

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 3rd day of May, 1994, 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:  
ANTONIO O. GARZA, JR.  
COUNTY JUDGE

COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS  
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ  
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA  
COMMISSIONER, PRECINCT NO. 4

INELDA T. GARCIA, DEPUTY  
COUNTY CLERK

ABSENT:

LUCINO ROSENBAUM, JR.

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The meeting was called to order by Judge Antonio Garza, Jr. He then asked Mr. Mark Yates, County Auditor, to lead the Court and 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 29, 1994, at 1:09 P. M.:

## **"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 Valencia and carried unanimously, the

"Consent" Agenda Items were approved as follow:

- (10) AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE QUIT CLAIM DEED TO CAMERON COUNTY DRAINAGE DISTRICT NUMBER ONE (1) FOR RIGHT-OF-WAY EASEMENT CONCERNING LOT 2C, BLOCK 112 OF THE EL JARDIN SUBDIVISION, ESPIRITU SANTO GRANT

**The Deed follows:**

- (11) AUTHORIZATION TO ADOPT RESOLUTION OPPOSING THE REMOVAL OF CHANNEL 24 C-SPAN FROM TCI CABLE'S PROGRAMMING

**The Resolution follows:**

- (12) APPROVAL OF VOTING MACHINE LEASE AGREEMENTS FOR VARIOUS ENTITIES:  
CITY OF PORT ISABEL,  
CITY OF RIO HONDO,  
(TOWN OF SOUTH PADRE ISLAND, AND  
CITY OF HARLINGEN)

**The Lease Agreements follow:**

- (13) APPROVAL FOR AN OIL COMPANY TO PICK UP USED OIL

**The Service Agreement follows:**

- (14) AUTHORIZATION TO ADVERTISE FOR ONE (1) CHIPPER - SPREADER - LEASE PURCHASE - PRECINCTS NO. 1 and NO. 2
- (15) APPROVAL OF REQUEST BY DUANE C. PITT TO UTILIZE SIX (6) RV UNITS IN ISLA BLANCA TO HOUSE TEMPORARY DORM-TYPE TRAILER UNITS FOR "GULF QUEST" SUMMER EDUCATION PROGRAM, IN ACCORDANCE WITH CONDITIONS STIPULATED BY STAFF
- (16) AUTHORIZATION FOR CLOSING OF A ROAD ADJACENT TO THE SOUTH BOUNDARY OF BLOCK 14, OLMITO GARDENS, TRACT 3

**The Order follows:**

- (17) AUTHORIZATION FOR COUNTY ENGINEER TO PREPARE SPECIFICATIONS AND PLANS AND TO ADVERTISE FOR BIDS FOR DAKOTA ROAD SECTION II, FROM MAVERICK ROAD TO SOUTHMOST ROAD
- (18) AUTHORIZATION TO DESIGNATE AUTHORITY TO NAME UNNAMED ROADS AND ESTABLISH A RURAL NUMBER SYSTEM FOR THE RURAL ADDRESSING PROJECT

(19) AUTHORIZATION FOR COUNTY ENGINEER TO PREPARE SPECIFICATIONS AND PLANS AND TO ADVERTISE FOR BIDS FOR SIDEWALK IMPROVEMENTS FOR SAN PEDRO

(20) PRELIMINARY AND FINAL APPROVAL

(a) **Precinct No. 4:**  
Enrique Jimenez Subdivision - a subdivision containing a 1.18 gross acre tract of land out of Block 13, C. D. Lovelace Subdivision of the Champion Tract;

(b) **Precinct No. 3:**  
Guerra Ranch Subdivision - being a subdivision of 5.00 acres and all of Lot 1, Block 1 of Sunset Acres Subdivision; and

(c) **Precinct No. 3:**  
Zarate Subdivision - being a subdivision of 3.00 acres of land out of Block 62, of the San Benito Land & Water Company Subdivision.

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

a) County Engineer to attend the "Water/Wastewater Industry Seminar" on May 19-20, 1994, in McAllen, Texas; and

b) District Clerk and two (2) Deputies to attend the "County & District Clerks' Association of Texas Annual Conference" to be held in Galveston, Texas, on June 13-18, 1994.

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**ITEM NO. 10**

**AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE QUIT  
CLAIM DEED TO CAMERON COUNTY DRAINAGE DISTRICT  
NUMBER ONE (1) FOR RIGHT-OF-WAY EASEMENT  
CONCERNING LOT 2C, BLOCK 112 OF THE EL JARDIN  
SUBDIVISION, ESPIRITU SANTO GRANT**

**The Deed follows:**

**ITEM NO. 11**

**AUTHORIZATION TO ADOPT RESOLUTION OPPOSING THE  
REMOVAL OF CHANNEL 24 C-SPAN FROM TCI CABLE'S  
PROGRAMMING**

**The Resolution follows:**

**ITEM NO. 12**

**APPROVAL OF VOTING MACHINE LEASE AGREEMENTS  
FOR VARIOUS ENTITIES:**

**CITY OF PORT ISABEL,  
CITY OF RIO HONDO,  
(TOWN OF SOUTH PADRE ISLAND, AND  
CITY OF HARLINGEN)**

**The Lease Agreements follow:**

**ITEM NO. 13**

**APPROVAL FOR AN OIL COMPANY TO PICK UP USED OIL**

**The Service Agreement follows:**

**ITEM NO. 16**

**AUTHORIZATION FOR CLOSING OF A ROAD ADJACENT TO  
THE SOUTH BOUNDARY OF BLOCK 14, OLMITO GARDENS,  
TRACT 3**

**The Order follows:**

(2) **APPROVAL OF BUDGET AMENDMENTS AND/OR SALARY SCHEDULES**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Fiscal Year 1994 Budget Amendment No. 94-19 was approved.

At this time, Ms. Rosemary Martinez, Budget Officer, explained that the first Application and Certificate for Payment for the new Jail Facility had been received. She stated that the Court approved the Project the previous week but that the funding source was not designated and she recommended that the local Certificate of Obligation Funds be allocated for said payment.

Commissioner Matz moved that payment on the expansion of the Jail Facility be allocated from available Bond Funds.

The motion was seconded by Commissioner Valencia and carried unanimously.

**The Budget Amendment is as follows:**

At this time, Ms. Tencha de la Peña, Elections Administrator, requested that the Lease Agreements between the County and the Town of South Padre Island and the City of Harlingen be included in the "Consent" Agenda Item No. 12.

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(1) **APPROVAL OF COUNTY CLAIMS**

At this time, Mr. Mark Yates, County Auditor, requested that the invoice for the Detention Center Project be included in the claims for approval, subject to the Auditor's review.

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

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

**AYE:** Commissioners Cascos, Matz and Valencia

**NAY:** None

**ABSTAIN:** Judge Garza as to the claims of:  
**E. DE LA GARZA, INC.:**  
Warrant No. 97118 - \$203.27.

**The Affidavit is as follows:**

(6) **CONSIDERATION AND POSSIBLE SETTING OF  
DATE AND PLACE FOR AN INCORPORATION  
ELECTION FOR THE COMMUNITY OF LOS  
INDIOS**

At this time, Judge Garza explained that certain findings needed to be obtained prior to formally setting the date for an Incorporation Election for the Community of Los Indios. He suggested that 1) Ms. Dylbia Jeffries, County Counsel, coordinate the election process; 2) that the Elections Administrator's Office work with County Counsel to review the fifty (50) signatures on the Petition in order to certify that they were registered voters; 3) that the County Engineer's Office work with County Counsel to determine that the boundaries outlined on the Petition were correct, and 4) that County Counsel, in conjunction with the County Engineer and Elections Administrator's Office, determine that over 201 and less than 9,999 inhabitants existed within the established boundaries.

Judge Garza stated that the findings would be necessary prior to setting the date of the election, and requested that the information be provided within one (1) week but that two (2) weeks should be sufficient, if necessary.

Commissioner Cascos moved that the Elections Administrator and the County Engineer, working in conjunction with Ms. Dylbia Jeffries, County Counsel, be directed to proceed as outlined, regarding the possible setting of date and place for an Incorporation Election for the Community of Los Indios.

The motion was seconded by Commissioner Matz and carried unanimously.

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(3) **IN THE MATTER OF MINUTES' OF APRIL 19  
AND APRIL 26, 1994**

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

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(4) **IN THE MATTER OF DISCUSSION OF ALCALA  
SUBDIVISION BY MR. WILLIAM FAULK  
(TABLED)**

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

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(5) **IN THE MATTER OF THE PRESENTATION OF  
THE REFUGE REVENUE SHARING ACT  
PAYMENT TO THE COUNTY BY MR. STEVE  
THOMPSON, LAGUNA ATASCOSA NATIONAL  
WILDLIFE REFUGE (TABLED)**

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

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(7) **APPROVAL TO PROVIDE CLERICAL  
ASSISTANCE TO THE INDIGENT HEALTH CARE  
PROGRAM IN REGISTERING QUALIFIED  
INMATES INTO THE PROGRAM**

At this time, Mr. Mark Yates, County Auditor, explained that Dr. Gustavo Stern, Jail Physician, had expressed an interest in extending the Indigent Health Care Program to the Detention Center and County Jail inmates who qualified. He stated that the suggestion was made to retain a Clerical Assistant to work half a day, with supervision of the Sheriff's Department, to qualify the inmates for the Indigent Health Care Program, and the other half of the day to assist the County Auditor's Office in processing the claims.

Mr. Yates reviewed the level of expenditures, the expected trends and the amount of money in unprocessed claims and the fact that State funds were allocated on a first-come first-serve basis. He stated that the State provided 80% of the funds for the cost of the inmates, and added that a Clerical Assistant, in the estimated cost of \$21,000.00 annually, would expedite the processing of claims.

Ms. Rosemary Martinez, Budget Officer, stated that based on the current trends, the Counties throughout the State were ahead of schedule, as far as receiving State funds, and that there were no guarantees that the Program would extend to the end of the Fiscal Year, that being August 31, 1994. She suggested that the "temporary" help to qualify inmates should be for the current period until the State funds were exhausted.

Judge Garza suggested a "ninety-day part-time" position to assist the Indigent Health Care Program, not to exceed 900 hours with no fringe benefits, and that a Budget Amendment be prepared for the following week.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, a ninety-day part-time Clerical Assistant was approved for the Indigent Health Care Program in order to register qualified inmates into the Program.

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**(8) APPROVAL OF 1994 NEW EQUIPMENT  
REQUESTS**

At this time, Ms. Rosemary Martinez, Budget Officer, reviewed the following "New Equipment Requests" highlighting the items being requested, the dollar amounts and the recommendations:

At this time, District Clerk Aurora de la Garza explained the need for the microfilm cabinet and the telephone head sets requested, and Ms. Martinez responded that the District Clerk was converting to Optical Imaging, including the imaging of the microfilm, thus eliminating the need for a cabinet.

Ms. Martinez indicated that the total "New Equipment Requests", including the Computer Equipment, was in the amount of \$250,000.00.

Commissioner Cascos moved that the 1994 New Equipment Request be approved as recommended by the Budget Officer.

The motion was seconded by Commissioner Matz and carried unanimously.

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(9) **APPROVAL OF 1994 COMPUTER EQUIPMENT REQUESTS**

At this time, Ms. Rosemary Martinez, Budget Officer, reviewed the following "Computer Equipment Requests" highlighting the items being requested and the recommendations:

Ms. Martinez explained that some of the requests made were the result of the acquisition of the IBM System the previous year and added that the AS/400 Computer package purchased for the Tax Office was nearing capacity and would require upgrading. She stated that in order for the Hewlett Packard (HP) and the IBM to accommodate and increase communication, the Department had to obtain \$12,000.00 worth of equipment, which should have been part of the original package.

Mr. Mark Yates, County Auditor, explained that the Tax Program was presented as a total solution for the Tax Department; however, now it needed \$12,000.00 worth of equipment, and in his opinion, it was not the total solution, as promised.

Judge Garza questioned if there were remedies under the Contract and Mr. Yates responded that the vendor delivered everything under the Contract as far as hardware, but that the software was not complete.

Mr. Yates explained that the County had two (2) Computer Systems, the Hewlett Packard (HP) and the IBM System, but that there was a need to integrate and to communicate the two (2) Systems. He stated that at one end was the Sheriff's Department and at the other end was the Adult Probation Department, and that there was no synchronization between those two (2) Systems and the Judicial System.

Ms. Martinez explained that the Adult Probation and the Tax Office were currently utilizing both Computer Systems and at some point the Systems were supposed to be integrated. She added that the Departments were having to duplicate much of the work and suggested that the Computer Systems needed to be evaluated before continuing to add to the Systems.

Judge Garza stated that it appeared that the County was "slow to make a commitment to a particular platform", that being the IBM or the HP, and that the costs to interface the Systems were great.

Commissioner Cascos questioned why the County had gone from the HP to an IBM System, and added that it appeared that every time a Computer Center Director was hired, the Computer Systems were changed.

Ms. Martinez explained that the acquisition of the IBM System was the result of a State Grant, and added that the evaluation of the Computer Systems had to include how that System would impact the County as a whole.

Mr. Norio Nisugushi, Computer Center Director, stated that the HP and IBM Systems were good Computer Systems but that the problem was the "In-house Programs" and added that the Computer Systems required the resources to upgrade.

At this time, Commissioner Matz recommended that Commissioner Cascos be designated as the liaison to the Computer Department and that he should study the matter of evaluating the Computer Systems for one (1) week and report to the Court.

Ms. Martinez stated that the Court needed to direct the Computer Department as to the type of platform to follow in order to Plan accordingly. She stated that HP Programs were "in-house" and were not completed but that the hardware was not the problem.

Ms. Martinez explained that the Court had not yet authorized the acquisition of a Criminal Justice System, but that if a System was to be obtained, then both the HP and IBM Systems should be reviewed. She stated that over the years the Financial Package had been put at the bottom of the priority list while the Criminal Justice System was being developed, and now it appeared that they were recommending to do away with it. She stated that the options should be evaluated in order to determine what could be salvaged and what resources could be used. She added that the Commissary System, developed in-house, had been scheduled to be completed within ninety (90) days, but had not yet been finished and it was started over two (2) years ago.

Commissioner Cascos remarked that any direction taken by the Court would involve money and that the financing available for this type of commitment was not known. He stated that he was going to rely on staff recommendations, based on their knowledge, and that a Meeting should be set up between the Budget Officer, the Computer Director and the County Auditor to evaluate the needs and the direction to take. He noted that the Court should make a personnel commitment to evaluate everybody's compensation in order to attract quality help.

Commissioner Matz commented that it appeared that the Items reflected on the Computer Equipment Requests were Items that needed to be purchased and did not impact the decision to be made in conjunction with Commissioner Cascos.

Ms. Martinez stated that the Items were needed by the different Department, as specified, and the suggestion was made to schedule a Workshop with the Budget Officer and the Computer Center Director at a later date to evaluate the other concerns.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the 1994 Computer Equipment Requests, specific Departments, were approved, as recommended by the Budget Officer.

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**(8) APPROVAL OF 1994 NEW EQUIPMENT REQUESTS**

At this time, Ms. Rosemary Martinez, Budget Officer, stated that the Vehicle Maintenance Department Equipment Request included a new VHF Tower Site, in the amount of \$4,500.00, to replace the current dilapidated tower, and added that the matter had been reviewed by the Purchasing Agent and the Vehicle Maintenance Supervisor for over two (2) weeks.

Mr. Mike Forbes, Purchasing Agent, reviewed the three (3) options available, that being to 1) to stay at the present site, 2) repair the tower at the current site and 3) to move to a new site. He recommended that the Valley Communications site, one (1) mile from the current site, be utilized, and added that the change in location would remove the County from the liability problems at the present site.

Mr. Lee Lozano, Vehicle Maintenance Supervisor, stated that the cost to improve the current tower would be in the amount between \$7,000.00 and \$8,000.00, and that there was no security system in case of power failure.

Ms. Martinez stated that the Tower at Valley Communications site would be utilized at no cost, provided that the County provided the security checks. She added that the County had provided the funding for the tower but wanted to notify the Court and the VHF users of the move. She added that if they are comfortable with the situation, after sixty (60) days, they would then tear down the old site and continue doing business with Valley Communications.

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**(13) APPROVAL FOR AN OIL COMPANY TO PICK UP USED OIL**

Mr. Lee Lozano, Vehicle Maintenance Supervisor, explained that two (2) companies were interested in picking up the used oil for the County; that being a) Specialty Oil Company, La Feria, Texas, at five (5) cents per gallon, and the County being liable for the oil until it arrived at the Recycling Center in Corpus Christi, and 2) D and D Oil Company, La Feria, Texas, at no charge for the oil, adding that D and D recycled the oil and made a profit from the collected oil. He recommended that a Service Agreement between D and D Oil Company be prepared, in conjunction with the County Attorney, so that the County would not be liable as the generator of the used oil.

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**(22) EXECUTIVE SESSION**

Upon motion by Commissioner Matz seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 2:45 P. M. to discuss the following matters:

- a) Discuss settlement offer received in threatened litigation on Natalia Flores vs. Cameron County and others (unfiled case - allegation of assault), pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A)(B); and
- b) Discuss Longoria vs. Cameron County, et. al. with Attorney, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A)(B).

Upon motion by Commissioner Matz seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 2:55 P. M.

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

- a) Action regarding settlement offer, and
- b) Action regarding hiring attorney for individual defendants and/or County.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel Richard Burst should be directed to proceed in the representation of the Court in said matters.

Commissioner Matz moved that Mr. Richard Burst, County Counsel, be directed to proceed in the representation of the Court in the matters concerning a) the settlement offer, and b) the hiring of an Attorney for individual defendants and/or County.

The motion was seconded by Commissioner Cascos and carried unanimously.

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

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APPROVED this **17th** day of **MAY**, 1994.

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**ANTONIO O. GARZA, JR.**  
**COUNTY JUDGE**

**ATTEST:**

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