

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 19TH day of APRIL, 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:
JUDGE ANTONIO O. GARZA, JR.
COUNTY JUDGE

LUCINO ROSENBAUM, JR.
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

COMMISSIONER, PRECINCT NO. 4

INELDA T. GARCIA, DEPUTY
COUNTY CLERK

ABSENT:

NATIVIDAD VALENCIA

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Ms. Karen Chapman, Class IX Leadership Brownsville, 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 15, 1994, at 10:25 A. M.:

(5) **AUTHORIZATION TO ADOPT RESOLUTION
CELEBRATING "COUNTY GOVERNMENT
AWARENESS WEEK", APRIL 16-23, 1994**

Commissioner Matz moved that the Resolution celebrating "County Government Awareness Week" during the week of April 16-23, 1994, be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Resolution follows:

(6) **PRESENTATION OF PHOTO ESSAY BY ROBERT BYARS FOR "COUNTY GOVERNMENT AWARENESS WEEK", APRIL 16-23, 1994, SPONSORED BY TEXAS ASSOCIATION OF COUNTIES AND V. G. YOUNG INSTITUTE**

At this time, Master Robert Byars, La Feria 4-H Club, presented the Court with several pictures taken by him that displayed Cameron County "government at work" as part of a Project in honor of the "National County Government Awareness Week."

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz, and carried unanimously, the Photo Essay for "County Government Awareness Week" during April 16-23, 1994, was acknowledged, as presented by Master Robert Byars, La Feria 4-H Club member, and sponsored by the Texas Association of Counties and V. G. Young Institute.

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(7) **IN THE MATTER OF THE ELECTIONS ADMINISTRATOR PRESENTATION OF AMENDED LAWS RELATING TO VOTER REGISTRATION AND ELECTIONS (TABLED)**

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

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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 Cascos, and carried unanimously, the "CONSENT" Agenda Items were approved as follow:

- (11) APPROVAL OF SERVICE AGREEMENT BETWEEN CAMERON COUNTY AND ACORDIA BENEFITS OF TEXAS, INC.

The Service Agreement follows:

- (12) APPROVAL TO APPLY FOR A CONTINUING GRANT FOR THE CAMERON COUNTY FINANCIAL DISRUPTION TASK FORCE, THROUGH THE TEXAS NARCOTIC CONTROL PROGRAM, CRIMINAL JUSTICE DIVISION

The Resolution follows:

- (13) AUTHORIZATION TO AWARD BIDS FOR IRRIGATION/SPRINKLER SYSTEM AT LOS INDIOS

VALLEY WIDE SPRINKLER SYSTEMS, Harlingen, Texas
\$22,700.00

- (14) AUTHORIZATION OF RESOLUTION REGARDING UNDERGROUND UTILITIES IN UNINCORPORATED AREAS OF SOUTH PADRE ISLAND, TEXAS

The Resolution follows:

- (15) CONSIDERATION AND ACTION REGARDING AMENDMENT TO ZONING ORDINANCE FOR SOUTH PADRE ISLAND, TEXAS, REQUIRING ALL NEW SERVICE CONNECTIONS FROM ELECTRIC POWER SUPPLIER TO BE INSTALLED UNDERGROUND IN THE UNINCORPORATED AREAS OF SOUTH PADRE ISLAND, TEXAS

The Amendment follows:

- (16) AUTHORIZATION OF MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY AND CENTRAL POWER AND LIGHT COMPANY, SOUTHERN REGION, REGARDING THE FUTURE PLACEMENT OF ELECTRICAL UTILITIES IN UNINCORPORATED AREAS OF SOUTH PADRE ISLAND, TEXAS

The "Memorandum of Understanding" follows:

(17) AUTHORIZATION OF POLICY FOR RENTAL OF MOBILE VENDOR'S STATION AT PELICAN PAVILION, ANDY BOWIE PARK

The Policy follows:

(18) APPROVAL OF APPLICATION FOR MOBILE BEACH BUSINESS RENEWAL FOR ABO MARAND, DBA ABO'S BEACH RENTALS, PERMIT NO. 2389

The Application follows:

(19) APPROVAL OF APPLICATION FOR MOBILE BEACH BUSINESS RENEWAL FOR ABO MARAND, DBA ABO'S BEACH RENTALS, PERMIT NO. 2413

The Application follows:

(20) APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND THE CITY OF BROWNSVILLE FOR ELECTIONS ADMINISTRATOR TO CONDUCT JOINT ELECTIONS WITH THE CITY AND VARIOUS OTHER GOVERNMENTAL ENTITIES

The Agreement follows:

(21) FINAL APPROVAL

a) Precinct No. 3:

Las Yescas Subdivision - being a resubdivision of Lot 29 and 36, out of Arroyo Gardens Unit No. 1; and

b) Precinct No. 3:

East Fresnos Subdivision - being 153.867 acres out of Lot 1, 2 and 3, Cole Tract Subdivision.

(22) PRELIMINARY APPROVAL

a) Precinct No. 4:

Del Valle No. 5 Subdivision, being a subdivision of a 7.41 Acre tract of land out of Block 66, San Benito Land and Water Company Subdivision.

(23) AUTHORIZATION TO AWARD BIDS FOR TWO (2) DUMP TRUCK (12 TO 14 Cubic Yards) - PRECINCT NO. 2 AND NO. 4

TIPTON MOTORS, Brownsville, Texas

B) \$112,070.65

(24) AUTHORIZATION TO ALLOW ST. JOSEPH HIGH SCHOOL TO USE 2 VOTING MACHINES FOR THE ANNUAL STUDENT COUNCIL ELECTION ON MAY 3, 1994

(25) AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGET:

a) Program Development and Management Secretary to attend the "File Management Seminar" in Harlingen, Texas, on May 6, 1994;

b) Two (2) County Engineer employees to travel to College Station, Texas, to attend the "Municipal Inspectors Training School" on May 2-6, 1994;

c) Two (2) Deputy Constables Precinct No. 2 to travel to Corpus Christi, Texas, on April 26-29, 1994, to attend the "Civil Process School"; and

d) Three (3) Tax Deputies to attend the "TAAO Education Course" in San Benito, Texas, on May 9-12, 1994.

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At this time, Commissioner Matz noted that Items No. 14, No. 15, and No. 16 were the results of efforts by many people to have underground electrical installations at South Padre Island, and added that it "would be good for all the parties concerned."

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ITEM NO. 11

**APPROVAL OF SERVICE AGREEMENT BETWEEN CAMERON
COUNTY AND ACORDIA BENEFITS OF TEXAS, INC.**

The Service Agreement follows:

ITEM NO. 12

**APPROVAL TO APPLY FOR A CONTINUING GRANT FOR THE
CAMERON COUNTY FINANCIAL DISRUPTION TASK FORCE,
THROUGH THE TEXAS NARCOTIC CONTROL PROGRAM,
CRIMINAL JUSTICE DIVISION**

The Resolution follows:

ITEM NO.14

**AUTHORIZATION OF RESOLUTION REGARDING UNDERGROUND
UTILITIES IN UNINCORPORATED AREAS OF SOUTH PADRE
ISLAND, TEXAS**

The Resolution follows:

ITEM NO. 15

**CONSIDERATION AND ACTION REGARDING AMENDMENT TO
ZONING ORDINANCE FOR SOUTH PADRE ISLAND, TEXAS,
REQUIRING ALL NEW SERVICE CONNECTIONS FROM ELECTRIC
POWER SUPPLIER TO BE INSTALLED UNDERGROUND IN THE
UNINCORPORATED AREAS OF SOUTH PADRE ISLAND, TEXAS**

The Amendment follows:

**ITEM NO. 16 AUTHORIZATION OF MEMORANDUM OF UNDERSTANDING
BETWEEN CAMERON COUNTY AND CENTRAL POWER AND LIGHT
COMPANY, SOUTHERN REGION, REGARDING THE FUTURE
PLACEMENT OF ELECTRICAL UTILITIES IN UNINCORPORATED
AREAS OF SOUTH PADRE ISLAND, TEXAS**

The "Memorandum of Understanding" follows:

ITEM NO. 17

**AUTHORIZATION OF POLICY FOR RENTAL OF MOBILE VENDOR'S
STATION AT PELICAN PAVILION, ANDY BOWIE PARK**

The Policy follows:

**ITEM NO. 18 APPROVAL OF APPLICATION FOR MOBILE BEACH BUSINESS
RENEWAL FOR ABO MARAND, DBA ABO'S BEACH RENTALS,
PERMIT NO. 2389**

**ITEM NO. 19 APPROVAL OF APPLICATION FOR MOBILE BEACH BUSINESS
RENEWAL FOR ABO MARAND, DBA: ABO'S BEACH RENTALS,
PERMIT NO. 2413**

The Applications follows:

ITEM NO. 20

**APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND
THE CITY OF BROWNSVILLE FOR ELECTIONS ADMINISTRATOR
TO CONDUCT JOINT ELECTIONS WITH THE CITY AND VARIOUS
OTHER GOVERNMENTAL ENTITIES**

The Agreement follows:

(26) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 1:45 P. M. to discuss the following matters:

- a) Discuss proposal of temporary housing as possible settlement alternative, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A) and (B);
- b) Discuss providing Counsel for independent defendant in Cause No. 91-02-00449-C, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A); and
- c) Evaluate Building Maintenance Superintendent, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Court reconvened in Regular Session at 3:05 P.M.

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(27) ACTION RELATIVE TO EXECUTIVE SESSION

- b) Action regarding providing Counsel for independent defendant in Cause No. 91-02-00449-C.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the Court should provide Counsel on said matter.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, County Counsel was provided for the independent defendant regarding Cause No. 91-02-00449-C.

- c) Action regarding evaluation for the Building Maintenance Superintendent.

Commissioner Cascos moved that the Building Maintenance Superintendent be granted an increase of \$3,500.00, post evaluation, said amount to be pro-rated for the balance of the year, said funds to be allocated from the Fund Balance.

- a) Action regarding authorization for necessary action to initiate construction of temporary Adult Detention Center.

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

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, County Counsel was directed to proceed with the defense regarding the litigation relating to the construction of the temporary Adult Detention Center, as a possible settlement alternative.

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(8) **CONSIDERATION OF CAMERON COUNTY
JAIL CONDITIONS AND POSSIBLE
DECLARATION OF EMERGENCY
CONDITIONS BECAUSE OF THE THREAT OF
RIOT, PUBLIC CALAMITY AND EMERGENCY
CONDITIONS**

Commissioner Cascos moved that the competitive bidding be waived because of the threat of rioting, public calamity and emergency conditions, mainly jail overcrowding, and that the necessary Contracts for Housing and Jailing Inmates, be executed.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(9) **CONSIDERATION AND POSSIBLE APPROVAL
OF TEMPORARY HOUSING AGREEMENT
BETWEEN CAMERON COUNTY AND THE
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE**

At this time, Judge Garza commended Ms. Rosemary Martinez, Budget Officer, Sheriff Alex Perez, Chief Carlos Tapia, and Mr. Mark Yates, Budget Officer, for their efforts regarding the evaluation of the various Proposals received and asked for their recommendations.

Ms. Rosemary Martinez, Budget Officer, recommended that the Court execute the Contract with the Texas Department of Criminal Justice and added that the Contract had been reviewed by County Counsel.

Commissioner Cascos moved that the Temporary Housing Agreement between Cameron County and the Texas Department of Criminal Justice be approved as recommended by the Budget Officer.

The motion was seconded by Commissioner Matz and carried unanimously.

The Agreement is as follows:

(10) **APPROVAL OF VENDOR CONTRACT FOR COMPLIANCE AND SATISFACTION OF TEMPORARY HOUSING AGREEMENT BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE**

Ms. Rosemary Martinez, Budget Officer, reported that five (5) different Contractors were contacted and their proposal reviewed and "of great concern was trying to maximize the investment statement totaling \$761,000.00 and to use it in a more permanent fashion, other than Temporary Housing." She stated that they were recommending the low bid by Sunrise Properties, Brownsville, Texas, in conjunction with Labunski Architects, Harlingen, Texas, and JAG Construction Inc., Brownsville, Texas, said proposal in the amount of \$761,000.00.

Judge Garza clarified that "on the face of the Proposal, it was the best proposal which provided for the construction in the most efficient and cost effective for the County". He stated that the Proposal allowed the County the flexibility needed with respect to the usage of the funds and the available Bond Funds, and added that it was the low bid.

Ms. Martinez stated that the next to the lowest bid received was in the amount of \$768,000.00, and did not include the permit costs. She added that the low bid of Sunrise Properties provided the best opportunity for expansion beyond the 192 beds that they were proposing to add.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos, and carried unanimously, the Vendor Contract with Sunrise Properties, Brownsville, Texas, for the compliance and satisfaction of Temporary Housing Agreement between Cameron County and the Texas Department of Criminal Justice was approved, as recommended by the Budget Officer, in conjunction with the Sheriff and the County Auditor, subject to final approval by Legal Counsel.

The Agreement is as follows:

(1) **APPROVAL OF COUNTY CLAIMS**

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the County Claims were approved as presented by the County Auditor.

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(2) **IN THE MATTER OF BUDGET AMENDMENT
AND/OR SALARY SCHEDULE**

Ms. Rosemary Martinez, Budget Officer, stated that there were no Budget Amendments and/or Salary Schedules for approval.

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(3) **IN THE MATTER OF MINUTES' OF APRIL 12,
1994 (TABLED)**

The Deputy County Clerk stated that there are no Minutes' for approval at this time.

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(4) **PRESENTATION OF THE COMPREHENSIVE
ANNUAL FINANCIAL REPORT FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 1993
AUDITED BY PATTILLO, BROWN, AND HILL,
CERTIFIED PUBLIC ACCOUNTANTS AND
THE CAMERON COUNTY AUDITOR'S
OFFICE**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos, and carried unanimously, the Comprehensive Annual Financial Report for the Fiscal Year Ending September 30, 1993, audited by the firm of Pattillo, Brown and Hill, Certified Public Accountants, and the Cameron County Auditor's Office, was acknowledged.

The Reports are as follow:

(7) **PRESENTATION BY THE ELECTIONS
ADMINISTRATOR OF AMENDED LAWS
RELATING TO VOTER REGISTRATION AND
ELECTIONS**

At this time, Ms. Tencha de la Peña, Elections Administrator, reviewed the following letter to Commissioners, dated March 29, 1994, which highlighted changes in the Elections Laws that would be difficult for her Office to comply with because of the lack of staff and resources:

She explained that one of the changes required that the Elections Administrator furnish each entity of Cameron County a list of qualified voters for that particular entity's election and added that it would take several engineers to determine the boundary lines of the more than twenty (20) entities in the County.

There was some discussion concerning the burdens imposed on the County Elections Department due to the changes of the Elections Code and Commissioner Matz questioned whether the Elections Commission should address those concerns and Judge Garza responded that the matter could be discussed, but that ultimately, the Court had to consider the resources in order to comply with the Election Laws.

Commissioner Matz moved that the matter regarding the Election Code and related issues be referred to the Elections Commission for evaluation and recommendation.

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 Rosenbaum, seconded by Commissioner Cascos, and carried unanimously, the meeting was adjourned.

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APPROVED this **12th** day of **May**, 1994.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

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