

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 3rd day of October, 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

COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS  
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ  
COMMISSIONER, PRECINCT NO. 3

HECTOR PEÑA  
COMMISSIONER, PRECINCT NO. 4

LUPITA RAMIREZ Deputy  
COUNTY CLERK

ABSENT:  
LUCINO ROSENBAUM, JR.

---

---

The meeting was called to order by Judge Gilberto Hinojosa. He then asked Mr. Bob Clark, Brownsville resident, 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 September 29, 1995, at 11:06 A. M. and the Supplemental Agenda Record at 12:08 P. M.

**(1) APPROVAL OF COUNTY CLAIMS**

Commissioner Cascos moved that the County Claims be approved as presented by the County Auditor.

The motion was seconded by Commissioner Peña and carried unanimously.

---

---

**(2) IN THE MATTER OF THE BUDGET  
AMENDMENTS AND/OR SALARY SCHEDULES  
(NO ACTION TAKEN)**

The County Auditor reported that there were no Budget Amendments and/or Salary schedules for approval at this time.

---

---

**(3) IN THE MATTER OF THE MINUTES (NO ACTION  
TAKEN)**

The County Clerk Deputy reported that there were no Minutes for approval at this time.

---

---

**(4) ADOPTION OF A RESOLUTION DESIGNATING  
OCTOBER 1995 AS "VOTER REGISTRATION  
MONTH"**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Resolution designating October 1995, as "Voter Registration Month", was adopted.

**The Resolution is as follows:**

**(5) ADOPTION OF A RESOLUTION APPOINTING A REPRESENTATIVE FROM CAMERON COUNTY AS MEMBER OF THE BOARD OF DIRECTORS FOR THE CAMERON COUNTY APPRAISAL DISTRICT**

Commissioner Matz moved that the Resolution appointing Commissioner Cascos as the Representative from Cameron County to the Board of Directors for the Cameron County Appraisal District be adopted.

The motion was seconded by Commissioner Peña and carried unanimously.

**The Resolution is as follows:**

**(6) ADOPTION OF A RESOLUTION DESIGNATION  
OCTOBER 1995, AS "DOMESTIC VIOLENCE  
AWARENESS MONTH"**

At this time, Ms. Belinda C. Mendoza, Executive Director of the Friendship of Women, Inc., stated that domestic violence was a threat to everyone, and added that the Brownsville shelter provided assistance for anyone needing it. She expressed her gratitude to the Court for their continued support.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Resolution designating October 1995, as "Domestic Violence Awareness Month", was adopted.

**The Resolution is as follows:**

**(29) EXECUTIVE SESSION:**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 1:50 P. M. to discuss the following matters:

- a) To discuss case and settlement authority on the case styled Burton vs. County, Cause No. B-94-034, in the United States District Court for the Southern District of Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(a) and (b);
- b) To discuss additional expenses for FM/509 Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- c) To confer with Legal Counsel on the Contract with Bill Scoggins Construction Company regarding the status of the Juvenile Probation Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 3:30 P. M.



**(30) ACTION RELATIVE TO EXECUTIVE SESSION:**

- a) To discuss case and settlement authority on the case styled Burton vs. County, Cause No. B-94-034, in the United States District Court for the Southern District of Texas; and
- c) To confer with Legal Counsel on the Contract with Bill Scoggins Construction Company regarding the status of the Juvenile Probation Building.

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 Cascos, seconded by Commissioner Matz and carried unanimously, County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session regarding a) the case styled Burton vs. Cameron County, Cause No. B-94-034 in the United States District Court for the Southern District of Texas, and c) the Contract with Bill Scoggins Construction Company regarding the status of the Juvenile Probation Building.

- b) To discuss additional expenses for FM/509 Project.

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

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the County Engineer was directed to proceed along the terms and conditions as outlined in Executive Session, and County Counsel was directed to contact the owners and negotiate the additional expenses for FM/509 Project.



- (7) **IN THE MATTER OF THE CONTRACT WITH NOE D. GARZA, JR., ATTORNEY AT LAW, TO REPRESENT INDIGENT DEFENDANTS OF CAMERON COUNTY, IN THE AMOUNT OF \$2,335.00 PER MONTH (TABLED)**
- (8) **IN THE MATTER OF THE CONTRACT WITH MANUEL M. VELA, ATTORNEY AT LAW, TO REPRESENT INDIGENT DEFENDANTS OF CAMERON COUNTY, IN THE AMOUNT OF \$2,000.00 PER MONTH (TABLED)**

Mr. Mark Yates, County Auditor, stated that during the Budget process, the County Court at Law Judges expressed a need to Contract for Court Appointed Attorneys for each of the Courts, in order to handle the Indigent and Juvenile case loads. He stated that County Court at Law No. 2 was budgeted the amount of \$26,000.00 and County Court at Law No. 1 was budgeted the amount of \$53,000.00 for Court Appointed Attorneys and added that if the two (2) Contracts were executed, only \$900.00 would remain for the balance of the year.

Judge Hinojosa related his experience as a County Court at Law Judge and stated that he rarely appointed Attorneys because the defendants usually entered a guilty plea, and added that he did not understand the need for the Contract.

There was some discussion concerning the need to Contract with Attorneys, the different amount of the Contracts and whether the Attorneys would be available full-time and the suggestion was made to table the matter, in order to discuss the issues with the County Court at Law Judge.

At this time, Commissioner Cascos suggested that the matter be tabled, in order to meet with the County Court at Law Judge to discuss the Contracts and to project the number of cases expected to be handled.

Upon motion made by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, this

Item was **TABLED**.



(9) **APPROVAL OF A CONTRACT WITH DOCTOR JAMES FREEBERG, PSYCHIATRIST, FOR PSYCHOLOGICAL SERVICES TO THE INMATES AT THE CAMERON COUNTY JAIL FACILITIES, IN THE AMOUNT OF \$2,010.00 PER MONTH**

Mr. Mark Yates, County Auditor, stated that the proposal by Dr. James Freeberg for the renewal Contract was higher than the current Contract and added that the additional funds were not Budgeted.

At this time, Commissioner Cascos recommended that the Contract be approved, in the same amount as last year, and to negotiate with Doctor Freeberg; adding that otherwise a Budget Amendment would be required and the Court had agreed not to make Budget Amendments.

Commissioner Cascos moved to negotiate the Contract with Dr. James Freeberg, not to exceed the amount which was Budgeted or last year's Contract amount, whichever was less.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Contract is as follows:**

**(10) APPROVAL OF A CONTRACT WITH MS. TERI MCCABE RETANA FOR DIETARY/NUTRITIONAL SERVICES AT THE CAMERON COUNTY JAIL FACILITIES, IN THE AMOUNT OF \$325.00 PER MONTH**

Commissioner Peña moved that the Contract with Ms. Teri McCabe Retana, Brownsville, Texas, for Dietary/Nutritional Services at the Cameron County Jail Facilities, in the amount of \$325.00 per month, be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Contract is as follows:**



**(11) APPROVAL OF A CONTRACT WITH MR. JOSE ROLANDO OLVERA FOR PHARMACEUTICAL SERVICE AT THE CAMERON COUNTY JAIL FACILITIES**

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Contract with Mr. Jose Rolando Olvera, Brownsville, Texas, for Pharmaceutical Service at the Cameron County Jail Facilities, was approved.

**The Contract is as follows:**

**(12) APPROVAL OF THE SHERIFF'S FEES FOR 1995-1996**

Commissioner Matz moved that the Sheriff's Fees for 1995-1996 be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

**The Order is as follows:**

**(13) AUTHORIZATION TO UTILIZE - PHONE BILLING EXAMINERS (P.B.X.) FOR AUDITING AND CONSULTING SERVICES ON PHONE BILLING REIMBURSEMENTS AND POTENTIAL FUTURE SAVINGS**

Mr. Mark Yates, County Auditor, stated that PBX Billing Examiners proposed to conduct an Audit to address the issue of whether the Court was getting a "good deal" with the Plexar Phone System, and added that any savings would be shared at a sixty to forty (60-40) ratio.

At this time, Judge Hinojosa questioned whether the new Phone System had been installed, and the County Auditor responded that Southwestern Bell was waiting for approval from the Publics Utilities Commission.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the utilization of the Phone Billing Examiners (P. B. X.) for Auditing and Consulting services on the phone billing reimbursements and potential future savings, was approved.

**The Contract is as follows:**

**(14) ACCEPTANCE OF COLD DRINK EQUIPMENT  
ORDER SIGNED BY COUNTY JUDGE**

Commissioner Cascos moved that the order for Cold Drink equipment signed by the County Judge be accepted.

The motion was seconded by Commissioner Matz and carried unanimously.



**(15) APPROVAL OF THE COUNTY LATERAL ROAD  
ACCOUNT REPORT FOR THE YEAR OF  
SEPTEMBER 1, 1994, THROUGH AUGUST 31,  
1995**

Upon motion by Cascos, seconded by Matz and carried unanimously, the County Lateral Road Report for the year of September 1, 1994, through August 31, 1995, was approved.

**The Report is as follows:**

**(16) APPROVAL OF A CONTRACT BETWEEN CAMERON COUNTY HEALTH DEPARTMENT AND CAMERON PARK FOR THE USE OF BUILDING TO HOUSE SATELLITE WOMEN CHILDREN AND INFANT (WIC) CLINIC**

Commissioner Cascos moved that the Contract between Cameron County Health Department and Cameron Park for the use of the building to house the Satellite Women Children and Infant (WIC) Clinic be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

**The Contract is as follows:**

**(17) APPROVAL OF THE TEXAS DEPARTMENT OF HEALTH DOCUMENT NO. C6000166, CHANGE NO. 04 - BUREAU OF WOMEN AND CHILDREN, FEE ATTACHMENT NO. 08 AND ATTACHMENT NO. 09, BUREAU OF WOMEN AND CHILDREN CORE, IN THE AMOUNT OF \$784,578.00**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Texas Department of Health Document No. C6000166, Change No. 04 - Bureau of Women and Children, Fee Attachment No. 08 and Attachment No. 09, Bureau of Women and Children Core, in the amount of \$784,578.00, was approved.

**The Document is as follows:**

**(18) APPROVAL TO RENEW HEWLETT PACKARD  
(HP) MAINTENANCE SUPPORT**

Commissioner Cascos moved that the Hewlett Packard (HP) Maintenance Support Agreement be renewed.

The motion was seconded by Commissioner Peña and carried unanimously.

**The Contract is as follows:**

**(19) IN THE MATTER OF DECISION DATA ON SITE MAINTENANCE SUPPORT FOR THE TWO (2) REMOTE TWINAX CONTROLLERS USE BY TAX OFFICE (TABLED)**

**(20) IN THE MATTER OF THE HP 948 MAINTENANCE HARDWARE AND SOFTWARE SUPPORT WITH HEWLETT PACKARD COMPANY, AT A TOTAL COST OF \$30,048.00 (TABLED)**

Mr. Mark Yates, County Auditor, explained the need to determine if the proposed Maintenance Agreements were "sole source". He stated that it was practice not to get Purchase Orders for Maintenance Agreements, but that with the Budget Constraints, for the coming year, suggested that Purchase Orders be taken.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, this Item was **TABLED**, in order for the County Auditor to determine whether the Contracts were "sole source," and to obtain Purchase Orders.



**(21) ADOPTION OF THE ORDER ESTABLISHING THE FEE SCHEDULE FOR THE OFFICE OF THE COUNTY CLERK, SAID FEES EFFECTIVE SEPTEMBER 1, 1995**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the approved Order establishing the Fee Schedule for the Office of the County Clerk, effective September 1, 1995, was ratified.

**The Order is as follows:**



**(22) AUTHORIZATION FOR JEFFERSON  
ELEMENTARY SCHOOL TO BORROW ONE (1)  
VOTING MACHINE TO CONDUCT THE  
STUDENT COUNCIL ELECTION ON OCTOBER  
3, 1995**

Commissioner Cascos moved that Jefferson Elementary School be authorized the use of one (1) Voting Machine, in order to conduct the Student Council Election on October 3, 1995.

The motion was seconded by Commissioner Matz and carried unanimously.



**(23) AUTHORIZATION TO EXECUTE A BLANKET  
UTILITY EASEMENT WITH CENTRAL POWER  
AND LIGHT FOR SERVICE TO THE CAMERON  
COUNTY AIRPORT**

Mr. Michael Martin, County Engineer, stated in order to expedite the work at the County Airport, the County Engineer was requesting "Blanket Easement" with the stipulation that the County Engineer's Office determine the location of the Electrical lines.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Blanket Utility Easement with Central Power and Light for service to the Cameron County Airport was approved.

**The Document is as follows:**

**(24) AUTHORIZATION FOR PROGRAM DEVELOPMENT AND MANAGEMENT DEPARTMENT TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH CRUZ-HOGAN CONSULTANTS, INC., FOR THE ENGINEERING DESIGN AND CONSTRUCTION MANAGEMENT OF CERTAIN IMPROVEMENTS TO THE OLMITO WATER SUPPLY CORPORATION'S WATER STORAGE FACILITIES**

Commissioner Cascos moved that the Program Development and Management Director be authorized to negotiate a Professional Services Agreement with Cruz-Hogan Consultants, Inc., for the Engineering Design and Construction Management of certain improvements to the Olmito Water Supply Corporation's Water Storage Facilities.

The motion was seconded by Commissioner Peña and carried unanimously.



**(25) AUTHORIZATION TO ISSUE BEACH VENDOR PERMIT NO. 4 TO HECTOR GARCIA, DOING BUSINESS AS (DBA) HECTOR'S ROLLING SNACKS, FOR MOBILE VENDING ON PUBLIC BEACHES OF SOUTH PADRE ISLAND AND BOCA CHICA, LICENSE NO. 904-5UN**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, Beach Vendor Permit No. Four (4) was issued to Hector Garcia, Doing Business As (d/b/a) Hector's Rolling Snacks, for Mobile Vending on Public Beaches of South Padre Island and Boca Chica, License No. 904-5UN.

**The Permit as follows:**

**(26) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET**

- a) Parks System Director and three (3) employees to attend the "National Recreation and Park Association Annual Congress" in San Antonio, Texas, on October 5-7, 1995.

There was some discussion as to the need for three (3) employees to attend the National Recreation and Park Association Annual Congress and the suggestion was made to authorize the Parks Systems Director to attend, and no employees.

- b) Tax Assessor-Collector and Chief Deputies to attend the "13th Annual County Tax Assessor-Collector's Continuing Education Seminar" in College Station, Texas, on November 15-18, 1995.

There was some discussion as to the number Deputies that should attend the 13th Annual County Tax Assessor-Collector's Continuing Education Seminar and the recommendation was made to allow the Deputies to attend, since it was an "Educational" Seminar.

- c) Health Department employee to attend the "Texas Perinatal Association Planning Committee Meeting" in Weslaco, Texas, on September 12, 1995.
- d) Health Department employee to attend the "Texas Perinatal Association Conference" in South Padre Island, Texas, on October 6-7, 1995.
- e) Cameron County Drug Enforcement Task Force Commander to attend the "Regional Meeting" in George West, Texas, on October 3, 1995.
- f) Bridge System Director to attend the "White House conference on Travel Tourism", in Washington, D.C., on October 29-31, 1995.

At this time, Mr. Joe Galvan, Bridge System Director, explained his appointment as a delegate to the National White House Conference on Travel and Tourism, and the subsequent five (5) Travel Requests approved by the Court. He added that the County Auditor questioned the appropriateness of the Travel, and requested clarification from the Court as to whether it was appropriate for the County to pay for said travel.

Mr. Mark Yates, County Auditor, stated that it was a practice that when County Officials were appointed to State Boards, that the State would pay for the travel, and added the need to determine whether the travel was a County sponsored activity, or a Bridge related activity, to determine the source of funding.

Commissioner Matz stated that the State was not reimbursing for participation on State Boards and recommended that the travel expense be approved because it would be a benefit for the County to be represented.

Commissioner Cascos stated that the issue was whether Item was a Bridge System expenditure or a General Funds expenditure and recommended that the funding be allocated from the Bridge Fund.

- g) County Court at Law Judge No. One (1) to attend the "18th Annual Advanced Civil Trial Course Seminar" in Austin, Texas, on October 10-13, 1995.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Travel and/or travel expenses were approved, subject to the change noted one Item 26 "a".

---

---

## **"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 Cascos, seconded by Commissioner Peña and carried unanimously, the "Consent" Agenda Items were approved as follow:

- (27) **FINAL APPROVAL FOR:**
- a) **Precinct No. 4** - West 30 Subdivision - being 34.42 acre tract comprised of all of Block No. 185 (21.32 A.C.) Adams Gardens Subdivision "C".
- (28) **AUTHORIZATION TO OPEN REQUEST FOR PROPOSALS  
- (RFP) NO. 950801 - JUDICIAL COURT SYSTEM  
AUTOMATION - DATA PROCESSING**

**The Bids are as follows:**

## **SUPPLEMENTAL AGENDA**

**(2) IN THE MATTER OF CAMERON COUNTY TO ENTER INTO AN INTERLOCAL AGREEMENT WITH NIÑOS HEAD START ASSOCIATION, CONCERNING THE USE OF CAMERON COUNTY PARK FACILITIES (TABLED)**

At this time, Mr. Mark Yates, County Auditor, stated that the Cameron County Texas Parks System Revenue Refunding Bonds, Series 1988, covenants stipulated that no free services be provided to any users of the System while any Bonds or additional Bonds remained outstanding, and suggested the need for Sponsors.

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

---

**(1) IN THE MATTER TO INCREASE THE COUNTY'S PORTION OF THE FUNDING MATCH WITH TEXAS DEPARTMENT OF TRANSPORTATION TO REPLACE TWO (2) BRIDGES (TABLED)**

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

---

**(NOT ON AGENDA) AUTHORIZATION TO HIRE A PAID DEPUTY FOR CONSTABLE PRECINCT NO. 7**

Judge Hinojosa stated that the transfer of a Deputy from Precinct No. 1 to Precinct No. 7, was to be effective October 1, 1995, but that the County Auditor's Office was requiring Court approval, in order to allow the Constable for Precinct No. 7 to hire said person.

At this time, Mr. Doug Wright, Cameron County Counsel, stated that the Court approved the Reserve Deputies' Commissions until October 1, 1995, and added that all of those issues needed to be considered by the Court.

Mr. Mark Yates, County Auditor, suggested that the Personnel Department be contacted and to request that next year's List of Deputies and Reserve Deputies be placed on the Agenda at the next Meeting.

Judge Hinojosa stated that Constable Jimenez requested Court's approval, to be ratified at the next Meeting.

Mr. Wright stated that there were two (2) issues being discussed, 1) this was not an Agenda Item and 2) the Court needed to control the appointments of Deputy Constables. He stated that the Court needed to make a "finding" as to whether the person was needed, and added that there was a Statute for the process.

At this time, Commissioner Cascos question when the re- alignment of the Constables' Precincts would be available and Judge Hinojosa responded that his Office was following the "Notice" provisions and had a time-line established and had several proposals for the re-alignments. He noted that the re-alignments would be effective on January 1, 1997.

There was some discussion concerning the request of the Constable for Precinct No. 7 and the suggestion was made to have this Item consider at the next Meeting.

---

---

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

---

---

**APPROVED** this **31ST** day of **OCTOBER** 1995.

---

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

**ATTEST:**

---

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