

THE STATE OF TEXAS           §

COUNTY OF CAMERON         §

BE IT REMEMBERED on the 2nd day of MAY 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

INELDA T. GARCIA           Deputy  
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Gilberto Hinojosa. He then asked Rev. Patrick Trobaugh, Portway Baptist Church, 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 28, 1995, at 9:11 A. M.:

**(1) APPROVAL OF THE COUNTY CLAIMS**

At this time, Mr. Mark Yates, County Auditor, requested that the claim as to Scoggins Construction Co., Warrant No. 117613, in the amount of \$50,124.08, be excluded from the Claims List, and added that the Budget Officer's Recommendations were being changed on Item No. 7 to "not recommended" and Item No. 12 to "recommended".

Commissioner Rosenbaum moved that the County Claims be approved, as recommended by the County Auditor.

The motion was seconded by Commissioner Cascos and carried unanimously.



**(2) IN THE MATTER OF BUDGET AMENDMENTS AND/OR SALARY SCHEDULES**

At this time, Mr. Mark Yates, County Auditor, reported that there were no Budget Amendments or Salary Schedules for approval.



**(3) IN THE MATTER OF APPROVAL OF MINUTES OF APRIL 11 AND 18, 1995 (NO ACTION TAKEN)**



**(11) APPROVAL OF THE TEXAS DEPARTMENT OF HEALTH (TDH) DOCUMENT NO. C6000166: CHANGE NO. 01: AMENDMENT FOR IMMUNIZATION ACTION PLAN (IAP) FOR THE PREVENTION OF FUTURE EPIDEMICS OF VACCINE-PREVENTABLE DISEASES**

Commissioner Cascos moved that the Texas Department of Health (TDH), Document No. C6000166; Change No. 1: Amendment for Immunization Division, to fund an Immunization Action Plan (IAP) for the prevention of future epidemics of Vaccine-Preventable Diseases, be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**The Document is as follows:**

**(12) APPROVAL OF CONTRACT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND TAHER KHALIL, M. D., TO PROVIDE TREATMENT FOR SEXUALLY TRANSMITTED DISEASES (STD) IN THE BROWNSVILLE IOWA CLINIC**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Contract between the Cameron County Health Department and Dr. Taher Khalil, M. D., to provide treatment for Sexually Transmitted Diseases (STD) in the Brownsville Iowa Clinic was approved, subject to Legal Review.

**The Service Contract is as follows:**

**(4) ADOPTION OF RESOLUTION HONORING  
FORMER COUNTY COMMISSIONER  
NATIVIDAD "TIVIE" VALENCIA**

Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously, the Resolution Honoring former County Commissioner Natividad "Tivie" Valencia, was adopted.

**The Resolution is as follows:**

(5) **ADOPTION OF A RESOLUTION DECLARING  
THE MONTH OF APRIL 1995, AS "FOSTER  
CARE MONTH"**

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Resolution declaring the Month of April 1995, as "Foster Care Month" was adopted.

**The Resolution is as follows:**

(6) **APPROVAL OF 1) RESOLUTION CONCERNING THE NEED FOR CAMERON COUNTY RESIDENTS TO BECOME MORE AWARE OF THE NEED TO CONSERVE AND REDUCE WATER USAGE AND 2) TO AUTHORIZE THE COUNTY JUDGE, ON BEHALF OF THE COMMISSIONERS' COURT, TO IMPLEMENT AN ACTION PLAN INCLUDING TRANSMITTING THE RESOLUTION TO THE PRIVATE SECTOR, ECONOMIC DEVELOPMENT ORGANIZATIONS, IRRIGATION DISTRICTS AND OTHERS, URGING THEM TO PARTICIPATE IN THE CONSERVATION EFFORTS**

At this time, Commissioner Matz remarked that the Resolution and Action Plan were the result from the previous meeting with the Water Master and added that the matter was an "increasingly" serious situation.

Commissioner Matz moved that the Resolution 1) concerning the need for Cameron County Residents to become more aware of the need to conserve and reduce water usage, be adopted and that 2) the County Judge, on behalf of the Commissioners' Court, be authorized to implement an Action Plan, including transmitting the Resolution to the Private Sector, Economic Development Organizations, Irrigation Districts and others, urging them to participate in the conservation efforts.

The motion was seconded by Commissioner Peña and carried unanimously.

At this time, Judge Hinojosa recommended that Commissioner Matz lead the water conservation efforts for the County.

**The Resolution is as follows:**

(7) **IN THE MATTER TO FORMALLY ACCEPT  
THE DARREL B. HESTER JUVENILE  
JUSTICE CENTER, LOCATED AT 2310 WEST  
HWY. 77, SAN BENITO, TEXAS [TABLED]**

At this time, Mr. Mark Yates, County Auditor, recommended that the Item be **TABLED** and added that the quality of work was not acceptable.

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



(8) **PRESENTATION REGARDING HABITAT FOR  
HUMANITY - BROWNSVILLE STATEMENT OF  
PURPOSE, GOALS AND ACCOMPLISHMENT**

At this time, Mr. Tom Durham, Los Fresnos, explained that "Habitat For Humanity", was a nonprofit, ecumenical Christian Housing Organization that worked in partnership with people, in order to build "affordable housing".

He stated that "Habitat" built and rehabilitated simple, decent houses with the help of the homeowners, volunteer labor and tax-deductible donations of money and materials. He added that the houses were sold at no profit, and were financed with affordable no-interest loans.

Mr. Durham stated that a "Habitat" Chapter was established in Brownsville and was requesting the use of County lands to build approximately ten (10) houses.

Judge Hinojosa stated that the concept of providing County land for "affordable housing" was being researched as to the legal issues.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the presentation regarding the Habitat for Humanity in Brownsville, concerning the statement of purpose, goals and accomplishments was acknowledged.



**(9) ACKNOWLEDGEMENT OF REVIEW COMMITTEE MEMBERS FOR THE EVALUATION OF ENGINEERING DESIGN PROPOSALS FOR THE LOS TOMATES INTERNATIONAL BRIDGE**

At this time, Michael Martin, County Engineer, recommended that the following persons be included in the Review Committee:

- Gilberto Hinojosa, County Judge
- Michael Martin, County Engineer
- Joe Galvan, Bridge Systems Director
- P. J. Garcia, City Engineer
- Two (2) non-voting Representatives, that being John Hudson of Traffic Engineers and Jody Ellington of TxDOT

He stated that twelve (12) proposals were received and that the Review Meeting dates were being scheduled.

Commissioner Cascos suggested that either Commissioner Rosenbaum and he be included in the Review Committee, as well as the Brownsville City Managers and the County Auditor.

Commissioner Matz moved that the Review Committee Members for the Evaluation of Engineering Design Proposals for the Los Tomates International Bridge be acknowledged as follow:

- Gilberto Hinojosa, County Judge
- Michael Martin, County Engineer
- Joe Galvan, Bridge Systems Director
- P. J. Garcia, City Engineer
- Mark Yates, County Auditor
- Lucino Rosenbaum, Jr., Commissioner, Precinct No. 1
- Andy Vega, Brownsville City Manager
- Two (2) non-voting Representatives, that being John Hudson of Traffic Engineers and Jody Ellington of TxDOT

The motion was seconded by Commissioner Peña and carried unanimously.



**(10) AUTHORIZATION TO TRANSFER FUNDS 10-404 RECORDS MANAGEMENT TO TAX ASSESSOR-COLLECTOR DEPARTMENT**

At this time, Mr. Joe G. Rivera, County Clerk, stated that several weeks ago the Court approved a Branch Office in La Feria and that he had identified the amount of \$4,000.00, to be transferred for the added expenses, for the balance of the Fiscal Year.

Commissioner Cascos questioned whether the County Clerk would be transferring money for the next Fiscal Year and the County Clerk responded that his commitment was for the current Fiscal Year.

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the transfer



of Funds 10-404 Records Management to the Tax Assessor-Collector Department was authorized.



**(13) RATIFICATION OF THE NINETY (90) DAY  
"OPTION TO LEASE" REAL ESTATE  
AGREEMENT, APPROVED APRIL 18, 1995**

Commissioner Rosenbaum moved that the "Ninety (90) Day Option to Lease" Real Estate Agreement approved April 18, 1995, be ratified.

The motion was seconded by Commissioner Peña and carried unanimously.

**The Service Agreement is as follows:**

**(14) APPROVAL OF THE GRANT APPLICATION TO  
"COLLOCATE" WITH THE DRUG  
ENFORCEMENT AGENCY (DEA) AND  
CUSTOMS**

Commissioner Cascos moved that the submittal of the Grant Application and Resolution by the Cameron County Financial Disruption Task Force to the Office of the Governor - Criminal Justice Division, be approved in order to "collocate" with the Drug Enforcement Agency (DEA) and Customs.

The motion was seconded by Commissioner Peña.

**The Resolution is as follows:**

(15) **APPROVAL FOR CAMERON COUNTY FINANCIAL DISRUPTION TASK FORCE TO CONTRACT WITH B. P. NEWMAN FOR LEASE OF 3,410 SQUARE FEET OFFICE SPACE AT 1100 FM/802, SUNRISE OFFICE BUILDING, EFFECTIVE JUNE 15, 1995, THROUGH JUNE 30, 1996**

At this time, Mr. Mark Yates, County Auditor, reported that the funding for the Task Force would not be confirmed until June 1, 1995, and that the Court would be executing a Lease Agreement prior to assurance of funding and recommended tabling the matter.

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

Mr. Joe Morales, Task Force Coordinator, explained that the monies were set-aside by the Federal Government, in order for Customs, Drug Enforcement Agency (DEA) and the Task Force to be located in the same building.

Mr. Yates stated that he would support approval, subject to notification of the Grant approval.

At this time, Commissioner Matz withdrew his original motion to table the matter.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Cameron County Financial Disruption Task Force was authorized to contract with B. P. Newman for the lease of 3,410 square feet of office space at 1100 FM/802, Sunrise Office Building, effective June 15, 1995, through June 30, 1996, subject to notification of the Grant approval.

**The Lease Agreement is as follows:**

**(16) PROFESSIONAL SERVICES AGREEMENT  
BETWEEN MEJIA AND ROSE INC., AND  
CAMERON COUNTY, FOR THE DESIGN AND  
DEVELOPMENT OF ROAD IMPROVEMENTS AT  
CAMERON PARK AND AUTHORIZING THE  
COUNTY JUDGE TO EXECUTE SAID  
AGREEMENT**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Professional Services Agreement between Mejia and Rose Inc., and Cameron County for the design and development of road improvements at Cameron County Park was approved, and the County Judge was authorized to execute said Agreement.

**The Service Agreement is as follows:**

**(17) APPROVAL OF THE CHAIRPERSON OF EARLY VOTING BALLOT BOARD AND TWO (2) CLERKS**

At this time, Judge Hinojosa recommended that Ms. Lala Rodriguez, Brownsville, Texas, serve as Chairperson of the Early Voting Ballot Board and Ms. Elvira Ortiz, Deputy District Clerk, as Clerk.

Ms. Tencha De La Peña, Elections Administrator, stated that Ms. Hilda Muñoz, Republican, would serve as a permanent Clerk but could not serve during this Election.

At this time, Ms. Lala Rodriguez recommended that Ms. Medora Garza serve as a Clerk.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the following individuals were appointed to serve on the Early Voting Ballot Board:

- Ms. Lala Rodriguez, Chairperson
  - Ms. Elvira Ortiz, Clerk, and
  - Ms. Medora Garza, Clerk.
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**ITEM NOT ON AGENDA**

**APPROVAL OF VOTING MACHINES LEASE AGREEMENT WITH THE CITY OF HARLINGEN**

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Voting Machines Lease Agreement with the City of Harlingen was approved; subject to ratification.

**The Lease Agreement is as follows:**

**(18) APPROVAL OF PACE HIGH SCHOOL TO USE TWO VOTING MACHINES FOR THE STUDENT COUNCIL AND CLASS ELECTION ON MAY 10, 1995**

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the use of two (2) voting machines for the Pace High School Student Council and Class Election was approved.



**(19) APPROVAL OF A NEW CONTRACT WITH THE REVENUE MARKETS, INC., FOR THE MAINTENANCE OF TOLL EQUIPMENT AT GATEWAY INTERNATIONAL AND THE FREE TRADE BRIDGES**

At this time, Joe Galvan, Bridge Systems Director, explained that this Item had been considered previously and proceeded to review the comparisons between the previous Contract and the "new" Maintenance Agreement.

Mr. Galvan noted that the "new" Contract would be for six (6) months and in the amount of \$25,020.00. He recommended that the balance of the budgeted amount be utilized for a part-time Computer Technician and for the maintenance of equipment, since it would no longer be under warranty.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the "new" Contract with the Revenue Markets, Inc., New York, for the maintenance of the Toll Equipment at Gateway International and Free Trade Bridges was approved.

**The Service Agreement is as follows:**

## **"CONSENT" AGENDA ITEMS**

**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 Matz, seconded by Commissioner Peña and carried unanimously, the

"Consent" Agenda Items were approved as follows:

**(21) AUTHORIZATION TO OPEN PROPOSALS FOR BANK DEPOSITORY-TREASURER'S DEPARTMENT**

**The Proposals follow:**

**(22) APPROVAL OF I. B. M. AS SOLE SOURCE VENDOR FOR PURCHASE OF OPERATING SYSTEM 3.1 FOR I. B. M. AS/400 DATA PROCESSING DEPARTMENT**

**(23) PRELIMINARY AND FINAL APPROVAL**

- a) Precinct No. 4 - R and E Subdivision - being a subdivision of 4.783 acres of land and being all of Lot 18, of the "B" and "C" Subdivision;
- b) Precinct No. 4 - George Zepeda Subdivision - being 34.281 acres comprised of 0.042 acres out of a 34.239 acre tract; and
- c) Precinct No. 4 - O'Canas Family Subdivision - being a 6.57 acre tract of land comprised of the Northeast 3.60 acres of Block 40, and the Southeast 2.97 acres of Block 41, La Feria Land and Irrigation Company Subdivision.

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**(24) FINAL APPROVAL**

- a) Precinct No. 4 - Timberland Subdivision - being 19.386 acres out of tracts 2 and 3, Dishman Survey 22.

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**(25) AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING:**

- a) Program Development and Management Director and Cameron Park Community Center Director to attend the "Colonias Conference" at The University of Texas, Austin, Texas, on May 4 - 6, 1995;
- b) Major and employee of the Sheriff's Department to attend the "Ruiz Litigation Conference" in Austin, Texas, on April 27, 1995;
- c) Engineering Building Inspector, to attend the "Municipal Inspectors Training School" in College Station, Texas, on May 8, 1995;

- d) Justice of the Peace, Precinct No. 1, to attend the "Justice of the Peace Seminar" in Austin, Texas, on May 16 - 19, 1995;
- e) Four (4) Officers of the Cameron County Drug Enforcement Task Force, to attend the "Texas Narcotics Officers Association (TNOA) Annual Training Conference" in Houston, Texas, on July 16 - 20, 1995;
- f) Six (6) Officers of the Cameron County Drug Enforcement Task Force and Secretary, to attend the "Texas Narcotics Control Program (TNCP) Annual Training Conference" in Odessa, Texas, on June 4 - 8, 1995;
- g) Two (2) Agents and Secretary, to attend the "Texas Narcotics Control Program (TNCP) Conference" in Odessa, Texas, on June 5 - 6, 1995;
- h) Six (6) Women, Infants and Children (WIC) Employees, to attend the "Seven Habits of Highly Effective People Seminar" in McAllen, Texas, on May 22 - 25, 1995; and
- i) Computer Center Director to attend the one (1) day "Complimentary Seminar" sponsored by Progress Software for the IBM AS/400 System in Corpus Christi, Texas, on May 4, 1995.



**(20) IN THE MATTER TO ADVERTISE FOR BIDS -  
PRECINCT 1 - (CASH OR LEASE) [TABLED]**

- a) one (1) Pneumatic Roller
- b) one (1) Pick-up Truck ¾ ton with Trade
- c) one (1) Tractor/Mower
- d) one (1) Dump Truck 12-14 C. Y. with Trade

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



**ITEM NO. (21)**

**AUTHORIZATION TO OPEN PROPOSALS FOR BANK DEPOSITORY-  
TREASURER'S DEPARTMENT**

**The Proposals follow:**

**(26) EXECUTIVE SESSION**

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

- a) Confer with County Counsel on Balderas vs. Cameron County et al, M-95-092 in the United States District Court for the Southern District of Texas, McAllen Division, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A); and
- b) Confer with legal counsel on possible litigation involving the construction of 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 Cascos and carried unanimously, the Court reconvened in Regular Session at 3:00 P.M.



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

- a) Confer with County Counsel on Balderas vs. Cameron County et al, M-95-092 in the United States District Court for the Southern District of Texas, McAllen Division.

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

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, County Counsel was instructed to proceed along the terms and conditions outlined in Executive Session, concerning the case styled Balderas vs. Cameron County, et al, M-95-092.

- b) Confer with legal counsel on possible litigation involving the construction of the New Detention Facility in Brownsville.

Mr. Douglas Wright, County Counsel, reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Engineer be authorized to seek professional advise from the Engineering Firm of Shiner Moseley, concerning the structural issues pertaining to the construction of the new Detention Facility.

**The Contract is as follows:**

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the County Engineer was directed to seek professional advise from the Engineering Firm of Shiner Moseley, concerning

the structural issues pertaining to the construction of the new Detention Facility.



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

**APPROVED** this **30th** day of **MAY 1995**.

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**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**ATTEST:**

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