

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 14th day of DECEMBER, 1999, there was conducted a REGULAR Public Meeting 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:

9:30 A.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A.
COMMISSIONER, PRECINCT NO. 2

COMMISSIONER, PRECINCT NO. 3

NATIVIDAD "TIVIE" VALENCIA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

JAMES R. MATZ

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(1) APPROVAL OF COUNTY CLAIMS

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

The motion was seconded by Commissioner Valencia and carried as follows:

AYE: Commissioners Benavides, Cascos and Valencia

NAY: None

ABSTAINED: Judge Hinojosa, as to Warrant No. 24722, payable to the Laguna Madre Water District.

The Affidavit is as follows:

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

Commissioner Valencia moved that the 1999 Fiscal Year Budget Amendment No. 99-55 be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Budget Amendments are as follow:

(3) IN THE MATTER OF MINUTES OF NOVEMBER 9, 1999, AND NOVEMBER 16, 1999 (TABLED)

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, this Item was **TABLED**.

(4) AUTHORIZATION TO SUBMIT APPLICATION FOR STATE FINANCIAL ASSISTANCE FOR BEACH MAINTENANCE FOR FISCAL YEAR 2000

Commissioner Valencia moved that the application for State Financial Assistance be submitted for Beach Maintenance for Fiscal Year 2000.

The motion was seconded by Commissioner Benavides and carried unanimously.

(5) POSSIBLE ACTION ON THE REQUEST BY THE LAGUNA MADRE HABITATION FOR HUMANITY REGARDING CAMERON COUNTY BUILDING PERMITS

At this time, Mr. Ted Meyer, Laguna Madre Habitation for Humanity Executive Director, explained that the organization built housing through donated funds and volunteers for low income families in the Laguna Vista and Port Isabel areas and requested that the inspection fees by the County be waived. He noted that the qualifying families participated in the construction of the home and reported that the organization built an average of two (2) homes per year in the rural area.

Commissioner Cascos stated that a policy did not exist concerning the waiving of fees and stated that waiving the fees would set a bad precedent for other organizations.

Judge Hinojosa expressed his support in granting the waiver of fees and added that the organization allowed the rural residents to participate and become members of the community.

Commissioner Valencia expressed his support regarding the waiving of fees and stated that the organization allowed the residents to improve the quality of life for themselves.

Commissioner Benavides expressed his support regarding said matter and added that the organization targeted under privileged families, in order to improve their lives.

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the request by the Laguna Madre Habitation for Humanity regarding Cameron County Building Permits was approved.

(6) AUTHORIZATION TO APPLY FOR A HISTORICAL MARKER FROM THE TEXAS HISTORICAL COMMISSION FOR THE DANCY BUILDING AND APPROVAL OF A\$900 MARKER FEE

Commissioner Valencia moved that the County apply for a Historical Marker from the Texas Historical Commission for the Dancy Building and that the \$900 Marker Fee be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

(7) APPROVAL OF COUNTY POLICY WAIVERS ON PROCUREMENT OF PROFESSIONAL SERVICES AND FORMAL BIDDING, PURSUANT TO THE ARROYO COLORADO ESTATES SELF HELP PROJECT (TCDP CONTRACT NO. 718096)

At this time, Commissioner Valencia questioned the status of the La Torre Subdivision and Mr. Frank Bejarano, Program Development and Management Director, responded that the County had applied for planning funds to examine the cost of water and sewer for the subdivision.

Mr. Bejarano stated that La Torre Subdivision was an illegal subdivision that contained low water and septic tanks and added that the septic tanks did not comply with State laws. He explained that a grant was awarded to perform water and wastewater studies and noted that the Texas Water Development Board had conducted feasibility studies in various Colonias throughout Santa Rosa, including La Torre Subdivision. He noted that the County had delayed the feasibility study, in order to avoid duplication of the study.

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the County Policy Waivers on Procurement of Professional Services and Formal Bidding was approved, pursuant to the Arroyo Colorado Estates Self Help Project, that being the Texas Community Development Program Contract No. 718096.

(8) AUTHORIZATION TO REQUEST FROM INTERNATIONAL BOUNDARY AND WATER COMMISSION THE RELEASE OF LEVEE EASEMENTS AT THE VETERANS INTERNATIONAL BRIDGE (LOS TOMATES PROJECT)

Commissioner Valencia moved that the release of levee easements at the Veterans International Bridge, that being Los Tomates Project, be requested from the International Boundary and Water Commission.

The motion was seconded by Commissioner Cascos and carried unanimously.

- (9) **AUTHORIZATION TO ACCEPT LA AVENIDA IGLESIA ROAD, LOCATED IN LA IGLESIA VIEJA SUBDIVISION SECTION 2, PRECINCT NO. 4, INTO THE COUNTY ROAD SYSTEM**
- (10) **AUTHORIZATION TO ACCEPT LAGO DRIVE, LOCATED IN HIDDEN LAKE SUBDIVISION, SECTION 2, PRECINCT NO. 4, INTO THE COUNTY ROAD SYSTEM**
- (11) **AUTHORIZATION TO ACCEPT DOMBROW COURT, LOCATED IN DOMBROW ESTATES SUBDIVISION, PRECINCT NO. 3, INTO THE COUNTY ROAD SYSTEM**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the following roads were accepted into the County Road System:

La Avenida Iglesia Road, located in La Iglesia Vieja Subdivision, Section 2, Precinct No. 4,

Lago Drive, located in Hidden Lake Subdivision, Section 2, Precinct No. 4, and

Dombrow Court, located in Dombrow Estates Subdivision, Precinct No. 3.

At this time, Judge Hinojosa stated that the County Auditor and Engineer should review the equipment list, in order to repair the roads which had been accepted into the County Road System and suggested that roads be paved, as opposed to placing caliche, which was a short term solution concerning improvement of the roads.

Commissioner Cascos stated that the County would need to allocate Bond Funds for the necessary equipment, due to the high cost of the equipment.



- (12) **AUTHORIZATION TO CONTRACT WITH RABA KISTNER FOR MATERIALS TESTING FOR THE ADULT PROBATION OFFICE IN SAN BENITO**

At this time, Judge Hinojosa clarified that the Adult Probation Department Offices would be constructed next to the Juvenile Detention Facility in San Benito and noted that a materials testing would be conducted on the site.

Commissioner Cascos moved that the Contract with Raba Kistner be contracted for materials testing for the Adult Probation Office in San Benito, subject to Legal review.

The motion was seconded by Commissioner Valencia and carried unanimously.



(13) **AUTHORIZATION FOR PREPARATION OF THE CONTRACT FOR THE NEW COUNTY JAIL, PURSUANT TO THE DESIGN BUILD PROPOSAL SUBMITTED BY LANDMARK**

At this time, Commissioner Cascos stated that the Contract should include language reflecting that eighty percent (80%) of the workforce would be selected locally, noting that Cameron County be a priority in the selection of the workforce.

Judge Hinojosa stated that the Contract should also include the firm of Landmark advising the Court if the firm needed to deviate from the percentage of the workforce, in order to provide the County with the best costs. He stated that there would be modifications throughout the construction phase and added that the discretion and flexibility be included in the Contract, in order to incorporate the modifications.

Commissioner Cascos moved that the Contract with Landmark be prepared to construct the new County Jail, in the amount of \$19,480,000.00, pursuant to the Design Build Proposal submitted by Landmark.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Design Proposal is as follows:

**(14) APPROVAL OF THE EVALUATION COMMITTEE
FOR CELLULAR PHONES - ANNUAL REQUEST
FOR PROPOSAL NO. 1740-99-1101**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the following Evaluation Committee for Cellular Phones - Annual Request for Proposal No. 1740-99-1101, was approved:

Mr. Richard Santellana, Adult Probation,

Captain Ronnie Saenz, Sheriff's Department,

Mr. Javier Mendez, Parks System,

Mr. Juan Bernal, Engineering Department,

Mr. Mark Yates, Auditor's Office,

Mr. Mike Forbes, Purchasing Agent,

Mr. Remi Garza, County Judge's Office, and

Mr. Oscar Leal, Precinct No. 4.

**(15) APPROVAL OF THE AGREEMENT BETWEEN
CAMERON COUNTY AND SOUTH WESTERN
BELL COMPANY TO PROVIDE FRAME RELAY
SERVICE TERM PRICING PLAN**

Commissioner Cascos moved that the Agreement between Cameron County and South Western Bell to provide Frame Relay Service Term Pricing Plan be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreement is as follows:

CONSENT AGENDA ITEM

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

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the

AConsent® Agenda Items were approved as follow:

(16) TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET AND ALL APPLICABLE COUNTY POLICIES:

- a) Assistant County Administrator, Sheriff, Chief and Major to meet with the Texas Commission of Jail Standards and Landmark regarding the new jail facility in Austin, Texas, on December 9-10, 1999;
- b) International Bridge Systems Manager to attend the AMcAllen Conference on State and Federal Personnel Laws® in McAllen, Texas, on February 7-8, 2000;
- c) County Clerk and two (2) Deputies attend the ACounty and District Clerks= Legal Education Conference® in Austin, Texas, on January 12-14, 2000;
- d) County Extension Agent to attend the ADistrict 12-4-H Food Show® in Falfurrias, Texas, on December 4, 1999;
- e) Tax Office Automobile Titles and Registration Theft Division Deputy Investigator to attend the ATexas Department of Public Safety Specialized Auto Theft School® in Austin, Texas, on January 2-8, 2000;
- f) Juvenile Caseworker Administrator and Caseworker Assistant to attend the ACaseworker 4 Training by Texas Juvenile Probation Commission at Hidalgo County Juvenile Probation Department® in Edinburg, Texas, on November 16-17, 1999;
- g) Juvenile Special Program Coordinator to attend the AGang Awareness Training® in South Padre Island, Texas, on October 7, 1999;
- h) Juvenile Probation Officer to attend a ADepartment Training at the Marriott Hotel® in Harlingen, Texas, on September 1, 1999;
- I) Sheriff=s Department Investigator to attend the AChild Abuse Training Seminar® in San Antonio, Texas, on January 9-12, 2000; and
- j) Sheriff=s Department Lieutenant (Auto Theft Division) to attend a ASpecialized Motor Vehicle Theft Investigation School® in Austin, Texas, on January 7, 2000.

(17) PRELIMINARY APPROVAL

a) Precinct No. 3

Altas Palmas Animal Clinic Subdivision - being a resubdivision of 1.97 acre tract of land situated in and part of Block No. 14, Stuart Place Subdivision of Survey No. 138.

(18) FINAL APPROVAL

a) Precinct No. 3

Guadalupe Sanchez Subdivision - being a subdivision of 4.68 acres of land and being a resubdivision of Lot No. 9, Block No. 1, of the Shoemaker Acres Subdivision.

(19) AWARD BIDS AND/OR REQUEST FOR PROPOSALS

a) PICK-UP TRUCK - CONSTABLE PRECINCT NO. 6

HEART OF TEX DODGE - Austin, Texas

One (1) Pick-up truck - \$15,362.00

b) LIGHT BULBS AND BALLASTS - ANNUAL BID NO. 2004

WATSON ELECTRIC - Harlingen, Texas

Total - \$8,065.75

c) BEACH CLEANING - ANNUAL BID NO. 1225

CARLOS GALVAN - Port Isabel, Texas

Complete cleaning for month - \$2,500.00

(20) OPEN BIDS AND/OR REQUEST FOR PROPOSALS

- a) DIETARY SUPPLIES - QUARTERLY BID NO. 2050-1;
- b) FOOD: CANNED AND DRIED - QUARTERLY BID NO. 2110-1;
- c) FOOD: FROZEN - QUARTERLY BID NO. 2165-1;
- d) FOOD: MEATS - QUARTERLY BID NO. 2170-1; AND
- e) FOOD: SPICES - QUARTERLY BID NO. 2210-1.

The Bids received and opened are as follow:

(21) **AWARD BIDS AND/OR REQUEST FOR PROPOSALS**

a) **TIRES: VEHICLES AND PATROL - ANNUAL BID NO. 1997**

FIRESTONE - Brownsville, Texas

Category A - Vehicle tires - Total - \$20,019.51

Category B - Patrol tires - Total - \$28,500.00

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(22) **EXECUTIVE SESSION**

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the

Court met in Executive Session at 11:03 A.M. to discuss the following matters:

- a) Confer with County Counsel concerning the possible litigation involving Schlitterbahn Water Park at South Padre Island and on matters relating to the water park, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A) and Section 551.071 (2);
- b) In the matter of the evaluation of the Elections Administrator; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074; **(TABLED)**
- c) Confer with County Counsel regarding possible litigation pertaining to Sea Ranch Marina Concessionaire (S.R. Marine Center); pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A) and 551.071(2);
- d) Confer with County Counsel regarding possible participation in the Texas Department of Health Dietetic Internship Program; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1);
- e) Confer with County Counsel regarding Arbitration Clauses in Contracts with Cameron County; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2); and
- f) Deliberation regarding the Real Property concerning approval of five Concession Agreements at Isla Blanca Park; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the

Court reconvened in Regular Session at 12:00 P.M.

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(23) ACTION RELATIVE TO EXECUTIVE

SESSION

- a) **Confer with County Counsel concerning the possible litigation involving Schlitterbahn Water Park at South Padre Island and on matters relating to the water park, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act .**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Status Report by County Counsel was acknowledged concerning the possible litigation involving Schlitterbahn Water Park at South Padre Island and on matters relating to the water park, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act.

- b) **In the matter of the evaluation of the Elections Administrator. (TABLED)**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, this Item was **TABLED**.

- c) **Confer with County Counsel regarding possible litigation pertaining to Sea Ranch Marina Concessionaire (S.R. Marine Center).**

Commissioner Valencia moved that the Status Report by County Counsel be acknowledged regarding the possible litigation pertaining to Sea Ranch Marina Concessionaire (S.R. Marine Center).

The motion was seconded by Commissioner Benavides and carried unanimously.

- d) **Confer with County Counsel regarding possible participation in the Texas Department of Health Dietetic Internship Program.**

Commissioner Valencia moved that the County Health Department was allowed to participate in the Texas Department of Health Dietetic Internship Program and that the individual be placed on the Cameron County payroll.

The motion was seconded by Commissioner Benavides and carried unanimously.

- e) **Confer with County Counsel regarding arbitration clauses in contracts with Cameron County.**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Status Report by County Counsel was acknowledged regarding arbitration clauses in contracts with Cameron County.

- f) **Deliberation regarding the Real Property concerning approval of five Concession Agreements at Isla Blanca Park.**

Commissioner Valencia moved that the Status Report by County Counsel be acknowledged concerning approval of five (5) Concession Agreements at Isla Blanca Park.

The motion was seconded by Commissioner Benavides and carried unanimously.

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There being no further business to come before the Court, upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 12:03 P.M.

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APPROVED this 1st day of **February, 2000**.

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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.