

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 12th day of November 2002, 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:

5:30 P.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

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

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

RICHARD VALDEZ
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

The meeting was called to order by Judge Hinojosa at 5:32 P.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation and he led the Court and the audience in reciting the Pledge of Allegiance.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on November 8, 2002, at 1:43 P.M.:

EXECUTIVE SESSION

(40) EXECUTIVE SESSION:

Upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 5:35 P.M., to discuss the following matters:

- (c) Confer with Commissioners' Court Legal Counsel concerning litigation involving the Father Joseph O'Brien Clinic in Port Isabel; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A).

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 5:55 P.M.

(41) ACTION RELATIVE TO EXECUTIVE SESSION:

- (c) **Confer with Commissioners' Court Legal Counsel concerning litigation involving the Father Joseph O'Brien Clinic in Port Isabel.**

Upon motion by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, concerning litigation involving the Father Joseph O'Brien Clinic in Port Isabel was acknowledged.

PRESENTATION

(1) PRESENTATION BY MS. JANE SCHINDLER WITH TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) REGARDING THE ENVIRONMENTAL MANAGEMENT SYSTEM (EMS)

Ms. Jane Schidler, Texas Commission on Environmental Quality (formally TNRCC), informed that her job was to provide confidential consultant services and assistance to comply with environmental regulations to local government and small businesses. She explained that after a Health Environmental Management System (EMS) Workshop it appeared that an EMS was appropriate for Cameron County because an over-arching-structure appeared to be missing. Ms. Schidler stated that grant funds were available for border businesses to implement an EMS, promoted by the EPA and TCEQ, adding that three (3) area businesses had implemented the program and that negotiations were ongoing with Brownsville Public Utility Board and the University of Texas at Brownsville. She invited the County to become the first Texas County to implement an EMS that could integrate environmental programs into its operations, would address how issues were managed while insuring compliance, and would promote an efficient and effective use of financial and human

resources to achieve compliance and beyond. Ms. Shidler stated that the program provided frame work for pollution prevention, waste minimization, TECQ and EPA incentives, and leadership, adding that implementation would merely require the use of information already available. She noted that the EMS must be made part of all County Departments' daily activities and would not add to the County's existing compliance obligations. Ms. Schidler presented examples of a program and an Environmental Policy, and urged the County to develop an EMS to modernize and reach more efficient operations.

Judge Hinojosa explained that Ms. Schidler was offering the County technical assistance and advise from TCEQ to identify issues that affect the environment through an EMS on an ongoing basis. He stated that the incentives consisted of technical assistance, solutions to environmental issues, for which the County could be fined by TCEQ, yet it would not fine the County as a result of volunteering to participate in an EMS program. Judge Hinojosa stated that the County had an obligation to have an environmentally sound operation, and that addressing environmental and personnel issues would result in savings and an efficient and environmentally safe operation.

Commissioner Valdez asked if the Solid Waste Program was within the scope of an EMS.

Judge Hinojosa explained that the Solid Waste Program involved a Contract between the County and Garbage Collection Companies to provide service in the County's rural areas, in addition to environmental issues that might be directed to the County although they relate to the Waste Management Companies.

Ms. Schidler responded that the Solid Waste Program was covered in an EMS, but was unaware if technical assistance applied.

Judge Hinojosa suggested that the Contract be reviewed and that an Item be placed on the Agenda for possible implementation.

Mr. Dagoberto Barrera, Brownsville resident, asked if the EMS was another bureaucratic program.

Judge Hinojosa responded negatively and explained that both the Democrats and Republicans favored a clean environment and concurred that tax dollars should fund a more effective and efficient operation instead of fines.

Ms. Schidler informed that TCEQ was operated by three (3) Commissioners, whom were appointed by a Republican Governor.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Presentation by Ms. Jane Schindler, TCEQ, regarding the Environmental Management System (EMS) was acknowledged.

The Report is as follows:

ACTION ITEMS

(2) BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Commissioner Garza moved that the 2002-Budget Amendments No. 2003-02 be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Budget Amendments are as follow:

[REDACTED]

(3) **CANVASSING OF PRECINCT ELECTION RETURNS FOR THE STATE AND COUNTY AND THE CONSTITUTIONAL AMENDMENT FOR THE NOVEMBER 2002 GENERAL ELECTION AS PROVIDED FOR IN CHAPTER 67, CANVASSING ELECTIONS OF THE TEXAS ELECTION CODE**

Judge Hinojosa commended Mr. Roger Ortiz, Interim Elections Administrator, for conducting a good Election, and explained that any delays had been caused by the County's method to conduct elections.

Mr. Roger Ortiz, Interim Elections Administrator, presented the total vote count for the November 2002 General Election and reported that a return sheet was included for the mail-in votes received, noting that said votes were in addition to the results but did not affect them. He informed that the Race for Justice of the Peace, Precinct No. 4 was scheduled for recount on Friday, November 15, 2002.

Mr. Doug Wright, Commissioners' Court Legal Counsel, clarified that a summary of the total vote count could be made part of the record upon being accepted by the Court.

Commissioner Cascos moved that the Precinct Election returns for the State and County and the Constitutional Amendment for the November 2002 General Election, conducted within Cameron County, be accepted as provided for in Chapter 67, Canvassing Elections of the Texas Election Code.

The motion was seconded by Commissioner Valdez and carried unanimously.

Mr. Ortiz thanked everyone who participated and assisted throughout the General Election.

At this time, Mr. Manuel Hernandez, Brownsville resident, commented that Mr. Ortiz had been honest of human errors and considerate of Poll Watcher. He stated that the human errors originated from the Elections Department's inexperienced staff, and suggested that public input be considered in order to improve the County's Electoral Process. Mr. Hernandez stated that the use of ink would provide integrity to the County's Electoral Process, and that he had observed that Mr. Ortiz wanted to do a good job.

The Results are as follows:

████████████████████

(4) **CONSIDERATION AND APPROVAL OF BOND
FOR CONSTABLE PRECINCT NO. 6**

Commissioner Cascos moved that the Bond for Constable Precinct No. 6, be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

████████████████████

(5) **CONSIDERATION AND AUTHORIZATION TO
HIRE FIFTEEN (15) NEW DETENTION OFFICERS**

Judge Hinojosa explained that the County Auditor had booked about 340 federal inmates and that after it was revisited funding was found to be available.

Mr. Xavier Villarreal, Budget Officer, recommended that twelve (12) new Detention Officers be hired in December for a twelve (12) month period and that three (3) new Detention Officers be hired in January for a nine (9) month period.

Judge Hinojosa explained that the new Detention Officers were in addition to nine (9) Texas State Technical College (TSTC) Detention Officer Trainees scheduled to begin a twenty (20) hour per week program in a week, adding that another school would provide additional trainees. He advised that the number of Detention Officers would decrease upon the federal inmate population being decreased; therefore, the need to monitor the population.

Captain Robert Lopez, Sheriff's Department, stated that an attempt to get the U.S. Marshal's Office to commit to having at least 320 federal inmates housed at the Rucker/Carrizalez Detention Center was being processed.

Commissioner Garza commented that a letter addressed to the County Sheriff from the County Auditor indicated a need to evaluate "the need of certain luxury positions Countywide", and requested that the positions be identified by the County Auditor.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the hiring of fifteen (15) New Detention Officers was authorized.

The Letter is as follows:

[REDACTED]

(6) **AUTHORIZATION TO ENTER INTO AN AGREEMENT BETWEEN CAMERON COUNTY AND THE NORTH AMERICAN DEVELOPMENT BANK (NADB) FOR THE PURPOSE OF NADB ASSISTANCE IN A SOLID WASTE STUDY FOR CAMERON COUNTY**

Commissioner Cascos moved that the Agreement between Cameron County and the North American Development Bank (NADB) be approved for the purpose of NADB assistance in a Solid Waste Study for Cameron County.

The motion was seconded by Commissioner Garza.

Judge Hinojosa explained that the County had an Agreement with NADB to receive planning funds to prepare a proposal by which the County could implement a Garbage Collection System within rural areas and unincorporated cities. He stated that the County would administer the program with assistance from the water districts to provide a method for rural residents to obtain a uniformed system of trash collection at lower rates; therefore, eliminating environmental concerns, illegal dumping, and providing a positive affect on drainage issues.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the Agreement between Cameron County and the North American Development Bank (NADB) was approved for the purpose of NADB Assistance in a solid Waste Study for Cameron County.

The Agreement is as follows:

[REDACTED]

(7) IN THE MATTER REGARDING AND POSSIBLE APPROVAL TO ISSUE NOTICE TO TERMINATE AGREEMENT FOR PROFESSIONAL SERVICES WITH S&B INFRASTRUCTURE, LTD. (PROJECT: COUNTY REPRESENTATIVE FOR PROPOSITION NO. 2 - ROAD AND DRAINAGE COLONIA IMPROVEMENTS) PURSUANT TO PARAGRAPH 3.4 (5) TERMINATION OF AGREEMENT (TABLED)

Commissioner Garza stated that a discrepancy was present with the understanding of what should occur with the Contract and the delegation of the work. He explained that the Contract was awarded to S&B Infrastructure, LTD., as an umbrella company to three (3) different firms, and that according to correspondence he received, the work and compensation were not being divided equally. He expressed concern with one (1) company eliminating the other companies because it would leave the County with one (1) contracted firm for the duration of the Proposition II Program. Commissioner Garza stated that it was understood that the work would be equally divided among the three (3) firms.

Judge Hinojosa stated that the Contract indicated the implementation and the different percentage for the three (3) functions. He explained that the 2.5% administrative fee was for S&B Infrastructure, LTD., that the 6.4% fee for engineering services would be equally divided among the three (3) firms, and that 2% fee was allocated for the special services to be provided by other firms. Judge Hinojosa noted the need to comply with the contract although an equal amount of work might not be provided and to commence construction as soon as possible. He suggested that the firms resolve any disputes among themselves, and commented that S&B Infrastructure, LTD., had been successful in obtaining the maximum funding based upon a pro-rated number of colonia residents.

Commissioner Garza stated that the County had received the legally entitled Proposition II Funds based on State rankings.

Judge Hinojosa stated that a good application increased the possibility of obtaining better funding, and that the best funding was received on a pro-rated basis versus the County's entitlement based on population. He recommended the County not participate in the logistics of implementation of the Contract as long as the terms were being complied with, and that construction of the projects be started quickly; otherwise, that the matter be revisited.

Commissioner Cascos stated that he understood that the Contract would be equally divided among the firms and questioned if this was happening.

Judge Hinojosa stated that only certain sections of the Contract could be equally divided.

Commissioner Cascos stated that the three (3) firms might be in compliance with the Contract if they had agreed to take certain costs and divide the balance equally among themselves.

Mr. Danny Rios, S&B Infrastructure, LTD, responded that the firms were complying with Contract. He explained that an Organizational Chart, Exhibit B of the Contract, listed all the team members and talked about Phase II and III, where 33% cost was for planning services, engineering services, and construction management, adding that the special services were not conducted by the Team.

Judge Hinojosa stated that the dispute was as to the 2% special services.

Mr. Rios stated that the 2.5% administrative fee was for S&B Infrastructure, LTD., to fiscally manage the Program in accordance with the Contract. He explained that the original contract had been negotiated at 9% plus the 2% special services fee, and that the Supplemental Agreement was developed as a result of TxDOT's indication that it would pay 11% construction fee for the project cost, noting that the percentages were revised.

Commissioner Cascos asked if S&B Infrastructure, LTD., was equally dividing the work and compensation after deducting the top costs, and if the other firms were aware.

Mr. Rios responded in the affirmative, and explained that S&B Infrastructure, LTD., had passed the same payment terms to the sub-contractors, adding that the 2.5% administrative fee was for the duration of the Contract.

Commissioner Garza questioned if Mr. Rios was aware that Proposition II funding could not be spent prior to commencing construction.

Mr. Rios responded that he was aware because he had not been paid during the past nine (9) months, and explained that the Advance Funding Agreement was to prepare work while the County negotiated with State, noting that TxDOT had decided to fund the work preparation.

Judge Hinojosa explained that the 2.5% administrative fee was set for the Contract Administrator, and that the issue pertained to whether the 2% fee was incorporated into the 6.4% fee and then divided.

Mr. Rios informed that the money had been budgeted across the board and the terms were accepted by the sub-contractors, with exception of one (1) firm.

Mr. Jacinto Garza, L&G, explained that the 2.5% administrative fee was believed to be high and requested that part of it be transferred into the cost for Engineering Services, adding that they did not have an issue with regards to the 2% special services fee.

Commissioner Cascos questioned where the 2.5% administrative fee had derived from.

Mr. Rios explained that the 2.5% administrative fee was based on General Engineering Consultant and Management work, that range between 2% and 5% depending on the magnitude and complexity of the project. He explained that the 2.5% was allocated by 1.5% for administration and 1% for planning, noting that the firms listed in the Contract were eligible to work on the planning portion and that L&G elected not to participate.

Commissioner Valdez stated that the firms had been asked to meet prior to negotiating the Contract, and expressed his concern with possible delays that would occur if the Contract was terminated.

Judge Hinojosa explained that TxDOT indicated that it would not pay above 11% total percentage cost; therefore, the County requested that a 3% cost be eliminated and that the percentages be adjusted down on a pro-rated basis among the three (3) firms.

Commissioner Garza commented that S&B Infrastructure LTD., was not impacted by the adjustment if it kept the 2.5% administrative fee.

Mr. Rios explained that the 2.5% administrative fee was set in the Contract between the County and S&B Infrastructure, LTD., for management of the projects.

Judge Hinojosa questioned whether the 2.5% administrative fee was part of the total 11% cost.

Mr. Rios responded in the affirmative.

Judge Hinojosa noted that all firms were to have been impacted by the adjustment as part of the negotiations with TxDOT.

Mr. Rios stated that the original Contract set a 1.5% fee for administration, 1% cost for planning and assessment, and 6.5% fee for the final design. He explained that S&B Infrastructure, LTD., had set a 10% pass through for special services, but that through negotiations a 2% limit had been granted.

Judge Hinojosa stated that the understanding was that the reduction would be equally shared by all firms and that he had informed Mr. Rios that “if the subs don’t agree with it there’s other subs that will”, adding that this applied to S&B Infrastructure, LTD., as well. He noted the need to resolve two (2) fundamental issues: going by the spirit of the agreement and that the reduction go to all firms on a percentage basis as a result of TxDOT’s refusal to pay the originally contracted amount, adding that the confusion was as to what the percentage amount should be. Judge Hinojosa requested that construction of the project be started to avoid delays and suggested that Commissioners’ Court Legal Counsel review the Agreement and present recommendation.

Mr. Rios stated that the project was not being delayed and that its plans were being developed at this time.

Commissioner Garza suggested that the project be moved forward by conducting the work in-house, and stated that State Funds could not be paid prior to commencing construction, adding that other Counties had companies providing free services hoping to get hired.

Judge Hinojosa stated that significantly higher State funds were received as a result of the submitted application. He stated that he agreed with the need to have fair distribution of the work, in accordance with the understanding in place, adding that he needed to review the status based upon the understanding. Judge Hinojosa stated that he informed

Mr. Rios that if the modification among the different principals and contractors did not occur on a pro-rated basis and if anyone was not wanting to participate in the modification could go work elsewhere.

Mr. Rios stated that S&B Infrastructure, LTD., had gone from 14% to 11% and that the percentages were proportionably reduced among all the firms.

Judge Hinojosa noted the need to review the percentage fee.

Commissioner Benavides requested that a Progress Report be provided once a month.

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, this Item was **TABLED**, for one (1) week.

[REDACTED]

(8) CONSIDERATION AND POSSIBLE AMENDMENT TO AGREEMENT BETWEEN CAMERON COUNTY AND MS. ELEEN BARRY TO INCLUDE ACQUISITION OF PEDESTALS, ARTIST, AND PLAQUES FOR THE SERGEANT JOSE M. LOPEZ STATUE

Judge Hinojosa informed that the Agreement was for construction of the base and plaque and that funding was available. He noted the need to determine the best location for the statue and requested the Committee's recommendation.

Mr. Remi Garza, Administrative Assistant, reported that the Committee had met at the bridge site on two (2) occasions to determine that the courtyard in front of the building was the best location. He stated that the location was relocated to the left back of the center of the courtyard.

Judge Hinojosa requested that a diagram be provided.

Commissioner Garza questioned if the County Engineer would construct the pedestal and its cost.

Commissioner Cascos responded that the foundation would be constructed by the County Engineer.

Mr. Garza reported that acquisition and delivery of the granite would cost \$18,000.00, the installation would cost \$5,200.00, and that the two (2) plaques would cost \$5,000.00, totaling \$28,200.00. He clarified that the Artist was responsible for the installation of the statue, and that the granite would be about six (6) square feet, resulting in a fifteen feet (15') high statue.

Commissioner Garza moved that Amendment to Agreement between Cameron County and Ms. Eleen Barry, Artist, to include acquisition of pedestals and plaques for the Sergeant Jose M. Lopez Statue be approved.

The motion was seconded by Commissioner Valdez and carried unanimously.

The Amendment is as follows:

████████████████████

(9) **IN THE MATTER REGARDING POSSIBLE AMENDMENT TO CONTRACT BETWEEN CAMERON COUNTY AND MGT OF AMERICA REGARDING THE HEALTH SERVICE DISTRICT ALLOWING FOR THE REALLOCATION OF EXISTING BUDGET (TABLED)**

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

████████████████████

(10) **IN THE MATTER REGARDING AUTHORIZATION TO PURCHASE NETWORKING AND COMPUTER EQUIPMENT TO LINK KRONOS TIME CLOCK SYSTEM UTILIZING STATE OF TEXAS OF INFORMATION RESOURCES INTERLOCAL COOPERATIVE PURCHASING AGREEMENT CONTRACTS (TABLED)**

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

████████████████████

(11) **CONSIDERATION AND APPROVAL OF THE 2002-2003 EQUIPMENT LIST**

Mr. Xavier Villarreal, Budget Officer, reported that the 2002-2003 Equipment List being considered pertained solely to vehicles and that a list of furniture and computers would be presented at a later time. He requested that a pick-up truck be added to the Equipment List for Commissioner Precinct No. 3, and clarified that the Tax Assessor/Collector had requested an extended-cab 4x4 pick-up truck and that the difference in cost would be funded through the Vehicle Inventory Tax (VIT) Account.

Commissioner Cascos moved that the 2002-2003 Equipment List be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The List is as follows:

████████████████████

(12) **CONSIDERATION AND AUTHORIZATION TO PURCHASE ONE (1) 2002 4-DOOR V-8 SEDAN FOR THE SAFETY COORDINATOR UTILIZING THE HOUSTON/GALVESTON AREA COUNCIL OF GOVERNMENT INTERLOCAL COOPERATIVE PURCHASE AGREEMENT**

Commissioner Cascos questioned why this vehicle was not included in the 2002-2003 Equipment List.

Mr. Xavier Villarreal, Budget Officer, explained that the vehicle had been initially placed this way to get faster delivery because the Safety Coordinator's vehicle was out of service. He added that the Maintenance Supervisor had indicated that the vehicle was now operational, and that the Houston/Galveston area Council did not have a 2002- 4-door V-8 Sedan available.

Commissioner Cascos stated that the purchase of this vehicle was not budgeted.

Mr. Villarreal explained that the vehicle was already listed in the equipment list, and that a Crown Victoria might not be obtained through the equipment list, adding that this item would determine the method of purchase.

Commissioner Cascos questioned the need for a Crown Victoria.

Mr. Villarreal explained that a Crown Victoria had been requested due to its capacity.

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the purchase of one (1) 2002 4-door V-8 Sedan for the Safety Coordinator utilizing the Houston Galveston area Council of Government Interlocal Cooperative Purchase Agreement was approved.

████████████████████

(13) **CONSIDERATION AND POSSIBLE ACTION REGARDING MODIFICATIONS TO THE SALARY SCHEDULES FOR THE SURVEYOR/RIGHT OF WAY AGENT**

Commissioner Garza moved that the modifications to the Salary Schedules for the Surveyor/Right-of-Way Agent be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Salary Schedule is as follows:

[REDACTED]

(14) **CONSIDERATION AND APPROVAL OF AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN CAMERON COUNTY AND THE EL JARDIN WATER SUPPLY CORPORATION TO REPLACE SUBSTANDARD WATER LINES IN THE EL JARDIN SERVICE AREA, PURSUANT TO A SUPPLEMENTAL ENVIRONMENTAL PROJECT OUTLINES IN A TEXAS NATURAL RESOURCE CONSERVATION COMMISSION AGREED ORDER DATED OCTOBER 10, 2002**

Upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the Interlocal Cooperative Agreement between Cameron County and the El Jardin Water Supply Corporation to replace substandard water lines in the El Jardin service area; pursuant to a Supplemental Environmental Project Outlines in a Texas Natural Resource Conservation Commission Agreed Order dated October 10, 2002, was approved.

The Agreement is as follows:

████████████████████

(15) CONSIDERATION AND AUTHORIZATION TO ALLOW THE FIX BASE OPERATOR (F.B.O.) TO DO MAJOR REMODELING AND RENOVATION AT THE CAMERON COUNTY AIRPORT RECEPTION/OFFICE AREA

Mr. Joseph Ardito, Property Manager, explained that the Fix Base Operator was proposing to do major remodeling and renovations at the Cameron County Airport Reception/Office area at his expense, in the amount of \$2,100.00 and informed that some windows were in need of repair.

Mr. Doug Wright, Commissioners' Court Legal Counsel, recommended that an Agenda Item be placed to consider the repair of the windows.

Commissioner Garza moved that the Fix Base Operator (F.B.O.) be authorized to do major remodeling and renovation at the Cameron County Airport Reception/Office area.

The motion was seconded by Commissioner Cascos and carried unanimously.

████████████████████

(21) CONSIDERATION AND AUTHORIZATION TO AWARD BID AND CONTRACT TO SMITH AND SMITH SHEET-METAL FOR THE DETENTION CENTER NO. 2 ROOF PROJECT

Commissioner Garza requested that the County Engineer clarify questions concerning the proper Bond requirements.

Mr. Juan Bernal, County Engineer/Public Works Director, explained that required Bonds and Insurance were forwarded to Mrs. Dylbia L. Jeffries, Civil Division, for review after being made available to him.

Mr. Doug Wright, Commissioners' Court Legal Counsel, recommended that the Item be approved subject to legal review.

Judge Hinojosa noted the need to verify if the Bonds were in compliance with County requirements.

Commissioner Garza moved that the Bid and Contract be awarded to Smith and Smith Sheet-Metal for the Detention Center No. 2 Roof Project, subject to legal review.

The motion was seconded by Commissioner Cascos.

Commissioner Cascos questioned what the additional five (5) year warranty being offered at an additional cost of \$1,700.00 entailed.

Mr. Mike Forbes, Purchasing Agent, explained that the manufacturer was offering an extended warranty and that the total warranty time was subject to a pool test being conducted.

Mr. Wright explained that the extended warranty being offered was subject to availability.

Mr. Forbes clarified that the Court had the option to award the bid to the second low bidder if it fell within the 3% clause.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, the Contract was awarded to Smith and Smith Sheet-Metal for the Detention Center No. 2 Roof Project, subject to legal review.

The Contract is as follows:

[REDACTED]

(35) IN THE MATTER REGARDING AUTHORIZATION TO NEGOTIATE WITH A.C.S. GOVERNMENT RECORDS MANAGEMENT FOR IMAGING & RELATED SERVICES - DISTRICT CLERK AND VARIOUS DEPARTMENTS - ANNUAL REQUES FOR PROPOSAL (RFP) NO. 1455V-020802 (TABLED)

Mr. Mike Forbes, Purchasing Agent, stated that an evaluation sheet was presented by the Evaluation Committee; that being, Mrs. Aurora De La Garza, District Clerk; Mrs. Yolanda De Leon, District Attorney; Mr. Joe G. Rivera, County Clerk; Mr. Rudy Juarez, Computer Center Director; and he. He reported that five (5) proposals for imagine and related services had been received and were reduced to three (3). Mr. Forbes added that presentations were conducted and that four (4) committee members had evaluated A.C.S. Government Records Management the highest and one (1) committee member had evaluated Quality Data Imaging the highest.

Commissioner Cascos asked if the bid was being awarded to the low bidder.

Mr. Forbes responded negatively, and explained that the proposals involved criteria and were evaluated accordingly. Mr. Forbes clarified that rates were set by monthly fees and that the best price would receive the maximum score.

Commissioner Cascos asked if the RFP indicated that other Departments were included in the proposal.

Mr. Forbes responded in the affirmative and added that the Proposal indicated that the evaluation and decision to award would be based on the needs and funding of the District Clerk's Office. He stated that the sections added to the proposal would be added to the award because of the lack of need and the budgetary situation of other County Departments.

Mr. Ivy J. Arroyo, President of Quality Data Imaging, stated that Quality Data Imaging was a local internationally based company with headquarters located in Brownsville, Texas, operated and owned by his wife and himself. He stated that Quality Data Imaging was the lowest qualified bidder and that its technology exceeded the RFP's requirement, but had not been recommended due to lack of experience with District Clerk Records. Mr. Arroyo stated that his clientele included the Texas Department of Licensing and Regulations, the Cities of Brownsville/Port Isabel/San Benito, Brownsville Independent School District, El Jardin Water Supply, and Magic Valley in addition to several local law firms. He stated that he felt that his company was not given a fair opportunity since it already handled legal documents for attorneys. Mr. Arroyo stated that Quality Data Imaging could offer Cameron County local support, quick response, and state of the art data storage solutions. He stated that Quality Data Imaging employed County residents and

that 45 new employments were created in the past twelve (12) months, noting that the company paid County taxes and that its cash flow stayed in Cameron County. Mr. Arroyo stated that Quality Data Imaging supported local vendors first, Valley vendors second, and State wide vendors third, and added that the Company was certified under the State of Texas as a Historically Utilized Business (HUB). He requested that the Court act on behalf of Quality Data Imaging.

Commissioner Cascos questioned if Quality Data Imaging had the capability to retrieve documents from any existing source.

Mr. Arroyo responded in the affirmative.

Commissioner Cascos moved that the negotiations with Quality Data Imaging for Imaging and Related Services for the District Clerk and various Departments - Annual RFP No. 1455V-020802 be authorized.

Mr. Eric Garza, District Clerk's Office, stated that the Evaluation Committee had selected A.C.S. Government Records Management due to its experience and capability to convert documents, noting that IKON had been disqualified because it did not meet specifications. Mr. Garza stated that Quality Data Imaging's proposal excluded a storage server, yet was offering it, but required up-front payment which was not available.

Mr. Forbes explained that two (2) vendors were disqualified because they exceeded the budget, and that the difference between proposals and bid was that vendors were requested to present solutions to problems, adding that the vendors' capability to meet the proposal requirements was determined through negotiations.

Mr. Garza stated that Quality Data Imaging had not attempted to convert the information.

Mr. Arroyo indicated that him not attempting to convert the information did not signify that the company was unable to do so.

Mr. Charles Justice, Quality Data Imaging, stated that questions had been made to insure that the conversions could be done.

Commissioner Cascos noted the need to provide an opportunity to local and small vendors.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the Item indicated a specific vendor; therefore, if the Court was considering not negotiating with A.C.S. Government Records Management there would be a need to place the Item back on the Agenda.

Judge Hinojosa noted the need to analyze the matter and the effects on local employment.

Mr. Gilbert Gonzalez, A.C.S. Government Records Management, noted that his company employed 66 Cameron County residents.

At this time, Commissioner Cascos withdrew his motion and moved that this Item be **TABLED**, for one (1) week.

The motion was seconded by Commissioner Valdez and carried unanimously.

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ITEMS WERE HEARD COLLECTIVELY UNLESS OPPOSITION WAS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WAS CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION WAS TAKEN SEPARATELY.

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

ITEM NO. 16: Mr. Mike Forbes, Purchasing Agent, presented the following late claim: Warrant No. 00086214, payable to Chemical Response, in the amount of \$30,000.00. Mr. Remi Garza, Administrative Assistant, requested authorization to release payment to Ms. Eleen Barry, Artist.

ITEM NO. 39: Mr. Remi Garza, Administrative Assistant, informed that the County Clerk requested that this Item be tabled.

Commissioner Garza moved that the following "Consent and Travel Items" be approved, that the release of payment to Ms. Eleen Barry, Artist, be authorized, and that Item No. 39-e be **TABLED**.

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

AYE: Commissioners Benavides, Cascos, Garza, and Valdez,

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00086095, payable to Laguna Madre Water District, in the amount of \$164.33 and Warrant No. 00086161, payable to Southwest Key Program La Esperanza, in the amount of \$15,871.00.

**(16) APPROVAL OF CLAIMS;
The Affidavits follow:**

**(17) ACKNOWLEDGMENT OF THE QUARTERLY REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2002, ON INVESTMENT OF COUNTY FUNDS;
The Report follows:**

(18) AUTHORIZATION FOR MR. ROBERT RUIZ, DANCY BUILDING ARCHITECT, TO SUBCONTRACT WITH TEDSI INFRASTRUCTURE GROUP FOR TRAFFIC ENGINEERING SERVICES PURSUANT TO THE DANCY BUILDING RESTORATION;

**(19) APPROVAL TO RENEW THE CONTRACTS FOR THE SOUTH TEXAS HIDTA IN SAN ANTONIO, TEXAS FOR FISCAL YEAR 2003;
The Contract follows:**

**(20) ACCEPTANCE OF RIGHT OF ENTRY AND POSSESSION FOR FM/106, PARCEL NO. 13;
The Deed follows:**

(21) IN THE MATTER REGARDING AUTHORIZATION TO AWARD BID AND CONTRACT TO SMITH AND SMITH SHEET-METAL FOR THE DC 2 ROOF PROJECT (ACTION TAKEN SEPARATELY);

- (22) **AUTHORIZATION TO ACCEPT PARCEL NO. 2, FOR FM/802;**
The Deed follows:
- (23) **AUTHORIZATION TO APPROVE CHANGE ORDER NO. 1, FOR THE EL NORTE SUBDIVISION ROAD AND DRAINAGE IMPROVEMENT PROJECT;**
The Change Order follows:
- (24) **APPROVAL TO RENEW THE CONTRACTS FOR THE UNIFIED NARCOTICS INTELLIGENCE TAS-FORCE FOR FISCAL YEAR 2003;**
The Contracts follow:
- (25) **AUTHORIZATION TO CHARGE FIFTY DOLLARS (\$50.00) PER DAY TO THE UNIVERSITY OF TEXAS IN BROWNSVILLE CRIMINAL JUSTICE INSTITUTE FOR THE USE OF THE PORT ISABEL-CAMERON COUNTY AIRPORT'S TARMAC AREA;**
The Agreement follows:
- (26) **AUTHORIZATION TO APPROVE THE TITLE IV-E PLACEMENT COORDINATOR TO ACQUIRE A CELLULAR PHONE FROM STATE FUNDS;**
- (27) **EXECUTION OF A PROFESSIONAL SERVICE AGREEMENT WITH SHINER MOSELEY AND ASSOCIATES, INC. REGARDING DUST CONTROL PROJECT ON LONG ISLAND;**
The Agreement follows:
- (28) **PRELIMINARY AND FINAL APPROVAL:**
A) **PRECINCT NO. 1- DEL BOSQUE SUBDIVISION - BEING 5.004 ACRES OF LAND MORE OR LESS, (CAMERON COUNTY DEED RECORDS, VOLUMES 1015, PAGE 520) IN THE ABANDONED SOUTH POINT TOWNSITE (66.06 ACRES) EL JARDIN SUBDIVISION, SHARE No. 32, ESPIRITU SANTO GRANT; AND**
- B) **PRECINCT NO. 2 - HUIZAR-RAMIREZ SUBDIVISION - BEING 2.53 ACRES TRACT OF THE EAST ½ OF LOT NO. 204 OF THE A&R COUNTRY ACRES, INC.**
- (29) **PRELIMINARY APPROVAL:**
A) **PRECINCT NO. 2 - PALMETTO GROVE SUBDIVISION TRACT NO. 1 - BEING A 10.52 ACRE TRACT IN LOT NO. 1 BLOCK NO. 201, PALMETTO GROVE SUBDIVISION, PALM PARK SUBDIVISION IN SHARE NO. 29 IN ESPIRITU SANTO GRANT AND TRACT II BEING A 34.73 ACRE TRACT OF LAND OUT OF LOT NO. 9 (5.12 ACRES), LOT NO. 10 (15.0 ACRES AND LOT NO. 11 (14.61 ACRES ALL IN BLOCK NO. 201, PALM PARK SUBDIVISION IN SHARE NO. 29 ESPIRITU SANTO GRANT.**
- (30) **FINAL APPROVAL:**
A) **PRECINCT NO. 4 - RIV’R SUBDIVISION - BEING A 5.50 ACRE TRACT OF LAND OUT OF BLOCK NO. 41, BRIGGS AND COLEMAN SUBDIVISION IN SURVEY 271-272.**

- (31) **AWARDING OF THE FOLLOWING BIDS/PROPOSAL:**
 A) **BUILDING SUPPLIES: A/C FILTERS - ANNUAL BID NO. 2001.**
The Tabulation follows:
- (32) **AUTHORIZATION TO RE-ADVERTISE THE FOLLOWING BIDS/PROPOSALS:**
 A) **AUTOMOTIVE PARKS: OEM FORD- ANNUAL BID NO. 1996F.**
- (33) **RENEWAL OF THE REWARD OF FOLLOWING BIDS/PROPOSALS FOR ONE ADDITIONAL YEAR:**
 A) **POLICE SUPPLIES - ANNUAL BID NO. 2505;**
 B) **BUILDING SUPPLIES - LIGHT BULBS & BALLASTS - ANNUAL BID NO. 2004; AND**
 C) **LAUNDRY SUPPLIES - ANNUAL BID NO. 2320.**
The Tabulation follows:
- (34) **AWARDING OF THE FOLLOWING BIDS/PROPOSALS FOR:**
 A) **LINEN: MATTRESSES & PADS, BLANKETS AND TOWELS - ANNUAL BID NO. 2360.**
The Tabulation follows:
- (35) **IN THE MATTER REGARDING AUTHORIZATION TO NEGOTIATE WITH A.C.S. GOVERNMENT RECORDS MANAGEMENT FOR IMAGING & RELATED SERVICES - DISTRICT CLERK AND VARIOUS DEPARTMENTS - ANNUAL RFP NO. 1455V-020802; (ACTION TAKEN SEPARATELY)**
- (36) **UTILIZATION OF TEXAS BUILDING AND PROCUREMENT COMMISSION - TEXAS MULTIPLE AWARD SCHEDULE - GENERAL SERVICES ADMINISTRATION, CONTRACT NO. 539 INTERLOCAL COOPERATIVE PURCHASING AGREEMENT FOR THE PURCHASE OF BUILDING SUPPLIES: REFRIGERANTS (FREON) - GRAINGERS;**
- (37) **AUTHORIZATION TO RESCIND AND RE-AWARD ANNUAL BID NO. 1640 LASER PRINTING OF TAX STATEMENTS;**
The Tabulation follows:
- (38) **AUTHORIZATION TO CONTINUE UTILIZATION OF TEXAS BUILDING AND PROCUREMENT DIVISION-TEXAN 2000 CONTRACT FOR PAGERS AND SERVICES (STATE OF TEXAS CONTRACT NO. 915 - METRO CALL);**

TRAVEL ITEMS

- (39) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- (a) Three (3) Juvenile Probation employees to attend the “Weed and Seed Sustaining Your Weed & Seed Site Regional Conference”, in Pittsburgh, PA, November 16-19, 2002;
- (b) Juvenile Director and Assistant to attend the “Standards Revision Project Workgroup Meeting and Compliance Improvement System Project Field Workgroup Meeting 1”, in Austin, Texas, November ,19-22 2002;
- (c) Juvenile Employee to train and assist the El Paso Police Department in implementation of their Bridge detail, in El Paso, Texas, November 7-9, 2002;
- (d) County Clerk and two (2) Deputies to attend the “2002 Open Government Conference”, in Austin, Texas, December 11-13, 2002;

- (e) In the matter regarding County Clerk and Two (2) Deputies to attend the “2002 Pre-Legislative Conference”, in Austin, Texas, December 13-14, 2002;(TABLED)
- (f) PD&M e mployee to attend the “Lower Rio Grande Valley Development Council Professional Advisory Review Panel Meeting”, in Harlingen, Texas, November 13, 2002;
- (g) County Drug Enforcement Task Force Agent to attend the “DPS Cleris 2.2 Training”, in Austin, Texas, November 19-22, 2002;
- (h) Four (4) County Extension Agents to attend the “District Faculty Conference”, in Weslaco, Texas, November 12-14, 2002;
- (i) Sheriff’s Department Secretary to attend the “Special Executive Round Table Meeting”, in Austin, Texas, September 12-13, 2002;
- (j) Three (3) Sheriff’s Department employees to attend the “URC Workshop”, in Austin, Texas, November 18-20, 2002;
- (k) Three (3) Sheriff’s Department Investigators to attend the “Cold Case Homicide Seminar”, in San Antonio, Texas, November 10-13, 2002;
- (l) Two (2) Sheriff’s Department employees to attend the “2002 Cops Technical Assistance Conference”, in San Antonio, Texas, November 18-21, 2002;
- (m) Three (3) Sheriff’s Department employees to view Jail Management Software, in Laredo, Texas, November 14-15, 2002;
- (n) International Bridge System Director to meet with the Secretary of State’s Border and Mexican Affairs Director regarding the West Rail Project in Austin, Texas, October 23, 2002;
- (o) Six (6) Tax Department employees to attend the “TLEIUA Quarterly Training Conference”, in South Padre Island, Texas, November 13-14, 2002;
- (p) Unit Director to attend the “Drug Intelligence Conference”, in Gulfport, MS, November 13-15, 2002;
- (q) County Clerk and two (2) Deputies to attend the “2002 Bureau of Vital Statistic Annual Conference”, in Austin, Texas, December 8-10, 2002;
- (r) Health Department employee to attend the “Mandatory Strategic Planning Meeting and a TALWD Board Meeting”, in Austin, Texas, November 19-21, 2002;
- (s) International Bridge System Director to attend a “Border Trade Alliance Meeting”, in Phoenix, Arizona, November 7-8, 2002;
- (t) Unit Agent to attend the “Texas Department of Public Safety Computer Course”, in San Antonio, Texas, November 3-7, 2002;
- (u) District Clerk and three (3) Deputies to attend the “Governmental Collectors Association of Texas Collecting Court Fines and Fees”, in Austin, Texas, November 20-22, 2002; and
- (v) GIS Coordinator and employee to attend the “Best of Texas - 2002 - Executive Leadership Forum”, in Austin, Texas, November 5-6, 2002.



- (16) APPROVAL OF CLAIMS.**
The Affidavits are as follow:

- (17) **ACKNOWLEDGMENT OF THE QUARTERLY REPORT FOR THE QUARTER
ENDING SEPTEMBER 30, 2002, ON INVESTMENT OF COUNTY FUNDS.
The Report is as follows:**

- (19) APPROVAL TO RENEW THE CONTRACTS FOR THE SOUTH TEXAS HIDTA IN
SAN ANTONIO, TEXAS FOR FISCAL YEAR 2003.
The Contract is as follows:**

- (20) **ACCEPTANCE OF RIGHT OF ENTRY AND POSSESSION FOR FM/106, PARCEL NO. 13.**
The Deed is as follows:

- (22) **ACCEPTANCE OF PARCEL NO. 2, FOR FM/802.**
The Deed is as follows:

- (23) **AUTHORIZATION TO APPROVE CHANGE ORDER NO. 1, FOR THE EL NORTE
SUBDIVISION ROAD AND DRAINAGE IMPROVEMENT PROJECT.
The Change Order is as follows:**

- (24) **APPROVAL TO RENEW THE CONTRACTS FOR THE UNIFIED NARCOTICS INTELLIGENCE TAS-FORCE FOR FISCAL YEAR 2003.**
The Contracts is as follow:

- (25) **AUTHORIZATION TO CHARGE FIFTY DOLLARS (\$50.00) PER DAY TO THE UNIVERSITY OF TEXAS IN BROWNSVILLE CRIMINAL JUSTICE INSTITUTE FOR THE USE OF THE PORT ISABEL-CAMERON COUNTY AIRPORT'S TARMAC AREA.**

The Agreement is as follows:

- (27) **EXECUTION OF A PROFESSIONAL SERVICE AGREEMENT WITH SHINER MOSELEY AND ASSOCIATES, INC. REGARDING DUST CONTROL PROJECT ON LONG ISLAND.**
The Agreement is as follows:

- (31) AWARDING OF THE FOLLOWING BIDS/PROPOSAL:**
A) BUILDING SUPPLIES: A/C FILTERS - ANNUAL BID NO. 2001.
The Tabulation is as follows:

- (33) RENEWAL OF THE REWARD OF FOLLOWING BIDS/PROPOSALS FOR ONE
ADDITIONAL YEAR:**
- A) POLICE SUPPLIES - ANNUAL BID NO. 2505;**
 - B) BUILDING SUPPLIES - LIGHT BULBS & BALLASTS - ANNUAL BID NO.
2004; AND**
 - C) LAUNDRY SUPPLIES - ANNUAL BID NO. 2320.**
- The Tabulation is as follows:**

- (34) **AWARDING OF THE FOLLOWING BIDS/PROPOSALS FOR:**
A) **LINEN: MATTRESSES & PADS, BLANKETS AND TOWELS - ANNUAL
BID NO. 2360.**
The Tabulation is as follows:

- (37) **AUTHORIZATION TO RESCIND AND RE-AWARD ANNUAL BID NO. 1640
LASER PRINTING OF TAX STATEMENTS.
The Tabulation is as follows:**

[REDACTED]

EXECUTIVE SESSION

(40) EXECUTIVE SESSION:

Upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the Court met in Executive Session at 8:00 P.M., to discuss the following matters:

- (a) Deliberation regarding Real Property concerning the possible purchase of a 5-acre tract out of Block No. 143, Harlingen Land and Water Company; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- (b) Deliberation regarding Real Property concerning the possible extension of the Sea Turtle, Inc., Lease Agreement; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- (c) Confer with Commissioners' Court Legal Counsel concerning litigation involving the Father Joseph O'Brien Clinic in Port Isabel; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A);
- (d) Confer with Commissioners' Court Legal Counsel concerning a Pipeline Permit Application from PMI Services North America, Inc.; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(a); and
- (e) Deliberation regarding Real Property concerning the possible Lease of office space for the Cameron County Health Department; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 8:27 P.M.

(41) ACTION RELATIVE TO EXECUTIVE SESSION:

- [REDACTED]
- (b) Deliberation regarding Real Property concerning the possible purchase of a 5-acre tract out of Block No. 143, Harlingen Land and Water Company.**

Commissioner Garza moved that the Status Report by Mr. Joseph Ardito, Property Manager, concerning the possible purchase of a 5-acre tract out of Block No. 143, Harlingen Land and Water Company be acknowledged.

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

AYE: Commissioners Benavides, Cascos, Garza, and Judge Hinojosa,

NAY: None,

ABSTAIN: Commissioner Valdez.

[REDACTED]

████████████████████

(b) Deliberation regarding Real Property concerning the possible extension of the Sea Turtle, Inc., Lease Agreement.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the extension of the Sea Turtle, Inc., Lease Agreement for twenty-four (24) months was approved, based on the same consideration.

████████████████████

(d) Confer with Commissioners' Court Legal Counsel concerning a Pipeline Permit Application from PMI Services North America, Inc.

Commissioner Cascos moved that Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, concerning a Pipeline Permit Application from PMI Services North America, Inc., be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

████████████████████

(e) Deliberation regarding Real Property concerning the possible Lease of Office Space for the Cameron County Health Department.

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, Mr. Joseph Ardito, Property Manager, was authorized to act as directed in Executive Session.

████████████████████

There being no further business to come before the Court, upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 8:31 P.M.

=====

APPROVED this 6th day of **January 2003**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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