

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 14th day of **SEPTEMBER, 1993** there was conducted a **REGULAR** 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:

PRESENT:

1:30 P. M.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

LUCINO ROSENBAUM, JR
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS
COMMISSIONER, PRECINCT NO. 2

COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA
COMMISSIONER, PRECINCT NO. 4

INELDA T. GARCIA, Deputy
COUNTY CLERK

ABSENT:

JAMES R. MATZ

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked the members of the Dubois-Hite Chapter of the National Society of Daughters of the American Revolution present, to lead the Court and the audience in reciting the Pledge of Allegiance to the Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on September 10, 1993 at 1:35 P. M.

(11)

**AUTHORIZATION TO ADOPT PROCLAMATION
DESIGNATING THE WEEK OF SEPTEMBER 17TH
THROUGH 23RD, "CONSTITUTION WEEK"**

At this time, Ms. Betty Dodd, Dubois-Hite Chapter of the National Daughters of the American Revolution, reminded those present of the 206th Anniversary of the Constitution, and the significance of the Constitution's influence on our Country, and the whole world, and the "Rights" that we enjoy today.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Proclamation designating the week of September 17, 1993 through the September 23, 1993 as "Constitution Week," was adopted.

The Proclamation is as follows:

(12)

**AUTHORIZATION TO ADOPT PROCLAMATION
DESIGNATING THE WEEK OF SEPTEMBER 20TH
THROUGH SEPTEMBER 25TH, "PROJECT RIO
WEEK"**

At this time, Ms. Liz Maldonado, Texas Employment Commission (TEC) Supervisor, explained that "Project Rio" was a coordinated effort between the Texas Employment Commission, and the Texas Department of Criminal Justice to provide Employment Services and Counseling to ex-offenders in order for them to obtain gainful employment, and she then introduced the following individuals working jointly with Project Rio:

Mr. Bert Ellison, State Project Rio Director, Austin,

Mr. J. D. Baker, TEC Office Manager, Harlingen,

Mr. Raymond Gonzalez, Pardons and Parole, Harlingen,

Mr. Art Gomez, Pardons and Parole, Harlingen,

Mr. Mario Rocha, TEC Project Rio, Brownsville,

Ms. Toni Gonzalez, TEC Project Rio, Harlingen,

Mr. Sam Hoy, TEC Project Rio, Weslaco, and

Mr. Jesus Flores, TEC Project Rio, Edinburg.

Commissioner Valencia moved that the Proclamation designating the week of September 20, 1993 through September 25, 1993 as "Project Rio Week," be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Proclamation is as follows:

(1) APPROVAL OF COUNTY CLAIMS

Commissioner Valencia moved that all the County Claims be approved as presented by the County Auditor's Office.

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

AYE: Commissioners Rosenbaum and Valencia

NAY: None

ABSTAIN: Commissioner Cascos as to the Claim of Landair Travels, Inc., Warrant No. 84816 in the amount of \$534.00.

The Affidavit is as follows:

(2) **IN THE MATTER OF BUDGET AMENDMENTS
AND/OR SALARY SCHEDULES (PASSED)**

The Budget Officer noted that there were no Budget Amendments or Salary Schedules for approval at this time.

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(3) **IN THE MATTER OF MINUTES OF AUGUST 31,
1993 AND SEPTEMBER 7, 1993 (PASSED)**

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

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(4) **CONSIDERATION AND ADOPTION OF THE FY
1994 BUDGET FOR THE 1987 REFUNDING BONDS
AND 1984 REFUNDING BONDS I & S FUNDS**

Commissioner Cascos moved that the Fiscal Year 1994 Budget for the 1987 Refunding Bonds and 1984 Refunding Bonds I & S Funds be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Budget is as follows:

(5) **IN THE MATTER TO MODIFY BID SPECIFICATIONS OF CONSTRUCTION DOCUMENTS TO ALLOW PERFORMANCE BONDS BY COMPANIES NOT APPEARING ON THE TREASURY LIST PROVIDED THAT BOND DOES NOT EXCEED THE COMPANY'S BONDING CAPACITY (ACKNOWLEDGED)**

Ms. Rosemary Martinez, Budget Officer, explained that the Architects for the Juvenile Center had initially requested to modify the bid specifications, to allow Performance Bonds by Companies not appearing on the Treasury List, said request based on the fact that an interested vendor was not able to obtain Bonding from a legitimate company. She stated that the Firm had since researched the matter, and they were recommending that the Treasury List be retained, but that the language be expanded to include some information obtained from other documents. She added that the information had just been faxed and had not been reviewed by Legal Counsel, but that it did not appear to be out of the ordinary and she recommended that the change be accepted.

Ms. Martinez explained that the Architectural Firm had suggested the following changes related to the bid specifications, and even though they were not on the Agenda, she requested the Court's direction in order to proceed to issue an Addendum to the bid specifications:

a) The prevailing wage scale for the Austin area in the original bid specification would be substituted with a local wage scale just issued by the Department of Labor;

b) The current deadline to receive bids of 10:30 A. M. on "opening day" would be changed to 4:00 P. M. the day before opening day;

c) The recommended the amount for "liquidated damages", that being between \$200.00 and \$500.00 a day for a going beyond the completion date would be changed to \$500.00 a day as suggested by the County Engineer, based on the size of the Project; and

4) The "retainage fee" be changed from the 10% to the statutory 5%, because the County could not use the 10% fee, unless the amount was set aside in an interest-bearing account.

Commissioner Cascos noted that the wage rates for the Austin area were significantly higher for the electrical and plumbing contractors and questioned whether the new rates had been provided to all sub-contractors interested in bidding.

Ms. Martinez responded that they were waiting for the Court's approval of these changes in order to provide an Addendum to the original bid specifications. She added that bid deadline would be September 27, 1993 at 4:00 P. M. and the opening day September 28, 1993, during the Commissioners Court Meeting as originally scheduled.

Commissioner Valencia suggested that the Item be tabled because he was not familiar with all the changes recommended.

There was a lengthy discussion concerning the issues involved, and the time necessary to issue an Addendum to the bids specifications should the matter be tabled.

Ms. Martinez noted that should the matter be tabled, there would not be sufficient time to send out the Addendum to the bid specifications.

At this time, Judge Garza noted that all the changes recommended would make it an easier bid and he called on Mr. Marvin Boland, Architect, and the Planning Director for their opinions regarding the retention fees.

Mr. Marvin Boland, Architect, stated that he was reluctant to comment on someone else's Project, but that generically, the retention fee for anything above \$30,000.00 would be five percent (5%). He added that another five percent (5%) could be retained and deposited in an interest bearing account that would be refunded, including the interest, to the Contractor. He stated that the local wage scale provided by the Department of Labor was used and that typically, their firm retained ten percent (10%).

Mr. Doug Wright, Cameron County Counsel, asked why it was necessary for the Court to take action on this matter and Ms. Martinez responded that Court approval was needed because the bid specifications were already distributed and needed to be modified.

Mr. Andy Cueto, County Engineer, stated that the changes were an Addendum to the bid specifications and it would be just a matter of informing the Court of the changes.

At this time, Judge Garza suggested the changes to the bid specifications be acknowledged.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the modifications to the bid specifications for the Construction Documents were acknowledged as outlined.

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(6) APPROVAL FOR COMMISSIONER PRECINCT NO. 4 TO SERVE AS REPRESENTATIVE ON THE AMIGOS DEL VALLE, INC., BOARD OF DIRECTORS

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, Commissioner Valencia was designated to serve as a Representative and Commissioner Rosenbaum as an Alternate on the Amigos del Valle, Inc., Board of Directors.

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(7) **AUTHORIZATION FOR APPROVAL OF
CONTRACT FOR RESIDENTIAL SERVICES WITH
GULF COAST TRADES CENTER FOR
PLACEMENT OF JUVENILES**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the

Contract for Residential Services with Gulf Coast Trades Center for placement of juveniles was approved.

The Contract is as follows:

**(8) APPROVAL OF CONTRACT UNDER THE TEXAS
JUVENILE PROBATION COMMISSION
COMMUNITY CORRECTIONAL BUDGET FOR
INTENSIVE SUPERVISION SERVICES BETWEEN
CAMERON COUNTY AND TEXAS KEY, INC.**

Commissioner Cascos moved that the Contract for Intensive Supervision Services between Cameron County and Texas Key, Inc., be approved, said Contract to be funded by the Texas Juvenile Probation Commission Community Correctional Budget.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Contract is as follows:

(9) **APPROVAL OF FISCAL YEAR 1994 HOLIDAY
SCHEDULE FOR CAMERON COUNTY
EMPLOYEES**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the
Fiscal Year 1994 Holiday Schedule for Cameron County employees was approved.

The Schedule is as follows:

**(10) CONSIDERATION AND ACTION RATIFYING
PREVIOUS ACTION BY THE COURT
AUTHORIZING THE ADVERTISEMENT FOR BIDS
ON REPLACEMENT OF ONE (1) TOLL BOOTH AT
GATEWAY INTERNATIONAL BRIDGE**

Commissioner Cascos moved that the approval given for the advertisement for bids on the replacement of one (1) toll booth at the Gateway International Bridge be ratified.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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**(13) APPROVAL OF ADDENDUM NO. 1 OF LEASE
BETWEEN BRENNAN WELL, DBA: AMIGOS DE
LA PLAYA AND CAMERON COUNTY**

Mr. Kenneth Conway, Parks Director, explained that the change involved the lease of the western half of the building, instead of the eastern half, as originally stated.

Commissioner Cascos moved that Addendum No. 1 of the Lease Agreement between Brennan Wells, doing business as (DBA) Amigos de la Playa and Cameron County, be approved.

The motion was seconded by Judge Garza and carried the following vote:

AYE: Commissioners Cascos, Matz and Judge Garza

NAY: None

ABSTAIN: Commissioners Rosenbaum and Valencia.

The Addendum No. 1 is as follows:

(14) **APPROVAL OF APPOINTMENT OF PRESIDING AND ALTERNATE JUDGES FOR TERM AUGUST 1, 1993 TO JULY 31, 1994**

Commissioner Valencia moved that the following individuals be appointed as Presiding and Alternate Judges for the term of August 1, 1993 through July 31, 1994:

- a) Precinct No. 11 **Presiding Judge - Luis Vega**
Alternate Judge - Lucilla Vega;
- b) Precinct No. 17 **Presiding Judge - Rosalinda Abrego;**
- c) Precinct No. 14 **Presiding Judge - Rafael Garcia and**
- d) Precinct No. 42 **Presiding Judge - Juan Ortega.**

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(15) **AUTHORIZATION FOR COUNTY ENGINEER TO BEGIN PROCESS OF REDISTRICTING FOR 1994 ELECTIONS**

Mr. Andy Cueto, County Engineer, reported that three (3) Proposals were received and he recommended that Francisco Rios be retained as the Engineer for the Redistricting Project.

Commissioner Cascos moved that the low bid of Francisco Rios, San Benito, Texas, be accepted for the Redistricting for the 1994 Elections.

The motion was seconded by Judge Garza and carried the following vote:

AYE: Commissioners Rosenbaum and Cascos

NAY: Commissioner Valencia.

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(16) **APPROVAL OF REQUEST BY CASTANEDA ELEMENTARY SCHOOL FOR TWO (2) VOTING MACHINES FOR OCTOBER 8, 1993**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the request by Castañeda Elementary School, Brownsville, Texas, for the use of two (2) voting machines, was approved, subject to the standard agreement.

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(17) REQUEST FOR FINAL APPROVAL

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, final approval was given to the following subdivision, on the recommendation by the County Engineer's Office:

- a) **Precinct No. 3** - Nueces Subdivision - being 63.19 acres out of Block Nos. 10, 11, 12, 13, 14, 15, 16 and South 1/2 of 17 out of Valley Groves Subdivision.

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(18) REQUEST FOR PRELIMINARY APPROVAL

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, preliminary approval was given to the following subdivision, on the recommendation of the County Engineer's Office:

- a) **Precinct No. 3** - Pederson Brothers No. 2 Subdivision - being a resubdivision of 47.82 acres of land consisting of all of Block 91 and 7.82 acres out of Block 90, Fresno Land and Irrigation Company Subdivision.

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(19) AUTHORIZATION TO OPEN BIDS FOR ONE (1) X-RAY MACHINE FOR HEALTH DEPARTMENT

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids as received for one (1) X-Ray Machine for the Health Department.

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(20) AUTHORIZATION TO OPEN BIDS FOR ONE (1) ROLLER FOR PRECINCT NO. 4

Upon motion by Commissioner Cascos seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids as received for one (1) Roller for Precinct No. 4.

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(21) AUTHORIZATION TO OPEN FISCAL YEAR 1993-1994 ANNUAL BIDS

At this time, Mr. Mike Forbes, County Purchasing Agent, noted that Item "e" should be an "Award" Item.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open the following 1993/1994 Annual Bids:

A) ROAD MATERIALS - EMULSION OILS

B) ROAD SURFACING MATERIALS

C) CARPETING

D) FUEL

E) VOTING - TO BE AWARDED.

At this time, Mr. Forbes was directed to continue to open the bids received on items No. 19, 20 and 21 and to report to the Court prior to the end of the Meeting.

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(22) EXECUTIVE SESSION

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 2:05 P. M. to discuss the following matters:

- a) Discuss Parks System land acquisition matter, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- b) Discuss Lease of Jetties Restaurant, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 2:45 P. M.

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COMMISSIONER VALENCIA WAS NOT IN THE COURTROOM:

(19) AUTHORIZATION TO OPEN BIDS FOR ONE (1) X-RAY MACHINE FOR HEALTH DEPARTMENT

At this time, Mr. Michael Forbes, County Purchasing Agent, reported that the bid received and opened are as follows:

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the bids were referred to the Purchasing Agent for tabulation and recommendation to the Court of the one (1) week.

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**(20) AUTHORIZATION TO OPEN BIDS FOR ONE (1)
ROLLER FOR PRECINCT NO. 4**

At this time, Mr. Michael Forbes, County Purchasing Agent, reported that the bids received and opened are as follows:

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the bids were referred to the Purchasing Agent for tabulation and recommendation to the Court of the best bid in one (1) week.

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(21) AUTHORIZATION TO OPEN FISCAL YEAR 1993-1994 ANNUAL BIDS

At this time, Mr. Michael Forbes, County Purchasing Agent, reported that the bids received and opened for Items "a" through "d" are as follows:

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the bids were referred to the Purchasing Agent and the appropriate Department Heads for tabulation and recommendation to the Court of the best bid in one (1) week.

COMMISSIONER VALENCIA RETURNED TO THE COURTROOM.

AWARD OF ITEM "E" - VOTING SUPPLIES:

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the following low bidders were accepted for Voting Supplies:

HART FORMS, AUSTIN, TEXAS

<u>Item A-1</u>	Election Day voting Kits	\$15.32
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TEXAS COUNTY PRINTING, FT. WORTH, TEXAS

<u>Item A-2</u>	Early Voting - Ballot Board Kits	\$18.00
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<u>Item B</u>	Ballot Boxes	\$59.70
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Item C Early Voting Ballots with Test Ballots

Sample Ballots, and On-Site Support \$8,626.00

<u>Item D-1</u>	Voting Machine Ballots - 1 Strip	\$10.00
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<u>Item D-2</u>	Voting Machine Ballots - 2 Strips	\$11.00
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<u>Item D-3</u>	Voting Machine Ballots - 3 Strips	\$12.00
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<u>Item D-4</u>	Voting Machine Ballots - 4 Strips	\$12.60
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<u>Item D-5</u>	Voting Machine Ballots - 5 Strips	\$13.25
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<u>Item E-1</u>	Pencils - small	\$.07
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<u>Item E-2</u>	Pencils - large	\$.38
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(23) ACTION RELATIVE TO EXECUTIVE SESSION

a) Action regarding discussion on Parks System land acquisition matter.

Judge Garza reported that the Court received a Status Report from the Parks System Director and after some discussion, it was the consensus of the Court as determined by polling, that said Report be acknowledged.

Commissioner Valencia moved that Status Report provided by the Parks System Director regarding the land acquisition matter by the Parks System be acknowledged.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

b) Action regarding discussion on Lease for Jetties Restaurant. (TABLED)

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the matter be tabled.

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

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

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APPROVED this **30th** day of **SEPTEMBER**, 1993.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

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