building for the Justice of the Peace Precinct No. 7.

The motion was seconded by Commissioner Matz and carried unanimously.

The Lease Agreement is as follows:

**(11) ACKNOWLEDGEMENT OF THE SECOND
QUARTERLY REVENUE REPORT FOR THE
PARKS SYSTEM**

At this time, Mr. Ken Conway, Parks System Director, highlighted the Second Quarterly Report for the Parks System and added that the major increase in revenue had been in the percentage of income from the Concessionaires at Isla Blanca Park.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Second Quarterly Report for the Parks System was acknowledged.

The Report is as follows:

- (12) **AUTHORIZATION FOR CONCESSION LEASE BETWEEN MR. RICHARD E. ROBY D/B/A SUNCATCHERS AND CAMERON COUNTY FOR THE CONCESSION LEASE AT ANDY BOWIE PARK**

- (13) **AUTHORIZATION FOR THE CONCESSION LEASE AT THE SANDPIPER PAVILION, ISLA BLANCA PARK, BETWEEN CAMERON COUNTY AND MR. KENNY BREWER AND MS. KATHY BREWER, D/B/A SECONDS**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Concession Lease Agreements with Mr. Richard E. Roby d/b/a Suncatchers, and Mr. Kenny Brewer and Ms. Kathy Brewer d/b/a Seconds, were approved.

The Agreements are as follow:

(14) IN THE MATTER OF A CONTRACT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND MR. TAHER KHALIL, M.D., TO PROVIDE TREATMENT FOR SEXUALLY TRANSMITTED DISEASES (STD) TREATMENT IN THE BROWNSVILLE IOWA CLINIC [TABLED]

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



(15) AUTHORIZATION FOR THE COMPUTER CENTER DIRECTOR TO SUBMIT A GRANT APPLICATION FOR STATE OR FEDERAL ASSISTANCE TO THE CRIMINAL JUSTICE DIVISION, OFFICE OF THE GOVERNOR, IN AUSTIN

Commissioner Cascos moved that the Computer Center Director be authorized to submit a Grant Application for State or Federal Assistance to the Criminal Justice Division, Office of the Governor, Austin, Texas, and to incorporate the County Auditor's recommendations to solicit funds from the District Attorney, the Sheriff's Office and other entities, as matching amounts.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Resolution is as follows:

- (16) **IN THE MATTER OF A VOTING MACHINE LEASE AGREEMENT WITH CAMERON COUNTY IRRIGATION DISTRICT NO. 2 FOR AN ELECTION TO BE HELD ON APRIL 8, 1995 [POSTPONED]**
- (17) **AUTHORIZATION OF A VOTING MACHINE LEASE AGREEMENTS WITH THE FOLLOWING FOR ELECTION OF MAY 6, 1995; RIO HONDO INDEPENDENT SCHOOL DISTRICT AND HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT**
- (18) **AUTHORIZATION TO ALLOW THE ST. JOSEPH ACADEMY TO USE VOTING MACHINES FOR THE ANNUAL STUDENT COUNCIL ELECTION**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Voting Machine Lease Agreements with the Cameron County Irrigation District No. 2, Rio Hondo Independent School District, Harlingen Consolidated Independent School District and St Joseph Academy were approved.

At this time, Ms. Tencha de la Peña, Elections Administrator, noted that the Election of the Cameron County Irrigation District No. 2 was postponed from April 8, 1995 to August 12, 1995.

The Lease Agreements are as follow:

"CONSENT" AGENDA ITEM

THE FOLLOWING ITEMS WERE RECOMMENDED FOR "CONSENT" AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:

Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously, the

"Consent" Agenda Items were approved as follow:

- (19) **AUTHORIZATION TO AWARD REQUEST FOR PROPOSALS - RFP NO. 950105 FOR THE COMPUTER NETWORK AND APPLICATIONS SOFTWARE FOR THE DARRELL B. HESTER JUVENILE DETENTION CENTER IN SAN BENITO**

MICRO AGE, BROWNSVILLE, TEXAS, \$32,780.00

- (20) **AUTHORIZATION TO OPEN BIDS FOR THE CASH OR LEASE PURCHASE FOR PRECINCT NO. 4 OF: A) ONE (1) WATER TRUCK-2,000 GALLON, B) ONE (1) CHIP SPREADER, AND C) TWO (2) 1/2 TON PICK-UP TRUCKS**

The Bids follow:

- (21) **TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGET**
- a) Building Inspector to take the "Certification Exam" in Corpus Christi, Texas, on May 13, 1995;
 - b) Parks Director to attend the "Legislative Hearing on House Bill 2365" in Austin, Texas, on April 12, 1995; and
 - c) Personnel/Safety Risk Director to attend the "1995 Worker's Compensation Update" in Dallas, Texas, on April 19-21, 1995.

ITEM NO. 20 AUTHORIZATION TO OPEN BIDS FOR THE CASH OR LEASE PURCHASE FOR PRECINCT NO. 4 OF: A) ONE (1) WATER TRUCK-2,000 GALLON, B) ONE (1) CHIP SPREADER, AND C) TWO (2) 1/2 TON PICK-UP TRUCKS

The Bids follow:

(22) EXECUTIVE SESSION

Upon motion by Commissioner Matz seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 2:35 P. M. to discuss the following matters:

- a) Discussion with County Counsel concerning the possible litigation with the City of Los Fresnos, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- b) Discussion with County Counsel concerning the personnel matters regarding the Administrator and Director of Nursing of the County's Health Department, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074(1) and (2); and
- c) Discussion with County Counsel concerning the possible litigation involving construction problems in the new Detention Facility in Brownsville, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code Section 551.071(1)(A).

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Regular Session at 5:00 P. M.



(23) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Discussion with County Counsel concerning the possible litigation with the City of Los Fresnos;
- b) In the matter of discussion with County Counsel concerning the personnel matters regarding the Administrator and Director of Nursing of the County's Health Department [NO ACTION TAKEN]; and
- c) Discussion with County Counsel concerning the possible litigation involving construction problems in the New Detention Facility in Brownsville, Texas.

Judge Hinojosa reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should proceed along the terms and conditions as outlined in Executive Session regarding said matters.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, County Counsel was directed to proceed, along the terms and conditions as outlined in Executive Session regarding the possible litigations with the City of Los Fresnos and the new Detention Facility in Brownsville, Texas.

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

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APPROVED this **16th** day of **MAY 1995**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

JOE G. RIVERA,
COUNTY CLERK AND EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT OF
CAMERON COUNTY, TEXAS

