

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 19th 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

COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

HECTOR PEÑA



The meeting was called to order by Judge Gilberto Hinojosa. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and Commissioner Cascos 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 15, 1996, at 11:49 A.M.:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, expressed concern regarding the rejection of the architectural proposals for the Port Isabel Health Clinic, as referenced in the following memorandum and requested that the Court retract their vote that was executed at the previous Meeting:

Commissioner Cascos stated that there were no satisfactory answers as to the question concerning what was to be done differently, than what was done the first time on the Request for Proposal process and added that his concern was expressed regarding the rejection of an adequate number of Request for Proposals received.

Mr. Yates stated that in the bidding process, bids are rejected if few bids are received due to inadequate competition, and added that five (5) or more bids received was a sufficient number to consider.

Commissioner Cascos clarified that the Port Isabel Health Clinic Request for Proposal was for Professional Services and stated that the issues cited by the County Auditor applied to materials and tangible property. He noted that the County did not violate a law and added that the County had the latitude to obtain the best Proposal for Professional Services. He questioned whether the Memorandum addressed Professional Services or tangible property and the County Auditor responded that the Memorandum addressed the Request for Proposal process.

At this time, Judge Hinojosa stated that the Memorandum contained inappropriate misrepresentation and clarified that the Proposals were to be reviewed by the Committee, noting that the members of the Commissioners' Court were not on the Committee and would not have a say so on who would get hired. He stated that the intent of the issue was to give the local vendors an opportunity to submit their Proposals and added that there was no comparison with the County's intent to obtain Rio Grande Valley Architect's Proposals and the issue of the Sheriff's Department's purchasing practices. Judge Hinojosa stated that the rejection and readvertising was in the best interest of the County.

Mr. Yates expressed his support for the Commissioner' Court decision and stated that the he was stating his request in a professional manner.

At this time, Mr. Yates presented an additional late claim as to the Coastal Bend Youth City, Warrant No. 24311, in the amount of \$7,520.24.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the County Claims were approved as presented by the County Auditor, inclusive of the additional late claim as to the Coastal Bend Youth City, Warrant No. 24311, in the amount of \$7,520.24.



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

At this time, Commissioner Cascos expressed concern regarding the Salary Increases in the Drug Forfeiture Department and whether the slots had received the compensation increases approved in October and the suggestion was made to Table the Item.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Fiscal Year 1997 Budget Amendment No. 97-05 and following Salary Schedules were approved, excluding the Salary Schedule for the Drug Forfeiture-County Sheriff - Fund No. 90-561, which was **TABLED**.

Health Department - Fund No. 10-630;

Gateway International Bridge - Fund No. 80-610; and

Planning and Inspection - Fund No. 15-623.

The Budget Amendment and Salary Schedules are as follow:

(3) APPROVAL OF THE MINUTES OF OCTOBER 29, 1996, AND NOVEMBER 5, 1996

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Minutes of the Special, Regular and Emergency Meetings held October 29, 1996, at 1:30 P.M., the Special Meeting held November 5, 1996, at 11:00 A.M., and the Regular Meeting held November 5, at 1:30 P.M., were approved.

(4) ACKNOWLEDGMENT OF THE APPOINTMENT OF COMMISSIONER CARLOS H. CASCOS TO THE BROWNSVILLE ECONOMIC DEVELOPMENT COUNCIL BOARD

Commissioner Rosenbaum moved that the appointment of Commissioner Carlos H. Cascos, C.P.A., to the Brownsville Economic Development Council Board, be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

(5) APPROVAL OF AN ACTION PLAN FOR THE SECURITY AND SAFETY OF THE RUBEN TORRES DETENTION CENTER BUILDING

(6) ACTION ON EXPENDITURES FOR CORRECTIVE SECURITY MEASURES ON THE RUBEN TORRES DETENTION CENTER BUILDING

At this time, Judge Hinojosa requested a report by the Sheriff's Department as to the events that took place regarding said issue, the assessment, and the corrections that were being implemented.

Chief Joe Elizardi, Sheriff's Department, stated that the Maintenance Superintendent was contacted following the escape of the prisoners detained in the Ruben Torres Detention Center Building and briefly explained the measures that were taken to correct the problem. He stated that video cameras were to be added to the existing security, which would cost the estimated amount of \$5,000.00 to \$7,000.00, and suggested that the funds be allocated from the Commissary Fund. Chief Elizardi stated that about twenty (20) individuals had been removed from the Detention Center Building and added that the individuals would be transported back to the Detention Center once the Building was inspected and met security standards.

Mr. Mark Yates, County Auditor, suggested that funds be allocated from available funds from the past equipment list.

There was some discussion regarding the manner in which the prisoners escaped from the facility due to improper construction of the facility and Chief Elizardi clarified that the incident was caused due to improper employee procedures and added that the design of the facility was changed to prevent similar incidents.

At this time, Mr. Robert Cervantes, Deputy Marshall, clarified that thirty (30) prisoners were relocated as opposed to the twenty (20) prisoners previously reported and stated that the U.S. Marshall's Department would send an inspector to examine the facility within a week.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Action Plan for the security and safety and the expenditures for the Corrective Security Measures of the Ruben Torres Detention Center Building, were approved, said funding to be allocated from Fund No. 02 - Bond Funds.



(7) AUTHORIZATION TO OPEN AN ACCOUNT WITH THE INTERNATIONAL BANK OF COMMERCE AND SUBSTITUTE COLLATERAL

Commissioner Rosenbaum moved that the Cameron County Treasurer Free Trade Bridge Planning Grant Fund No. 79 Account be opened with the International Bank of Commerce and that the Collateral in the amount of (at Market) \$4,047,061.95, be substituted for \$3,891,903.36.

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

AYE: Commissioners Rosenbaum, Cascos, and Matz

NAY: None

ABSTAINED: Judge Hinojosa.

The Resolution is as follows:

(8) ADOPTION OF A RESOLUTION HONORING THE EMPLOYEES OF H. E. BUTT GROCERY COMPANY

Commissioner Rosenbaum moved that the Resolution honoring the employees of H. E. Butt Grocery Company, be adopted.

The motion was seconded by Commissioner Cascos and carried unanimously.

(9) APPROVAL TO ISSUE A PURCHASE ORDER TO A. G. HILL POWER COMPANY, FOR EMERGENCY REPAIRS TO THE QUEEN ISABELLA CAUSEWAY

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, a Purchase Order was issued to A. G. Hill Power Company, for emergency repairs to the Queen Isabella Causeway.

(10) APPROVAL OF THE TEXAS DEPARTMENT OF HEALTH DOCUMENT NO. 7460004207A97: WOMEN AND CHILDREN FEE, IN THE AMOUNT OF \$778,896.00

Commissioner Cascos moved that the Texas Department of Health Document No. 7460004207A97: Women and Children Fee, in the amount of \$778,896.00, be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Contract is as follows:

(11) APPROVAL OF THE AGREEMENT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND MR. RAY K. ACOSTA, PHARMACIST, TO ACT AS THE CONSULTANT FOR THE HEALTH CLINICS

There was some concern regarding the terms and the annual cost of the Contract and Ms. Maria S. San Pedro, Health Department, clarified that the Contract would expire at the end of the 1996 year, at which time, the Contract would be submitted to the Court to renew the one (1) year term on January, 1997, and added that the total annual cost of the Contract would be the amount of \$500.00.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Agreement between the Cameron County Health Department and Mr. Ray K. Acosta, Pharmacist, to act as the consultant for the Health Clinics, was approved.

The Agreement is as follows:

**(12) APPROVAL OF THE TEXAS DEPARTMENT OF
HEALTH DOCUMENT NO. 7460004207-97,
CHANGE NO. 05; ATTACHMENT NO. 07:
WOMEN AND CHILDREN - FAMILY
HEALTH/CORE**

Commissioner Rosenbaum moved that the Texas Department of Health Document No. 7460004207-97,
Change No. 05; Attachment No. 07: Women and Children - Family Health/Core, be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Contract is as follows:

(13) APPROVAL OF THE TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 716035; PURSUANT TO CERTAIN IMPROVEMENTS ON BEHALF OF THE SUNNY SKIES COLONIA AND AUTHORIZATION FOR THE COUNTY JUDGE TO EXECUTE SAID CONTRACT

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Texas Community Development Program Contract No. 716035; pursuant to certain improvements on behalf of the Sunny Skies Colonia, was approved and the County Judge was authorized to execute said Contract.

The Contract is as follows:

(14) APPROVAL OF THE TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA PLANNING FUND CONTRACT NO. 716045; PURSUANT TO A STREET RIGHT OF WAY AND UTILITY EASEMENT DEDICATION PROGRAM FOR THE GREEN VALLEY FARMS SUBDIVISION AND AUTHORIZATION FOR THE COUNTY JUDGE TO EXECUTE SAID CONTRACT

Commissioner Matz moved that the Texas Community Development Program Colonia Planning Fund Contract No. 716045; pursuant to a Street Right-of-Way and Utility Easement Dedication Program for the Green Valley Farms Subdivision, be approved and that the County Judge be authorized to execute said Contract.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Contract is as follows:

NOTE: COMMISSIONER ROSENBAUM LEFT THE COURT ROOM.

- (15) **APPROVAL OF THE TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 716151; PURSUANT TO CERTAIN IMPROVEMENTS FOR THE OLMITO WATER SUPPLY CORPORATION AND AUTHORIZATION FOR THE COUNTY JUDGE TO EXECUTE SAID CONTRACT**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Texas Community Development Program Contract No. 716151; pursuant to certain improvement for the Olmito Water Supply Corporation, was approved and the County Judge was authorized to execute said Contract.

The Contract is as follows:

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:

Commissioner Cascos moved that the following "Consent" Agenda Items be approved.

The motion was seconded by Judge Hinojosa and carried as follows:

AYE: Commissioner Cascos and Judge Hinojosa

NAY: Commissioner Matz as to Item 16 "a".

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

- a) Commissioner Precinct No. 1 to attend the "Border Energy Forum III - United States and Mexico Conference" in Monterrey, Nuevo Leon, Mexico, on November 20-23, 1996;
- b) Two (2) Cameron County Drug Enforcement Agents to attend the "Interactive Video Workshop" in Weslaco, Texas, on November 22, 1996;
- c) Computer Services Center PC Training/Support Specialist to attend a "Two (2) Day Seminar and a PC Training Certification Seminar" in San Antonio, Texas, on November 20, 1996; and
- d) Bridge System Director to attend the "EDA Training Workshop" in San Antonio, Texas, on December 16-17, 1996.

(17) AUTHORIZATION TO OPEN BIDS/REQUEST FOR PROPOSALS

- a) **ANNUAL BID NO. 1150, FOR NEWSPAPER ADVERTISING**
- b) **REQUEST FOR PROPOSAL NO. 96-10-05, FOR SOUTH TEXAS BOOT CAMP AND EDUCATION CENTER ARCHITECTURAL SERVICES**
- c) **REQUEST FOR PROPOSAL NO. 96-10-13, FOR PROJECT MANAGEMENT, FOR THE RECYCLING CENTER FOR CAMERON PARKS COLONIA**
- e) **ANNUAL BID NO. 2070, FOR FILTERS - AIR CONDITIONERS**

The Bids/Request for Proposals are as follow:

(17) AUTHORIZATION TO OPEN BIDS/REQUEST FOR PROPOSALS

- a) ANNUAL BID NO. 1150, FOR NEWSPAPER ADVERTISING**

The Bids received and opened are as follow:

(17) AUTHORIZATION TO OPEN BIDS/REQUEST FOR PROPOSALS

- b) REQUEST FOR PROPOSAL NO. 96-10-05, FOR SOUTH TEXAS BOOT CAMP AND EDUCATION CENTER ARCHITECTURAL SERVICES**

The Request for Proposals is as follows:

(17) AUTHORIZATION TO OPEN BIDS/REQUEST FOR PROPOSALS

- c) REQUEST FOR PROPOSAL NO. 96-10-13, FOR PROJECT MANAGEMENT, FOR THE RECYCLING CENTER FOR CAMERON PARKS COLONIA**

The Request for Proposal is as follows:

(17) AUTHORIZATION TO OPEN BIDS/REQUEST FOR PROPOSALS

- d) ANNUAL BID NO. 2070, FOR FILTERS
- AIR CONDITIONERS**

The Bids received and opened are as follow:

(18) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 2:10 P.M. to discuss the following matters:

NOTE: COMMISSIONER ROSENBAUM RETURNED TO THE COURT ROOM.

- a) In the matter of conferring with County Counsel concerning the 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)**
- b) Confer with County Counsel concerning the Right-of-Way acquisition on FM/1419, for Parcel No. 54; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) Confer with County Counsel concerning the potential litigation regarding the Dancy Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A&B);
- d) Confer with County Counsel on the settlement offer in the U.S. District Court Case, No. B-95-059, Antonio Vallejo, Jr. vs. Alex Perez; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(B);
- e) In the matter of conferring with County Counsel on the Country Boy Haven Subdivision and the owner of Lot No. 19, Mr. Jesus Delgado; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A); **(NO ACTION TAKEN)**
- f) Confer with County Counsel regarding the authority to represent Judge Rogelio Valdez, 357th State District Court Presiding Judge, on the case styled Denise Stockton Bell vs. Judge Rogelio Valdez, et. al.; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A); and
- g) Confer with County Counsel on the case styled Edward Alcala, et. al. vs. Cameron County, Cause No. B-96-203, in the United States District Court, Southern Division, Brownsville; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A).

NOTE: COMMISSIONER ROSENBAUM LEFT THE MEETING.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Court reconvened in Regular Session at 4:55 P.M.

(19) ACTION RELATIVE TO EXECUTIVE SESSION

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

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

- b) Confer with County Counsel concerning the Right-of-Way acquisition on FM/1419, for Parcel No. 54.

Judge Hinojosa recommended that the requested amount of \$231.84, should be paid regarding said matter.

Commissioner Matz moved that the payment, in the amount of \$231.84, concerning the Right-of-Way acquisition on FM/1419, for Parcel No. 54, be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

- c) Confer with County Counsel concerning the potential litigation regarding the Dancy Building;
- d) Confer with County Counsel on the settlement offer in the U.S. District Court Case, No. B-95-059, Antonio Vallejo, Jr. vs. Alex Perez; and
- g) Confer with County Counsel on the case styled Edward Alcala, et. al. vs. Cameron County, Cause No. B-96-203, in the United States District Court, Southern Division, Brownsville.

Judge Hinojosa recommended that the Status Reports by County Counsel should be acknowledged regarding said matters.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Status Reports by County Counsel were acknowledged concerning the potential litigation regarding the Dancy Building, the Settlement Offer in the U.S. District Court Case, No. B-95-059, Antonio Vallejo, Jr. vs. Alex Perez, and the case styled Edward Alcala, et. al. vs. Cameron County, Cause No. B-96-203, in the United States District Court, Southern Division, Brownsville.

- f) Confer with County Counsel regarding the authority to represent Judge Rogelio Valdez, 357th State District Court Presiding Judge, on the case styled Denise Stockton Bell vs. Judge Rogelio Valdez, et. al.

Judge Hinojosa recommended that the County should represent Judge Rogelio Valdez, 357th State District Court Presiding Judge, regarding said matter.

Commissioner Matz moved that the County represent Judge Rogelio Valdez, 357th State District Court Presiding Judge on the case styled Denise Stockton Bell vs. Judge Rogelio Valdez, et. al.

The motion was seconded by Commissioner Cascos and carried unanimously.

- e) In the matter of conferring with County Counsel on the County Boy Haven Subdivision and the owner of Lot No. 19, Mr. Jesus Delgado. **(NO ACTION TAKEN)**

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

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Minutes of October 29, 1996, were reconsidered.

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

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

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

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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