

THE STATE OF TEXAS '

COUNTY OF CAMERON '

BE IT REMEMBERED on the 6th day of **JANUARY, 1998**, 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:

PRESENT:

GILBERTO HINOJOSA

COUNTY JUDGE

PEDRO "PETE" BENAVIDES

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 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 December 30, 1997, at 4:24 P.M., and the Supplemental Agenda filed on January 2, 1998, at 11:25 A.M.

At this time, Judge Hinojosa highlighted the major goals accomplished in 1997, that being the Road Consolidation Program, the approval of the Diplomatic Notes for construction of the Los Tomates Bridge and noted the significant drop in crime rate which was attributable to the Court's commitment of funding thirty percent (30%) to forty percent (40%) of the Law Enforcement personnel in the rural areas. He stated that there were major Projects to be addressed in 1998, which would require significant financial commitments and basic resources of the County, in order to improve the quality of life for the residents. Judge Hinojosa added that the drainage problem in rural areas needed to be resolved and added that the new jail and the major league baseball were major projects to be addressed. He stated that the Personnel Department would be upgrading the Classification System and that the resources in the Sheriff's and Constables' Departments would also be upgraded, noting that the Law Enforcement personnel rate was still thirty percent (30%) below, based on the population rate of the County. Judge Hinojosa stated that the County Government would work together with the community, in order to accomplish the goals in 1998.

██

(14) APPOINTMENT OF THE COUNTY JUDGE PRO-TEM

Upon motion by Judge Hinojosa, seconded by Commissioner Peña and carried unanimously, Commissioner Carlos H. Cascos, C.P.A., was re-appointed as County Judge Pro-tem.

██

(19) EXECUTIVE SESSION

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 9:45 A.M. to discuss the following matters:

- a) Confer with County Counsel to discuss the status on the potential litigation regarding the case styled Bexco Operating, Incorporated, vs. Cameron County, Cause No. 97-09-5849-C; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
- b) Confer with County regarding various Cameron County Trustee properties and lot mowing liens in Harlingen and Brownsville; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- c) Confer with County Counsel to discuss and authorize the settlement offer and the mediation regarding the case styled Natalia Flores vs. Cameron County, et. al., Civil Action No. B-88-145; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(a)(b).

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court reconvened in Regular Session at 10:25 A.M.

(20) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with County Counsel to discuss the status on the potential litigation regarding the case styled Bexco Operating, Incorporated, vs. Cameron County, Cause No. 97-09-5849-C.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Status Report by County Counsel was acknowledged regarding the litigation concerning the case styled Bexco Operating, Incorporated, vs. Cameron County, Cause No. 97-09-5849-C.

NOTE: COMMISSIONER MATZ LEFT THE COURT ROOM.

- b) Confer with County regarding various Cameron County Trustee properties and Lot Mowing Liens in Harlingen and Brownsville.

Commissioner Cascos moved that the County Judge be authorized to contact the Harlingen and Brownsville City Mayors regarding the various Cameron County Trustee Properties and Lot Mowing Liens, as directed by the Commissioners= Court.

The motion was seconded by Commissioner Benavides and carried unanimously.

- c) Confer with County Counsel to discuss and authorize the settlement offer and the mediation regarding the case styled Natalia Flores vs. Cameron County, et. al., Civil Action No. B-88-145.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Status Report by County Counsel was acknowledged regarding the settlement offer and the mediation regarding the case styled Natalia Flores vs. Cameron County, et. al., Civil Action No. B-88-145.



(4) APPROVAL OF A CONCURRENT ORDER TO BE ADOPTED BY CAMERON COUNTY AND HIDALGO COUNTY IN CONNECTION WITH THE CREATION OF A SPORTS AND COMMUNITY VENUE DISTRICT, PURSUANT TO CHAPTER 335, TEXAS LOCAL GOVERNMENT CODE AND MAKING OTHER PROVISIONS AND FINDINGS RELATED TO THE SUBJECT

At this time, Judge Hinojosa clarified that the Resolution would allow the County Judge to make five (5) appointments and noted that the one (1) year terms would begin on the date that the Resolution was adopted, that being January 6, 1998.

Commissioner Benavides moved that the Concurrent Order be adopted by Cameron County and Hidalgo County in connection with the creation of a Sports and Community Venue District, pursuant to Chapter 335, Texas Local Government Code and making other provisions and findings related to the subject.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Order is as follows:

(12) **AUTHORIZATION TO HOLD A PUBLIC HEARING ON THE PROPOSED TRUCK WEIGHT LIMITS, TRAFFIC CONTROL AND ALTERNATIVE ROUTES FOR TRAFFIC ON A SEGMENT OF FLOR DE MAYO ROAD SOUTHWEST OF US 281**

Upon motion by Commissioner Peña, seconded by Commissioner Cascos and carried unanimously, the Public Hearing on the proposed truck weight limits, traffic control and alternative routes for traffic on a segment of Flor de Mayo Road, southwest of US281, was opened for public comment.

At this time, Mr. Juan Bernal, County Engineer, stated that there was an ongoing problem between the homeowners of Flor de Mayo Road and the owners of a sand pit located further down the road. He stated that the pavement had been destroyed by the heavy trucks traveling to and from the sand pit and added that the road should be rebuilt, setting the weight limits at twenty thousand pounds and the speed limit at twenty (20) miles per hour. Mr. Bernal stated that the road should be limited to three (3) axle trucks, in order to avoid the destruction of the road caused by the traveling of the heavy trucks.

Commissioner Cascos stated that hearings had been held in the past in an effort to get the property owners and the owners of the sand pit to agree on a resolution, but noted that the matter had not been resolved, due to the lack of communication. He stated that the road was not built to accommodate heavy trucks, due to the width and the manner in which it was built and suggested that the comments be heard from both parties, in order to take action at the following Meeting.

At this time, the following Flor de Mayo residents expressed their concerns regarding the heavy truck traffic causing unsafe and health problems for the residents in the area:

Mr. Leonel Garza,

Ms. Celia Flores Garcia,

Mr. Amadeo Flores,

Mr. Jaime Conde, and

Mr. Francisco Sinfuentes, Brownsville resident.

Commissioner Cascos reiterated the conditions of the road and the safety hazards caused by the heavy truck traffic. He expressed his concern regarding the sand pit owners= failure to respond to the homeowners comments and added that the Court should accept the recommendation of the County Engineer. Commissioner Cascos questioned whether the weight limit could be lower than the recommended twenty thousand pounds and the County Engineer

responded that the weight limit was appropriate for sand pit owners use, the agricultural community in the area and the school buses utilizing the road.

Commissioner Cascos suggested that the road should not be improved until the weight limit problem was addressed.

At this time, Mr. William Faulk, Attorney at Law, stated that there was an alternate route that could be utilized by the trucks, but noted that the alternate route needed to be a permanent route for the sand pit company, noting that a legal easement was necessary from the residents of the alternate route, in order to obtain a permit.

Mr. William L. Pope, Brownsville Property Owner, stated that the alternative route was available if an agreement would be made guaranteeing that the road would not be destroyed or that the trucks would not be causing traffic hazards.

Commissioner Peña stated that an agreement should be concerning an alternate route which would benefit the concerned parties involved.

Commissioner Cascos clarified that the sand pit owners were requesting a certain sense of permanency in utilizing the alternate route and added that the property owners were willing to give the sand pit owners a specified period of time, which was not acceptable to the sand pit owners.

Mr. Doug Wright, Commissioners= Court Legal Counsel, recommended that the Court should direct that an action item be placed on the next Agenda and that the County Engineer submit a recommendation based on the traffic and engineering standpoints to preserve the roadway and maintain safety issues. He stated that the destruction of the road by the heavy truck traffic was a concern to the taxpayers throughout the County and added that the County Engineer should address the reconstruction and maintenance of the road, including the weight limits, speed limits and sight distance issues.

Commissioner Cascos clarified the County=s responsibility was to protect the integrity of the road and added that the alternative route would need to be discussed and resolved between the property owners and the sand pit owners.

Hearing and sensing no further comments, upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the public hearing was closed.

The Public Hearing Notice is as follows:

(1) APPROVAL OF COUNTY CLAIMS

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the County Claims were approved as presented by the County Auditor, inclusive of the following late claims:

Warrant No. 49503, as to Los Tomates Construction Fund No. 76, in the amount of \$50,000.00; and

Warrant No. 49502, as to Lidia Cruz, in the amount of \$280.00.

At this time, Mr. Doug Wright, Commissioners= Court Legal Counsel, informed the Court that there was a matter in which the Personnel/Safety Risk Director needed to address regarding County employees providing contractual type services to the County. He suggested that a Personnel Policy addressing the issue in which an employee gains the knowledge, expertise and abilities from a particular job as a result of the employment with the County and added that there should be guidelines to address employees providing contractual services to the County.



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

Commissioner Cascos moved that the Salary Schedule for Constable Precinct No. 6 - Fund No. 10-558, be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

The Salary Schedule is as follows:

**(3) APPROVAL OF THE MINUTES OF NOVEMBER
25, 1997, REGULAR MEETING**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Minutes of the Regular Meeting held November 25, 1997, at 9:30 A.M., were approved.

**(5) ACKNOWLEDGMENT OF THE DISTRICT
CLERK-S NOVEMBER MONTHLY FEE AND
FINES REPORT**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the District Clerk-s November Monthly Fee and Fines Report was acknowledged.

The Report is as follows:

(6) AUTHORIZATION TO PURCHASE ONE (1) VAN (15 PASSENGER) - JUVENILE PROBATION DEPARTMENT, VIA HOUSTON/GALVESTON AREA COUNCIL OF GOVERNMENTS INTERLOCAL PURCHASING AGREEMENT

At this time, Mr. Mark Yates, County Auditor, noted that a passenger van would be utilized daily for the Boot Camp Juvenile Justice Alternative Education Program and suggested that the van be utilized by both programs as opposed to purchasing an additional van.

Commissioner Cascos moved that one (1) fifteen (15) passenger van - Juvenile Probation Department, be purchased, via Houston/Galveston Area Council of Governments Interlocal Purchasing Agreement.

The motion was seconded by Commissioner Peña and carried unanimously.

(7) AUTHORIZATION TO ISSUE A RENEWAL MOBILE VENDOR-S PERMIT TO HECTOR GARCIA, DOING BUSINESS AS, HECTOR-S ROLLING SNACKS

Upon motion by Commissioner Peña, seconded by Commissioner Benavides and carried unanimously, the Renewal Mobile Vendor-s Permit was issued to Hector Garcia, doing business as, Hector-s Rolling Snacks.

(8) AUTHORIZATION TO AWARD THE DEMOLITION CONTRACT TO THE LOW BIDDER, HUNTER DEMOLITION AND WRECKING CORPORATION OF SAN ANTONIO, FOR ASBESTOS ABATEMENT AND DEMOLITION OF FOUR (4) STRUCTURES IN THE ISLA BLANCA PARK

Commissioner Benavides moved that the Demolition Contract be awarded to the low bidder, that being Hunter Demolition and Wrecking Corporation of San Antonio, for asbestos abatement and demolition of the following four (4) structures in the Isla Blanca Park:

the old Civic Center;

the old Jetties Restaurant;

the old Cabana; and

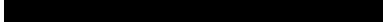
the old Central Bath House.

The motion was seconded by Commissioner Peña and carried unanimously.

- (9) **AUTHORIZATION TO ACCEPT NACAUITA LANE LOCATED IN NACAUITA ESTATES SUBDIVISION, PRECINCT NO. 3, INTO THE COUNTY ROAD SYSTEM**
- (10) **AUTHORIZATION TO ACCEPT RICHMOND COURT LOCATED IN RICHMOND HILLS ESTATES, PRECINCT NO. 3, INTO THE COUNTY ROAD SYSTEM**
- (11) **AUTHORIZATION TO ACCEPT SCARLET CIRCLE, LOCATED IN TARA SUBDIVISION, PRECINCT NO. 4, INTO THE COUNTY ROAD SYSTEM**

At this time, Mr. Juan Bernal, County Engineer, confirmed that the roads met the County Standards, were paved and that the roads had completed the Warranty Period.

Upon motion by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, Nacahuita Lane located in Nacahuita Estates Subdivision, Precinct No. 3, Richmond Court, located in Richmond Hills Estates, Precinct No. 3, and Scarlet Circle, located in Tara Subdivision, Precinct No. 3, were accepted into the County Road System.



- (13) **DESIGNATION OF THE TIME OF DAY AND THE DAY OF THE WEEK OF THE COMMISSIONERS-COURT REGULAR MEETINGS**

Commissioner Benavides moved that the time of day and the day of the week of the Commissioners= Court Regular Meetings be designated for 9:30 A.M., on Tuesdays.

The motion was seconded by Commissioner Peña and carried unanimously.



- (18) **IN THE MATTER OF THE BIDS FOR INTERNATIONAL SPAN - SLAB UNIT NO. 7 - LOS TOMATES/MATAMOROS III INTERNATIONAL BRIDGE (TABLED)**

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

CONSENT AGENDA ITEM

THE FOLLOWING ITEMS WERE RECOMMENDED FOR ACONSENT® AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the

AConsent® Agenda Items were approved as follow:

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

- a) Justice of the Peace, Precinct No. 5, Place No. 2, to attend the AJustice Court Training® in Austin, Texas, on January 18-23, 1998;
- b) Assistant County Auditor to attend AComputer Training by Bi-Tech® in Chico, California, on January 6-10, 1998;
- c) Assistant County Auditor to attend the AComputer Training by Hewlett Packard® in Dallas, Texas, on January 8-9, 1998;
- d) District Attorney to attend the ACrime Victims Meeting® in Austin, Texas, on January 8-9, 1998;
- e) Cameron County Drug Enforcement Task Force Director or Field Supervisor to attend the ATexas Narcotics Control Program Operation Command Group Meetings® in Austin, Texas, on December 18-19, 1997;
- f) Unified Narcotics Intelligence Task Force Director to attend a AHigh Intensity Drug Trafficking Area Meeting® in Tucson, Arizona, on January 5-8, 1998;
- g) Health Department employee to attend the ATAWLD Board Meeting® in Austin, Texas, on January 14-15, 1998;
- h) Health Department employee to make a presentation at the Tuberculosis Control in Correctional Facilities Workshop regarding Institutional Issues in San Antonio, Texas, on January 15, 1998;
- I) County Extension Agent to participate in the ATexas County Agricultural Agent Association, Winter Board of Directors Meeting® in Brownwood, Texas, on December 23, 1997;
- j) County Extension Agent to participate in Computer Training in Laredo, Texas, on November 6, 1997; and
- k) County Extension Agent to participate in Program Review in Beeville, Texas, on December 17-19, 1997.

(16) PRELIMINARY APPROVAL

a) Precinct No. 3

Myerwood Subdivision No. 2, being 6.76 acres out of the North twenty (20) acres of Block No. 14, Harlingen Land and Water Company Subdivision AC@.

(17) AUTHORIZATION TO OPEN REQUESTS FOR PROPOSALS

- a) Request for Proposal No. 97-11-03 - Snack Bar Concession - Andy Bowie Park;**
- b) Request for Proposal No. 97-11-04 - Beach Front Restaurant Development and Operations replacing the Jetties Restaurant at Isla Blanca Park;**
- c) Request for Proposal No. 97-11-05 - Wind Surfing Center Concession Development and Operations - Bayside - Andy Bowie Park;**
- d) Request for Proposal No. 97-11-06 - Beachfront Lounge/Bar/Snack Bar - Isla Blanca Park;**
- e) Request for Proposal No. 97-11-07 - Snack Food/Retail Concession Development and Operation - Atwood Park; and**
- f) Request for Proposal No. 97-11-08 - Passenger Ferry Service Concession to Boca Chica Beach via Isla Blanca Park.**

The Request for Proposal received and opened are as follow:

SUPPLEMENTAL AGENDA

- (21) **AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH HONEYWELL, INCORPORATED, FOR A MAINTENANCE AGREEMENT TO SERVICE THE FIRE, SECURITY AND ENVIRONMENTAL CONTROL SYSTEM FOR THE COUNTY COURTHOUSE FOR THE SUM OF \$4,975.20, PER MONTH**

At this time, Mr. Mark Yates, County Auditor, recommended that the County enter into the Agreement with Honeywell, Incorporated, which had a five (5) year term and provided maintenance service twice a year, noting that the funding was within the current Budget.

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Agreement with Honeywell, Incorporated, was approved for a Maintenance Agreement to service the fire, security and environmental control system for the County Courthouse for the sum of \$4,975.20, per month.

The Agreement is as follows:

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

APPROVED this **20th** day of **January, 1998**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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