

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 12th day of NOVEMBER, 1996, 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:

1:30 P. M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

LUCINO ROSENBAUM, JR.
COMMISSIONER, PRECINCT NO. 1

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

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

HECTOR PEÑA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:



The meeting was called to order by Judge Pro-tem Carlos H. Cascos. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and Judge Leovaldo "Leo" Longoria, Harlingen, Texas, to lead 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, 1996, at 11:56 A.M.:

(1) APPROVAL OF COUNTY CLAIMS

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the County Claims were approved as presented by Ms. Lynda Irvine, First Assistant County Auditor, .

(2) IN THE MATTER OF THE BUDGET AMENDMENTS AND/OR SALARY SCHEDULES (NO ACTION TAKEN)

At this time, the First Assistant County Auditor reported that there were no Budget Amendments and/or Salary Schedules for approval.

(3) IN THE MATTER OF THE MINUTES OF OCTOBER 29, 1996 (TABLED)

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Minutes of the Regular Meeting held October 29, 1996, at 1:30 P.M., were approved.

At this time, Mr. Doug Wright, Cameron County Counsel, stated that the date of the Minutes were not identified on the Agenda, and suggested that the Item be Tabled until next week.

The motion and second were withdrawn and the Item was Tabled for one (1) week.

(4) APPROVAL TO REJECT AND READVERTISE THE REQUEST FOR PROPOSALS FOR THE PORT ISABEL HEALTH CLINIC

At this time, Ms. Graciela Salinas, Director of Management, reported that the Firm of Morales-Best Hinojosa Architects, Edinburg, Texas, was ranked the highest among five (5) Proposals received by the Committee, and added that the Firm was being further reviewed due to a pending lawsuit. She noted that the number of Proposals received for the Project was low and recommended rejecting and readvertising the Request for Proposals, in order to have a better and broader selection of Firms.

NOTE: JUDGE HINOJOSA JOINED THE MEETING AT THIS TIME.

Judge Hinojosa stated that many firms were not notified of the Proposal and added that local firms should be hired for Projects in the Valley, subject to their qualifications and professional services. He suggested that the Request for Proposals should be faxed to all the Architectural and Engineering Firms in the Valley, in order to get better responses.

Commissioner Cascos questioned what would be done differently from the first time, in order to ensure a broader selection, and Ms. Salinas responded that the Request for Proposals would be sent to a wider list of Firms that

was compiled from information by the Purchasing Department, the Program Development and Management Department and the Board of Architectural Examiners and that a broader range of Cameron County Firms and Hidalgo County Firms would be notified.

At this time, Mr. Frank Bejarano, Program Development and Management Director, stated that the Texas Community Development Program required that the Request for Proposals be sent by registered mail to the consultants on the mailing list, resulting in a costly mail out.

Commissioner Peña expressed concern as to the guidelines being executed by the County and the Purchasing Agent responded that the Request for Proposals were sent to the Vendors that requested to be placed on the County Mailing List.

Commissioner Cascos stated that there was a perception that a Proposal may not have been received from a Firm that wanted to submit a Proposal and that the County was rejecting and readvertising in order to provide the opportunity to submit the Proposal, noting that it would cost the County additional funds to readvertise.

At this time, Mr. Michael Forbes, County Purchasing Agent, stated the County Auditor had asked him to relay to the Court that the procedures of the evaluation were "clean" and were followed properly through the evaluation process, and that he felt that there was an adequate number of Proposals received.

Commissioner Cascos questioned why the Evaluation Committee was rejecting the Edinburg Firm, if it was ranked the highest and Judge Hinojosa responded that the Firm that submitted the Proposal was in question and suggested that the Request for Proposal be readvertised, in order to select from a broader range of firms.

Commissioner Rosenbaum moved that the Request for Proposals for the Port Isabel Health Clinic be rejected and readvertised.

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

AYE: Commissioners Rosenbaum, Matz, and Peña

NAY: None

ABSTAINED: Commissioner Cascos.

At this time, Commissioner Matz stated that certain provisions of the Professional Service Contracts were not in the best interest of the County and suggested that the County should not accept a Standard Contract for said Project.



(5) NAMING OF THE JUSTICE OF THE PEACE COURTROOM LOCATED IN THE CAMERON COUNTY BUILDING, 608 EAST HARRISON STREET, HARLINGEN, TEXAS, FOR JUDGE LEOVALDO "LEO" LONGORIA

Upon motion by Commissioner Peña, seconded by Commissioner Rosenbaum and carried unanimously, the Justice of the Peace Courtroom located in the Cameron County Building, 608 East Harrison Street, Harlingen, Texas, was named in honor of Judge Leovaldo "Leo" Longoria, former Justice of the Peace.

Judge Hinojosa expressed the Court's gratitude to Judge Longoria for his years of service to the County and the Justice well served in the community.

(6) IN THE MATTER OF EXTENDING HERNANDEZ ROAD IN CAMERON COUNTY PRECINCT NO. 4 (TABLED)

There was some discussion concerning the improvements and the maintenance of said extension by the County and the suggestion was made to Table the Item for further research.

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

(7) AUTHORIZATION TO AWARD PROPOSAL FOR AUCTIONEER SERVICE

At this time, Mr. Michael Forbes, County Purchasing Agent, recommended that the Annual Proposal for Auctioneer Service should be awarded to Texas Auto Title, Corpus Christi, Texas, noting that the Auction Services applied to County Property, seized vehicles, and stolen and lost property.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Proposal for Auctioneer Service was awarded to Texas Auto Title, Corpus Christi, Texas.

At this time, Mr. Eddie A. Gonzalez, County Treasurer, expressed concern regarding insurance to protect the County's assets and the issue of payment pending confirmation from the entity's bank guaranteeing the auctioneer's checks to the County.

At this time, Mr. Ron McGuire, Texas Auto Title, stated that the Banking Institution and State Recovery Bond that auctioneers carried in the amount of \$500,000.00, would ensure the financial matters with the County. He suggested that the Peace Officers verify the buyers insurance before the vehicles were driven off the County Lot.

Upon motion duly made by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Proposal for Auctioneer Service was awarded to Texas Auto Title, Corpus Christi, Texas, subject to a Letter of Guarantee, or the equivalent be submitted to the County by the Banking Institution securing the checks.

(8) APPROVAL TO REFUND TAXES

Commissioner Matz moved that the taxes be refunded to the following entities:

- a) W. E. or Ella Kathryn May, in the amount of \$829.12, Doubled Assessed,
- b) Gibson's Discount, in the amount of \$789.29, Doubled Assessed,
- c) Mader Corporation, in the amount of \$1,617.45, Doubled Assessed,
- d) Prepared Foods, in the amount of \$9,589.00, Removal of inventory, and
- e) Arista Industries, in the amount of \$1,554.45, Doubled Assessed.

The motion was seconded by Commissioner Peña and carried unanimously.

(9) AUTHORIZATION TO ADVERTISE FOR BIDS TO REPLACE THE TRASH COMPACTOR USED ON PUBLIC BEACHES AND PARK AREAS

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Advertisement of Bids to replace the Trash Compactor used on Public Beaches and Park areas, was approved.

(10) APPROVAL FOR THE COUNTY JUDGE TO EXECUTE CONTRACT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE LANDSCAPING COST SHARING PROGRAM AT THE FREE TRADE BRIDGE

Commissioner Peña moved that the County Judge be authorized to execute the Contract with the Texas Department of Transportation for the Landscaping Cost Sharing Program at the Free Trade Bridge.

The motion was seconded by Commissioner Matz and carried unanimously.

(11) AUTHORIZATION TO CONVEY TO THE PUBLIC UTILITIES BOARD THE SEWER LINE EASEMENT OF VILLA PANCHO SUBDIVISION

Commissioner Rosenbaum moved that the Sewers Line Easement of Villa Pancho Subdivision be conveyed to the Public Utilities Board.

The motion was seconded by Commissioner Peña and carried unanimously.

(12) **APPROVAL OF THE TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA FUND SELF HELP CENTER CONTRACT NO. 716003, BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

At this time, Mr. Frank Bejarano, Program Development and Management Director, stated that said Contract was the first of two (2) Contracts that needed to be approved, in order to implement the Self Help Program, noting that several Colonias within the Valley were designated for the Program. He stated that the Contract was for the amount of \$353,075.00, which had a two (2) year time period and added that the County would serve as a pass through for the implementation within the City of Brownsville.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Texas Community Development Program Colonia Fund Self Help Center Contract No. 716003, was approved between Cameron County and the Texas Department of Housing and Community Affairs.

The Contract is as follows:

(13) ACTION TO ADD ARROYO COLORADO ESTATES TO THE INVENTORY OF OFFICIALLY RECOGNIZED COLONIAS AS FIRST REPORTED IN THE 1991 CAMERON COUNTY WATER AND WASTEWATER PLANNING STUDY FOR THE PURPOSE OF WATER AND SEWER FUNDING FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT

Commissioner Matz moved that Arroyo Colorado Estates be added to the inventory of officially recognized Colonias as first reported in the 1991 Cameron County Water and Wastewater Planning Study for the purpose of Water and Sewer Funding from the United States Department of Agriculture Rural Development.

The motion was seconded by Commissioner Peña and carried unanimously.



(14) APPROVAL OF THE TEXAS CAPITAL FUND (TCF) IMPLEMENTATION CONTRACT BETWEEN CAMERON COUNTY AND FRUIT OF THE LOOM, TEXAS, INCORPORATED; PURSUANT TO THE TEXAS CAPITAL FUND FUNDING FOR CERTAIN IMPROVEMENTS TO THE HARLINGEN WATERWORKS SYSTEM

At this time, Mr. Frank Bejarano, Program Development and Management Director, stated that the Contract was the first of two (2) Contracts to be approved, in order to implement the \$500,000.00 Texas Capital Fund for improvements to the Harlingen Waterworks System and explained that the Contract would meet the requirements imposed by the State.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously the Texas Capital Fund (TCF) Implementation Contract between Cameron County and Fruit of the Loom, Texas, Incorporated, was approved; pursuant to the Texas Capital Fund funding for certain improvements to the Harlingen Waterworks System.

The Contract is as follows:

(15) ACTION TO SELECT AN ARCHITECTURAL AND/OR ENGINEERING FIRM FOR THE DESIGN AND DEVELOPMENT OF THE CAMERON PARK RECREATION PROJECT AND AUTHORIZE THE COUNTY'S PROGRAM DEVELOPMENT AND MANAGEMENT AND PARKS SYSTEM DEPARTMENTS TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, Mejia and Rose, Incorporated, Brownsville, Texas, was selected for the Design and Development of the Cameron Park Recreation Project; and the Program Development and Management and the Parks System Departments were authorized to negotiate the Professional Services Agreement.



(16) APPROVAL OF AMENDMENT NO. 2 TO CAMERON PARK RECREATION PROJECT CONTRACT, BETWEEN CAMERON COUNTY AND TEXAS A&M, EXTENDING THE CONTRACT'S EXPIRATION DATE FROM SEPTEMBER 30, 1996, TO AUGUST 31, 1999

Commissioner Cascos moved that the Amendment No. 2 to the Cameron Park Recreation Project Contract be approved, between Cameron County and Texas A&M, in order to extend the expiration date from September 30, 1996, to August 31, 1999.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Contract is as follows:

(17) ADOPTION OF THE RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR FUNDING UNDER THE ECONOMICALLY DISTRESSED AREAS PROGRAM ON BEHALF OF CAMERON PARK AND AUTHORIZING THE COUNTY JUDGE TO ACT IN ALL ADMINISTRATIVE MATTERS PURSUANT TO SAID APPLICATION

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Resolution was adopted authorizing the submission of a Grant Application to the Texas Department of Housing and Community Affairs for funding under the Economically Distressed Areas Program on behalf of Cameron Park; and the County Judge was authorized to act in all administrative matters pursuant to said Application.

The Resolution is as follows:

**(18) APPROVAL TO HAVE THE UNIFIED
NARCOTICS INTELLIGENCE TASK FORCE
SIGN AN INFORMATION ACCESS CONTRACT
WITH THE HIDALGO COUNTY APPRAISAL
DISTRICT**

Commissioner Rosenbaum moved that the Unified Narcotics Intelligence Task Force be authorized to sign an Information Access Contract with the Hidalgo County Appraisal District.

The motion was seconded by Commissioner Peña and carried unanimously.

The Contract is as follows:

**(19) APPROVAL OF THE TEXAS DEPARTMENT OF
HEALTH DOCUMENT NO. 7460004207-97,
CHANGE NO. 04, ATTACHMENT NO. 06,
TUBERCULOSIS PREVENTION AND CONTROL**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the Texas Department of Health Document No. 7460004207-97, Change No. 04, Attachment No. 06, Tuberculosis Prevention and Control, was approved.

The Contract is as follows:

**(20) APPROVAL FOR THE CONTINUATION OF THE
T. B. LEVI STRAUSS GRANT THROUGH THE
END OF DECEMBER, 1996**

Commissioner Rosenbaum moved that the T. B. Levi Strauss Grant be continued through the end of December, 1996.

The motion was seconded by Commissioner Cascos and carried unanimously.

CONSENT AGENDA ITEM

**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 Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the "Consent" Agenda Items were approved as follow:

**(21) APPROVAL OF TRAVEL AND/OR TRAVEL EXPENSES FOR THE
FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET:**

- a) Two (2) Juvenile Staff Members to attend the "Public Meeting sponsored by the Texas Juvenile Probation Commission" in Edinburg, Texas, on September 19, 1996;
- b) Unified Narcotics Intelligence Task-Force Director to meet with Sheriff and other Law Enforcement Officials in Kleberg County, Texas, on November 13-14, 1996;
- c) Program Development and Management Staff Member to attend the "Criminal Justice Division Video Workshop on Grants Administration" in Weslaco, Texas, on November 22, 1996;
- d) Chief Juvenile Probation Officer to attend the "Sunset Committee Hearing Reference the Texas Juvenile Probation Commission" and to meet with the Texas Juvenile Probation Commission in regards to the Border Children Justice Program, in Austin, Texas, on November 12-14, 1996;
- e) Juvenile Probation Officer Supervisor to attend the "Community Management Team Meeting" in Edinburg, Texas, on September 10, 1996; and
- f) Juvenile Probation Officer to attend the "Stars Program Board Meeting" in McAllen, Texas, on August 1, 1996.

- (24) AUTHORIZATION TO OPEN ANNUAL BID NO. 2630,
FOR ROAD SIGNS, POSTS AND MISCELLANEOUS
ROAD MATERIALS**

The Bids received and opened are as follow:

(25) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 2:25 P.M. to discuss the following matters:

- a) Confer with County Counsel on Lease Tenant for Parcel No. 39, FM/1419 Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) Confer with County Counsel concerning additional expenses for the FM/419 Project, Parcel Nos. 74 and 75; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071;
- c) Evaluation of Mr. Frank Bejarano, in the capacity of Program Development and Management Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- d) Confer with County Counsel concerning Cameron County Park Real Estate; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2); and
- e) In the matter of conferring with County Counsel concerning negotiations involving the Lease Agreement with Schlitterbahn Development; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1&2). **(TABLED)**

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Regular Session at 3:25 P.M.



(26) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with County Counsel on Lease Tenant for Parcel No. 39, FM/1419 Project; and
- b) Confer with County Counsel concerning additional expenses for FM/1419 Project, Parcel Nos. 74 and 75.

Mr. Doug Wright, Cameron County Counsel, recommended that the expenses in the amount of \$1,685.00, for Parcel No. 39, and the amounts of \$1,437.71 and \$644.75, for Parcel Nos. 74 and 75, should be approved regarding said matters.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Peña and carried unanimously, the additional expenses in the amount of \$1,685.00, for Parcel No. 39, and the amounts of \$1,437.71 and \$644.75, for Parcel Nos. 74 and 75, were approved regarding the Lease Tenant for the FM/1419 Project.

- c) Evaluation of Mr. Frank Bejarano, in the capacity of Program Development and Management Director.

Judge Hinojosa recommended that the evaluation of Mr. Frank Bejarano, in the capacity of Program Development and Management Director, should be favorably acknowledged.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the favorable evaluation of Mr. Frank Bejarano, in the capacity of Program Development and Management Director, was acknowledged.

- d) Confer with County Counsel concerning the Cameron County Park Real Estate.

Mr. Doug Wright, Cameron County Counsel, recommended that County Counsel should be directed to add a provision regarding "assignment rights" to the total Lease Agreement and that a letter be sent to Mr. Bud Crane describing or complying with the Lease before that Agreement.

Commissioner Rosenbaum moved that the County Counsel be directed to add a provision regarding assignment rights under the Lease and that a provision be added to the total Lease Agreement with a letter sent to Mr. Bud Crane describing or complying with Lease before the Agreement was made concerning the Cameron County Park Real Estate.

- e) In the matter of conferring with County Counsel concerning the negotiations involving Lease Agreement with Schlitterbahn Development. **(TABLED)**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, this Item was **TABLED** and was not discussed.

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There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the meeting was **ADJOURNED**.

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APPROVED this **26th** day of **November, 1996**.

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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