

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 23rd day of DECEMBER 2003, there was conducted a Regular Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

9:30 P.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

JOHN WOOD
COMMISSIONER PRECINCT NO. 2

COMMISSIONER, PRECINCT NO. 3

EDNA TAMAYO
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

DAVID A. GARZA

The meeting was called to order by Judge Pedro "Pete" Benavides at 9:30 A.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 December 19, 2003, at 3:55 P.M.:

ACTION ITEMS

(1) **BUDGET AMENDMENTS, LINE ITEM
TRANSFERS AND/OR SALARY SCHEDULES**

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Salary Schedules were approved.

The Salary Schedules are as follow:

(2) **APPROVAL OF MINUTES:**

(A) **OCTOBER 28, 2003-REGULAR MEETING**

(B) **NOVEMBER 4, 2003-REGULAR MEETING**

Commissioner Tamayo moved that the Minutes of the Regular Meetings held October 28, 2003, and November 4, 2003, be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

(3) **CONSIDERATION AND POSSIBLE ACTION ON ORDER, PURSUANT TO THE TEXAS CONSTITUTION ARTICLE V, SECTION 18, TO REVISE COUNTY ELECTION PRECINCT BOUNDARIES AND TO ADD CERTAIN PRECINCTS TO CONFORM WITH THE CONGRESSIONAL DISTRICTS UNDER PLAN 1374C, AND TO GIVE EFFECT TO THE REDISTRICTING PLAN UNDER ARTICLE III, SECTION 28, OF THE TEXAS CONSTITUTION, AS SUBMITTED BY THE OFFICE OF THE ELECTIONS ADMINISTRATOR IN COMPLIANCE WITH SUBCHAPTER A, COUNTY ELECTION PRECINCTS, SECTION 42.0051 OF THE TEXAS ELECTION CODE**

Mr. Roger Ortiz, Elections Administrator, informed that the redistricting map was approved by the Department of Justice and was being heard by a panel of three (3) Federal Judges. He stated that the Order conforms to the 1374C Plan, Congressional Redistricting as it affects Cameron County. Mr. Ortiz stated that seven (7) new precincts resulted within Cameron County, totaling 94 precincts upon approval.

NOTE: JUDGE HINOJOSA ARRIVED AT THIS TIME

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Order, pursuant to the Texas Constitution Article V, Section 18, to revise County Election Precinct Boundaries and to add certain precincts to conform with the Congressional Districts under Plan 1374C, and to give effect to the Redistricting Plan under Article III, Section 28, of the Texas Constitution, was adopted as submitted by the Office of the Elections Administrator in compliance with Subchapter A, County Elections Precincts, Section 42.0051 of the Texas Elections Code, subject to the Federal District Court not throwing out the Redistricting Plan.

The Order is as follows:

(4) **STATUS REPORT AND POSSIBLE ACTION ON FUNDING FROM THE RGV EMPOWERMENT ZONE CORPORATION FOR ROAD REPAIRS IN LAGUNA HEIGHTS**

Mr. Frank Bejarano, Project Development and Management Director, informed that the RGV Empowerment Zone Corporation authorized that the Projects budget surplus be used to purchase materials for road paving in Laguna Heights; thus, he requested authorization to issue a Purchase Order for the same.

Commissioner Tamayo moved that the issuance of a Purchase Order for the purchase of road materials for road repairs in Laguna Height through RGV Empowerment Zone Corporation be authorized.

The motion was seconded by Commissioner Benavides and carried unanimously.

(5) **CONSIDERATION AND AUTHORIZATION TO AWARD THE BID FOR PATROL CARS BID NO. 031101 (QTY. 19)**

Mr. Mark Yates, County Auditor, recommended that the bid be awarded to the low bidder, and informed that there was a local vendor within the 3%.

Commissioner Wood explained that by law the Court was able to award to a local vendor within a 3%, and expressed his belief to be that the bid should be awarded to the local vendor whom pays property/sales taxes and employees 125 County residents, adding that the Court should support local vendors.

Judge Hinojosa asked for the difference in cost.

Mr. Yates responded that the difference in cost was an estimated \$10,000.00, and noted the need for the Court to determine an economic value.

Mrs. Dylbia L. Jeffries, Contract Attorney, explained that the Court must determine a finding of economic benefit upon awarding to the local vendor.

Commissioner Wood stated that an economic benefit exist because the local vendor employs County residents and pays property/sales taxes.

Judge Hinojosa expressed concern with the difference in cost, and opposition towards spending \$10,000.00 that need not be spent when there were shortfalls to the equipment list.

Commissioner Benavides commented that larger vendors had advantages because they were in larger cities.

Commissioner Wood moved that the bid for Patrol Cars, Bid No. 31101, for 19 vehicles, be awarded to Tipton Ford, Brownsville, Texas.

The motion was seconded by Commissioner Benavides and the vote was as follows:

AYE: Commissioners Benavides and Wood,

NAY: Commissioner Tamayo and Judge Hinojosa.

Commissioner Benavides questioned if a deadline was in place.

Mr. Yates stated that he would consult the matter with the Purchasing Agent.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, this Item was **TABLED**.

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ITEMS WERE HEARD COLLECTELY 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. 8: Judge Hinojosa requested that the RFP be provided to everyone who previously submitted proposals.
Mr. Francisco Martinez, Assistant County Attorney, informed that the RFP would be provided to the same companies, to additional companies, and would be published. He added that a better turnout was anticipated.

ITEM NO. 6: Mr. Mark Yates, County Auditor, presented the following late claims:
Warrant No. 00108775, payable to Juana Cambell, in the amount of \$15,000.00;
Warrant No. 00108776, payable to the Jury Fund, in the amount of \$4,137;
Warrant No. 00108777, payable to GE Credits; and
Warrant No. 00108778, payable to Fund No. 32, in the amount of \$5,000.00.

Mr. Yates informed that the Public Works Department submitted a claim reimbursement to TXDOT for Proposition II prior to Thanksgiving for which funds were yet to be received. He explained that funding from TXDOT was used as working capital to pay current bills and that lack of reimbursement was slowing delivery of checks to vendors; therefore, he must work with TXDOT.

Commissioner Wood noted the need to work with TXDOT to determine if the forms were accurate because previous forms were inaccurate.

Mr. Yates stated that the Public Works Department has not provided feedback on the matter.

Commissioner Wood stated that the Public Works Department was working to correct the problem and that this might be causing delays.

Mr. Yates stated that he would work with TXDOT and the Interim Public Works Director.

Commissioner Tamayo moved that the "Consent and Travel Items", be approved.

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

AYE: Commissioners Benavides, Wood, and Tamayo,

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 00108574, payable to Laguna Madre Water District, in the amount of \$5,637.94.

- (6) **APPROVAL OF CLAIMS;**
The Affidavit follows:
- (7) **APPROVAL FOR HIDTA CONTRACTUAL EMPLOYEE FOR DECEMBER 20, 2003 THRU DECEMBER 31, 2003 AND FOR JANUARY 1, 2004 THRU DECEMBER 31, 2004;**
The Contract follows:
- (8) **APPROVAL AND AUTHORIZATION TO ADVERTISE A REQUEST FOR PROPOSALS FOR A RECORDS IMAGING SYSTEM AND RELATED SERVICES FOR THE CAMERON COUNTY AND DISTRICT ATTORNEY;**
The RFP follows:
- (9) **ADOPTION OF A RESOLUTION CONCERNING THE IMPLEMENTATION OF HB 2292 (78TH LEGISLATURE-REGULAR SESSION);**
The Resolution follows:
- (10) **AUTHORIZATION AND RATIFICATION ON THE OPENING OF THE VETERANS BRIDGE 24 HOURS ON DECEMBER 20-21, 2003;**
- (11) **ACTION FOR THE APPOINTMENT OF DANIEL C. CHAVEZ RESERVE DEPUTY CONSTABLES FOR PRECINCT NO. 3 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER;**
- (12) **AUTHORIZATION TO SUBMIT A GRANT APPLICATION FOR EROSION ISSUES AT THE ADOLPH THOMAE PARK THROUGH THE CEPRA GRANT AND THE TEXAS GENERAL LAND OFFICE;**
The Application follows:
- (13) **CONSIDERATION AND AUTHORIZATION TO SUBMIT A GRANT APPLICATION FOR BEACH RE-NOURISHMENT AT THE ISLA BLANCA PARK THROUGH THE CEPRA GRANT AND THE TEXAS GENERAL LAND OFFICE;**
The Application follows:
- (14) **AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE STATE OF TEXAS OFFICE OF THE GOVERNOR;**
The Application follows:
- (15) **APPROVAL OF RFP FOR JAIL MANAGEMENT SOFTWARE RFP NO. 040101 SHERIFF/JAIL DEPARTMENT;**
The RFP follows:
- (16) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS FOR:**
A. **JANITORIAL SUPPLIES: PAPER & LINERS-ANNUAL BID NO. 2300-2**
The Tabulation follows:
- (17) **AUTHORIZATION TO REJECT REVERSE AUCTION BIDS AS RECEIVED FOR FURNITURE-ANNUAL BID NO. 0420 AND UTILIZE THE FEDERAL-GENERAL SERVICES COMMISSION-TEXAS MASTER AGREEMENT SCHEDULE (TXMAS) AND THE TEXAS CORRECTIONAL INDUSTRIES CONTRACTS FOR THE PURCHASE OF FURNITURE;**
- (18) **AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ:**
(A) **VANS (QTY. 2) BID NO. 031102, and**
(B) **SAFETY SUPPLIES-ANNUAL BID NO. 2600.**
- (19) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS:**
(A) **TIRES: ON & OFF ROAD-ANNUAL BID NO. 1997;**

The Tabulation follows:

- (20) AUTHORIZATION TO REJECT AND RE-ADVERTISE FOR THE FOLLOWING BIDS/RFP'S/RFQ:**
 - (A) UNIFORMS (SHERIFF –PATROL)(JAIL-JAILERS / INMATE) ANNUAL BID NO. 2660**
- (21) AUTHORIZATION TO AWARD THE FOLLOWING BIDS:**
 - (A) FOOD: MEATS-QUARTERLY BID NO. 2170-1**

The Tabulation follows:

TRAVEL ITEMS

- (22) CONSIDERATIONS AND AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
 - (A) Infirmiry LVN to accompany Sheriff's Office transporting an inmate with medical needs to Liberty County-Plain Unit TDCJ or Byrd Unit in Huntsville TDCJ, December 17-18-2003;
 - (B) County and District Attorney Employee to attend the "South Texas HIDTA Board Meeting", in San Antonio, TX, January 20-2004; and
 - (C) Extension Office Agent to attend the "FCS Professional Development Meeting" in Weslaco, TX, December 4, 2003.

**(6) APPROVAL OF CLAIMS;
The Affidavit is as follows:**

- (7) **APPROVAL FOR HIDTA CONTRACTUAL EMPLOYEE FOR DECEMBER 20, 2003 THRU DECEMBER 31, 2003 AND FOR JANUARY 1, 2004 THRU DECEMBER 31, 2004;
The Contract is as follows:**

- (8) **APPROVAL AND AUTHORIZATION TO ADVERTISE A REQUEST FOR PROPOSALS FOR A RECORDS IMAGING SYSTEM AND RELATED SERVICES FOR THE CAMERON COUNTY AND DISTRICT ATTORNEY;**
The RFP is as follows:

- (9) **ADOPTION OF A RESOLUTION CONCERNING THE IMPLEMENTATION OF HB 2292 (78TH LEGISLATURE-REGULAR SESSION);**
The Resolution is as follows:

- (12) AUTHORIZATION TO SUBMIT A GRANT APPLICATION FOR EROSION ISSUES AT THE ADOLPH THOMAE PARK THROUGH THE CEPRA GRANT AND THE TEXAS GENERAL LAND OFFICE.
The Application is as follows:**

- (13) CONSIDERATION AND AUTHORIZATION TO SUBMIT A GRANT APPLICATION FOR BEACH RE-NOURISHMENT AT THE ISLA BLANCA PARK THROUGH THE CEPRA GRANT AND THE TEXAS GENERAL LAND OFFICE.
The Application is as follows:**

(14) AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE STATE OF TEXAS OFFICE OF THE GOVERNOR.

The Application is as follows:

- (15) APPROVAL OF RFP FOR JAIL MANAGEMENT SOFTWARE RFP NO. 040101
SHERIFF/JAIL DEPARTMENT.
The RFP follows:**

- (16) AUTHORIZATION TO AWARD THE FOLLOWING BIDS FOR:**
A. JANITORIAL SUPPLIES: PAPER & LINERS-ANNUAL BID NO. 2300-2.
The Tabulation is as follows:

- (19) AUTHORIZATION TO AWARD THE FOLLOWING BIDS:**
(A) TIRES: ON & OFF ROAD-ANNUAL BID NO. 1997.

The Tabulation is as follows:

- (21) AUTHORIZATION TO AWARD THE FOLLOWING BIDS:**
(A) FOOD: MEATS-QUARTERLY BID NO. 2170-1.

The Tabulation is as follows:

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the court met in Executive Session at 9:48 A.M. to discuss the following matters:

(23) EXECUTIVE SESSION:

- (A)** Confer with the County Attorney's Office Rrgarding Cause No. B-03-223; Ernesto Castaneda D/B/A Castaneda Nationwide Bail Bonds versus Yolanda De Leon, et al. to discuss the case and authority to represent; pursuant to Vernon Texas Code Annotated (V.T.C.A.). Government Code, Section 551.071(1) (A);
- (B)** Confer with Commissioners' Court Legal Counsel regarding Real Property concerning the possible acquisition of Levi Strauss & Co.-San Benito Property; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2) & 551.072; and
- (C)** Deliberation regarding Real Property concerning the acquisition of property in the Laguna Madre Area for a County Annex in Port Isabel; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the court met in Executive Session at 10:15 A.M. to discuss the following matters:

(24) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) Confer with the County Attorney's Office regarding Cause No. B-03-223; Ernesto Castaneda D/B/A Castaneda Nationwide Bail Bonds versus Yolanda De Leon, et al. to discuss the case and authority to represent.**

Commissioner Tamayo moved that Mr. Doug Wright, Commissioners Court Legal Counsel, be authorized to represent defendant in this case.

The motion was seconded by Commissioner Wood and carried unanimously.

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- (B) Confer with Commissioners' Court Legal Counsel regarding Real Property concerning the possible acquisition of Levi Strauss & Co.-San Benito Property.**

Commissioner Wood moved that the County Judge's acceptance of offer to sell the Levi Strauss & Co.-San Benito Property to Cameron County for the sum of \$650,000.00 be ratified.

The motion was seconded by Commissioner Tamayo and carried unanimously

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- (C) Deliberation regarding Real Property concerning the acquisition of property in the Laguna Madre area for a County Annex in Port Isabel.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the County Judge's Office was authorized to negotiate with the Office of Robert Lozano for a certain track of land in

Port Isabel for the construction of a County Annex.

There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the meeting was **ADJOURNED** at 10:18 A.M.

APPROVED this 3rd day of **February 2004**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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