

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 11th day of FEBRUARY, 1999, there was conducted a SPECIAL 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:

9:30 A.M.

PRESENT:

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

NATIVIDAD "TIVIE" VALENCIA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

GILBERTO HINOJOSA

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The meeting was called to order by Judge Pro-tem Carlos H. Cascos, C.P.A., at 9:37 A.M. He then asked the Court to lead 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 February 5, 1999, at 1:07 P.M.:

(1) **AUTHORIZATION TO HOLD A PUBLIC HEARING ESTABLISHING A LOAD LIMIT FOR MOTOR VEHICLES TRAVELING ON BOCA CHICA BEACH**

At this time, Judge Pro-tem Cascos stated AJuan Bernal, County Engineer.@

Mr. Juan Bernal, County Engineer, stated AI was approached by the County Judge's Office regarding the heavy traffic on Boca Chica a few weeks ago. At that time, I believe that if that we restricted the traffic to allow only vehicles on the beach weighing under five thousand pounds, it would be enough. We need to keep in mind that Boca Chica Beach is visited mainly by families who go there and have a quiet time on the beach. There are always children running up and down the beach and fishermen standing right at the edge of the water. So safety was my main concern more than anything else, as well as trying to keep the beach in its natural state. In any event, the County hired an Engineering Consulting Firm to render an expert opinion regarding the road use of Boca Chica Beach. And the firm is Traffic Engineers, Incorporated, and I have John Hudson.@

Mr. John Hudson, Traffic Engineers, Incorporated, stated AThank you, Juan. I am John Hudson of Traffic Engineers, Inc. As Mr. Bernal stated TEI was hired to evaluate the traffic activities along Boca Chica Beach. And my analysis included: No. 1, visiting the site, observing the conditions on the beach and the people that were there; and inventorying or driving down the beach to see what type of vehicles were typical at Boca Chica Beach. I was familiar with State Highway 4, but not Boca Chica Beach itself. And also during this process, I have extensive discussions with PSI, Professional Services, Incorporated, a geotechnical firm. My first analysis was to do some testing on the beach to figure out what the structure capabilities the beach has. As you know, the beach is a changing thing. It is like jelly. It changes constantly. I am not a geotechnical expert, but I have done a lot of work in the areas of traffic safety, truck zone, school zone and a lot of other issues. The fact that it is difficult to measure the condition of the beach because a lot of vehicles get stuck on the beach too, everywhere they go. The fact is that there is not a defined roadway that you can separate all oncoming traffic from other traffic. It is even difficult, based on the experience on South Padre Island, to control the speed and to put up speed signs out there. Boca Chica Beach, as Mr. Bernal has stated, is a very natural beach. It has no parallel roadways. State Highway 4 is eighteen miles to Boca Chica Beach east of FM 1419. That is basically the last development that you have. It is very natural in its state. The type of activities that I observed on the weekdays, and I understand that on the weekend it is a lot different, I observed small children, picnic activities and naturally, I have been to the beach. I have vacationed at the beach myself. I know with small children, it is impossible to train a small child to look out for cars and trucks. And this is very similar to a park, where the restrictions are not based on the weight, but is based on the classification of the vehicles. And, initially we had talked about vehicles and

weights. It is logical not to prohibit pick up trucks and people fishing at the beach or people going to the beach for picnics. My process was, I research in the Internet, talked with Juan Bernal, he talked to the manufacturer who makes RV-s and found out that if you establish a classification of ten tons, you are not going to eliminate all RV-s. You can have a lot of RV-s out there. All the pick up trucks and fishing vessels, you are not going to put any restrictions on the recreational activity. There are some RV-s that are Class A that would exceed this limit. And so that could be a problem because RV-s are heavier once you load them up. I concluded that the separation of commercial traffic to tourist activity is very similar to a park. Therefore, I felt like the classification of the weight load, I recommended a weight load of ten tons be established for entrance on the beach. With the sign age shown in the diagram in the report, the signs after the beach access would be placed there, as well as the advisory sign back on FM1419 to tell people that 18 miles ahead you have a beach, Boca Chica Beach, that has a weight load of ten tons. This classification is based on the desire to keep the beach safer. I have worked with a lot of cities all over the country and have looked at thousands and thousands of accident reports with pedestrian fatalities. It is serious when you have small children, if you want to take them to the beach, it is difficult to control. The best thing you can do is the separation of vehicles on the beach by classification. The normal activity at Boca Chica Beach did not seem to be appropriate use for this area. And that is the basis of my recommendation. From a traffic safety stand point, I submit my recommendation that Cameron County establish a weight load of ten tons at Boca Chica Beach for the safety of the residents.®

Mr. Doug Wright, Commissioners= Court Legal Counsel, questioned AIs that what you are providing, in addition to the Court presentation?®

Mr. Hudson replied AYes.®

Mr. Wright stated AWhat you are submitting to the Court now, if you will hand it to the County Clerk for her inclusion in the record.®

Mr. Hudson questioned AAny questions from the Court?®

Commissioner Cascos responded AOne question, John. The RV-s that exceed the ten tons, are they strictly for recreational purposes? How are we going to monitor that? Or are we just going to prohibit them from our Beach if they have an RV.®

Mr. Hudson stated AActually, the sign age is very similar to the enforcing of any other road limit, like trucks on a roadway that are over eighty thousand pounds. That is a problem and you have to enforce it. I have seen RV-s like the type that I am describing that are even heavier in the Valley that go to the beach. If it is a problem, then I think we have to enforce it.®

Commissioner Cascos questioned AWould you be able to maybe have the County provide a special permitting process for those RV-s that exceed that weight, if it is strictly a recreational vehicle.®

Mr. Hudson stated AI think it would be appropriate for the County, the Commissioners=Court, if somebody has a special request for entertainment, then that is what they have, a special permit. At that time, you can evaluate the issues related to safety, how and where is it going to be, what type of activity is going to be there. Make sure they are aware of the conditions of the beach that constantly changes. From a safety stand point, that is the issue. It is very similar to TxDOT. You have a wide load, a high load or a heavy load, you go to TxDOT and get a special permit. And get one on one working with the people applying for the special permit. And that would be appropriate for the beach.®

Commissioner Cascos questioned ADoes this recommendation cover all roads on the beach. In other words, is there an area on Boca Chica Beach that is identifiable as a road?®

Mr. Hudson replied ANo sir, it changes almost by the minute.®

Commissioner Cascos stated ASo then this is covering from the water line all the way to the dune line.®

Mr. Hudson stated AI have been out there when the hightide comes all the way up. There could be times when a vehicle cannot even get out there.®

Commissioner Matz confirmed AThere are times that it happens.®

Mr. Hudson stated AThere is water to the dunes and people have to be aware of it.®

Commissioner Cascos questioned AWhat is there to prevent an overweight truck from other than getting stuck, from going on the other side, on the West side?®

Mr. Hudson responded AOf course there is dunes, he would have to go over the sand dunes. And I think he wouldn't go much over forty-five feet.®

Mr. Wright stated ACommissioner, you raised exactly the condition that is involved in why the safety issue is so critical for consideration by the Court. As our expert has pointed out, the roadway constantly changes as far as the beach area. That is why the safety issue is so critical, because when the roadway changes, it changes the way people will utilize the beach. It is difficult to sign. Perhaps our expert could get into the uniqueness of signing also. And also on a day to day basis, the problem not only with rutting but with the heavier vehicles also getting stuck.®

Mr. Hudson stated AWhen I was out there during that time period, of course it was a short time because of the time frame that we had for the last couple of weeks. But looking at it, there is places that you could drive, I could drive on the beach and get stuck. There were places that a heavier car could drive closer to the water or a truck and not get stuck. And the location, the location that I drove went all the way to the Jetties into the commercial activity taking

place. And the characteristics of the beach, you get high points and low points, almost like sand dunes right on the beach. And the high points, the water dries out pretty quick and you have a place where you can get stuck in that area. So I want to emphasize, my recommendation was made more on a traffic safety issue. Knowing kids and their age, my grand kids, I would not want to miss that safety issue because it is very difficult to go to the beach for fun and recreation and have all that commercial activity. And while I have separated commercial trucks from the downtown area, instead of separating in parks, as you know the design of Lincoln Park in that great effort we would like to put an access route through there, so dump trucks could haul dirt through there. In our practice of regulation of traffic and trying to make it safe is part of job. I have dealt with issues through the classification of vehicles, not types as far as weight. This to me is an appropriate recommendation.®

Commissioner Cascos stated AAll right. Any other questions Commissioners?®

Commissioner Benavides stated AWe can also put some type of sign at the entrance of the Boca Chica Beach including the weight limit and so forth.®

Mr. Hudson stated AWhen I was drawing the report, I showed weight at ten tons at the beginning of the beach and then back at FM1419, a longer sign that will be put there for a motor vehicle or a truck or anything that is overweight, will pass that sign, and he would be warned, at that point. That is the point of last diversion of the weight limit. But the sign that is recommended in the drawing, is in accordance to the Texas Manual on Uniform Traffic Control Process. There can be multiple signs. I recommended one.®

Mr. Wright stated ASince we are dealing with Uniform Traffic Control Manual and you are obligated to refer to that, one of the issues seems to appear that the Statute charges this Commissioners= Court with basically sole responsibility concerning safety on this type of a roadway. I would ask your opinion as to the issue that has been raised as to oversized, overweight loads and availability to appeal or at least a permitting process. Would you include an addition to what you have on your sign, perhaps ABy order of Commissioners= Court® so that anyone that approaches this sign can be aware that any application process would be with the Commissioners= Court.®

Mr. Hudson stated AIf you put that on the sign, you are not changing the type of sign with that information. Typically, what I have read, I have ridden motor homes, you are aware of the height of the motor home, you are aware of the width and you are really aware of the weight, if you own one. And you look for load restrictions very similar to a commercial trucker. If he is licensed, he is required to pay attention to the rules. It is like a legal sign, it is an enforcement sign. So that would be appropriate if it is a load zone, most of them know and they go to TxDOT first. And TxDOT would then say that it is Commissioners= Court=s responsibility. But down at the bottom it could probably say ASpecial Permit by Commissioners= Court.®

Commissioner Cascos stated AThank you, John. Who is next on the list?@

Mr. Wright stated ACommissioners, I have pointed out to you the notice required that a proposed order be available to pick up at the end of this process and will be also available at the County Judge-s Office. Since that time we have received from the District Court the original order talking in terms of five thousand pounds and now our expert has recommended twenty thousand or ten tons. Also, the issue of a Special Permitting for oversized, or applications for oversized and overweight vehicles. A new section was added and you have a copy of that, pursuant to recommendations by our expert. You may also want to resolve the public comments to add some other things, but as of the time of this Public Hearing, the Legal section put together a Supplemental Order including what we felt probably the Court would want to add for safety purposes. So that does include both the increase in weight, that once we receive the expert-s report, we change that provision. You also have in front of you the original Order that called for five thousand pounds. So that is a decision you have to make. And also the Section 2, which is a new section as proposed attached to the expert-s report.@

Commissioner Matz stated AThis is a matter of clarification. On the second page of that Section 2, on the application for oversize and overweight, it says Aan application to permit oversized and/or overweight vehicles for operation.@ Should that specify recreational vehicles? Because that is what we have been talking about. Or should we leave it open?@

Mr. Wright responded AWell, I think that is a question that is addressed to the expert. I know that questions were asked during the litigation hearing concerning the difference between a commercial and a recreational vehicle, from the stand point of weight. And it comes down to a policy decision on this Court-s part as to whether or not you want to more specifically described any vehicle between recreational or just make the limitation on a pound basis or a ton basis. I call upon our expert to give a recommendation on this.@

Mr. Hudson stated AI think the Special Permit, if you just include recreational vehicle, some people will think that maybe they don-t have to have a permit. In recreational vehicles, the reason why you have to draw a line some place, the typical Recreational Vehicle, Class B, weights, go up to about ten thousand pounds. When you go to the commercial truck or the larger ones, you go up to twenty thousand pounds, plus the motor homes keep getting bigger. I have never distinguished in weight limit, any particular type of vehicle. If you are over a certain weight or if you have an extra width, you have to get an exemption, a permit.@

Commissioner Matz stated AI just asked the question because all your discussion, in your report, was focused on RV-s and mobile homes.@

Mr. Hudson stated "Anything that fell within that category. As I said, first five thousand pounds, I looked at initially but that eliminated many vehicles. Then I looked at ten thousand pounds. Well, when I drove on the beach and saw that occasionally a motor home goes down there and people are walking with a family there. That is the type of activity I don't think that goes there. The intent in this was to allow recreational vehicles because they are going there not for a commercial use."

Commissioner Matz stated "I think that is the point, the intent is for recreational vehicles."

Commissioner Cascos stated "If that is the point, then we need to adopt that. We are speaking strictly of recreational vehicles. I think that the Court's consensus is to not allow any kind of commercial type."

Mr. Hudson stated "The weight limitation is set to allow recreational vehicles. And as I said, there are recreational vehicles that will exceed this. The larger ones that go into the thirty-eight or forty foot. So a special permit for recreational vehicles should be applied through the County Engineer and the Commissioners."

Mr. Wright stated "John, again I strongly recommend the Court look to its expert to make a recommendation on this. One thing, there is a maintenance process the County has to engage in. And those vehicles classified as commercial, for instance to pick up trash and that sort of thing. I would be very careful about adding language over and above what has been presented to you or recommended to you at this point in time. You may want to go back and fine tune this later, if you see that someone has attempted to circumvent the intent. The intent is to protect the public in its use of the public beach for recreational purposes. And if there is some way that they figure out how to avoid that, perhaps you can go back to fine tune this later."

Commissioner Benavides stated "I believe that the maximum weight in Texas Highways is about eighty thousand pounds."

Mr. Hudson stated "Eighty thousand pounds and State Highway 4 has a weight load for eighty thousand pounds."

Commissioner Benavides stated "You are absolutely right Doug, because when we have a beach clean up, we have those big trucks, and I don't know how much they weigh, but might exceed twenty thousand pounds with trash. That is what you are trying to say?"

Mr. Wright responded "Under those circumstances, you would have an opportunity to improve any process. And that would take care of it."

Commissioner Cascos stated "The way the County should go, basically, we may have to permit ourselves, but I think to be consistent, we have to go ahead and maybe permit ourselves."

Mr. Hudson stated AWell, that is a possibility, the heavy, picking up the trash. Perhaps we need to issue a permit, if it was a heavy bridge it had to cross, you would have to permit the same type.@

Commissioner Cascos stated AWe have been asked to translate everything that Mr. Hudson said in a nutshell in Spanish. I thought I would ask Remi to do that or Juan Bernal. We have been asked to summarize Mr. Hudson's comments into Spanish for members of the audience. So Juan, you may want to briefly summarize what John said in a nutshell in Spanish for the benefit of the people.@

Mr. Bernal stated ASe trata que la intencion de esta Corte es de limitar el peso de los camiones que pesen mas de diez mil libras. La rason que es que quieren ver que no le pase nada a las familias que visitan esa playa. Por lo que la Corte a decidido, que los unicos trailers pesados que pueden viajar por la playa son los vehiculos de recreacionales. Las familias pueden ir con seguridad a disfrutar un dia en la playa. Por eso la intencion de la Corte es limitar el peso de los vehiculos, sobre todo, comerciales. El peso va a estender a 20 mil libras nada mas. Si algun vehiculo recreacional que pese mas de 20 mil libras quiera estar en la playa, va a tener que tener un permiso especial, que se va sacar en la oficina de ingenieria o la oficina del juez.@

Commissioner Cascos stated ANext.@

Mr. Francisco Sifuentes stated AMy name is Francisco Sifuentes. I am very sad to see today that those people who opposed the park are not present today. All of you were present at that meeting and it was a great opposition. And those people who told us that they wanted to take care of a pristine beach, the greatest beach in Texas, they are not here today and I am very sad to see that. I was in favor of the park because I wanted a clean beach. I wanted restrooms and I wanted someone to take care of our beach. And I can see that there is nobody taking care of our beach. We have spend hundreds of thousands of dollars and for ten to fifteen days some company goes over there and starts moving heavy equipment. And ten or fifteen days later, our beach is going down and this is very wrong. I wish this is taken very seriously by everyone. Someone is failing in this County to do their duties. They are getting paid, they are not working for free. Everyone is getting paid, who has a job to perform their duties. And I don't what it is, but I came back, but I am not here to fight anyone. I am here to protect my interest. I am a taxpayer. I want those taxes to be distributed properly and be taken care of. And everyone who has a job in this County should perform their job or get out. Because the newspaper articles mention that nobody knew anything about this going on in our beach. And ten to fifteen days, it is not fair. I think you should ask questions to the proper people that should be out there taking care of our beach. And wish that those people who came before you and they booed you, and they were screaming bloody murder, they are not here today to take care of our beach. I have been involved with the trucking business at the Port of Brownsville. And by talking about the Port, I am not getting out of the safety issue because we are talking safety. I

am a beach goer and I have been fishing here in Boca Chica Beach for many years. Sometimes, I am not able to come but I take my children and cross the road and these trucks will impose a very great danger for our children. And one thing that was overpassed all this time, is the environment, also. And I want to be permitted to talk a little bit about the environment because most of these trucks, I have videos that I took personally of the Detroit engines and the Cummings engines, most of the time they leak oil and fuel all over our beach. But we are not going to have a clean beach anymore. It doesn't matter how much they clean. It is going to be polluted. Another thing struck me when our expert went over there before the Judge, someone said 'How do you know that those tracks you saw, were from our trucks?' It could have been a car. They did not take the time to measure. Even Suburbans, which is one the biggest vehicles. We are talking about six inches wide versus twenty more inches from the big truck. And they even asked one of the Deputies that went to serve the paper 'How do you know that it wasn't a car?' Ladies and gentlemen, I measured those trucks. That is my business out there at the Port. And the damage that they do to our road on 48, they continually have to take care of the road. They had to do it three times. They paved the street and three weeks later it was eight inches deep. And I asked the Port not to pay that bill, to ask the State to fix it again. They said well, we don't have nothing strong to hold the weight from these trucks. So can you imagine in the sand, what damage they are going to do. And it is going to be permanent. It doesn't matter that the high tide comes in and it washes off. The permanent damage is going to be there. So please Commissioners, whatever you need to do today, get the right wording. Like you say, we are talking recreational. By stating in there the word 'Recreational,' then we leave any other businesses out of there. Off our beaches. I thank you very much.

Commissioner Cascos questioned 'Francisco, would you like to translate that in Spanish?'

Mr. Sifuentes stated 'Me da un poco de pena de que yo estuve aqui en una junta anteriormente, haya abajo cuando vino mucha jente de la comunidad a gritarle a estos señores que no querian un parque en Boca Chica Beach. Si yo queria un parque por que queria una playa limpia tenia yo que pagar la entrada. Yo fui una de las unicas personas que queria un parque. No los importava pagar un dolar o dos dolares para que tuviera quien cuidar esa playa. Y que ya no tuviera tanto desastre, porque hasta orita asido un desastre. Tambien le llame la atencion a los Comisionados de que alguien esta fallando en cuidar nuestras playas porque por diez o quinze dias nadien se avia dado quenta que habia equipo tan pesado haciendo negocio ayi en la playa. Estamos gastando miles y miles de dolares a muchas personas para que cuiden estas playas y todo el condado de Cameron. Alguien esta fallando. Necesitamos llamarles la atencion a esas personas. El que no trabaje, que se salgan inmediatamente. Porque nuestros impuestos, para eso son. Para que cuiden nuestro condado. Y les esto pidiendo a ellos que implementen una ley que limite que esos vehiculos vayan a

esa playa porque la seguridad de nuestra familia es muy importante. Y tambien nuestra playa que no este llena de aceite y liquido que tiran estos trailers. Muchas gracias.®

Commissioner Cascos stated AThank you, Mr. Sifuentes. Next.®

Mr. Jose Luis Almazan, Brownsville resident, stated APues otra ves y; ohala que sea la ultima con este problema de nuestra playa. Otra ves venir de vuelta con el mismo problema, como que ya nos cansa. Todo el tiempo estamos trabajando encontra. Son poquitas personas, el unico Comisionado que es el Señor Benavides que haga por nosotros mas, que lo esta asiendo. Pero tambien que vote a nuestro favor y que les diga a ustedes y Mr. Matz. Esto no nos ayuda a nosotros los residentes de esta area porque los mas afectados somos nosotros en el precinto y el que representa nuestra aria. Es una area respectiva para nosotros, para todos. Y talvez cada uno de ustedes an hido una ves alli. Todos estamos dispuestos a la misma situacion, o seya de algo que pase, de que pase un accidente. Tenemos que tomar consensia, y esta es la obligacion. Y de alguna manera trato de trabajar con todos. Los apollado en sus campañas. Pero si an incurido en una actuario ilegal, yo voy a ser el primero que los voy a demandar. Y siempre que digo, lo cumpro. Trabajo para nuestra jente como lo hacen ustedes, pero sin pago. Todo los trabajos tienen que tener compensa y la compensa es nuestra jente. Meresemos estar contentos con todo lo que tenemos y nuestra arias. Estamos hablando de la mayoria del condado y la ciudad de Brownsville. Estodo lo que tenemos ya gratis. Y yo soy uno de los que estan al favor de un parque. Pero si no se pudo hacer, de perdido tengamos algo, sin peligros. Gracias.®

Commissioner Benavides stated ACarlos, has anyone taken the time to check the statutes in the Navigation District as far as the regulations. Did this company follow all of the procedures to get to where they are at right now? I understand that they didn't advertise and you are suppose to advertise three times and they didn't do that.®

Commissioner Matz added AAlso hold a public hearing.®

Commissioner Cascos stated AI think some people have checked that out. I think that is going to be for another Court day somewhere down the road.®

Mr. Sifuentes stated AI have been looking. I even went to the Herald and I can't find nothing that there was a public hearing held at all. I have been looking. I asked the Herald. They sent me to the University of Texas. But so far nobody knows of any public meeting that was held.®

Commissioner Cascos stated AWe are here today probably because the lack of procedures that took place at the Navigation District. And based on the information that I have received, assuming what I have read is accurate, there were some protocols. There were some legals steps that had to have been taken prior to this lease being awarded. So that being the case, if in fact they should have done their due diligence, but didn't. But had they, then we probably

wouldn't be here today arguing this. They didn't for whatever reason. Maybe it got by or they were not aware. Or they were not legally told they had to. I don't know. But they have lawyers too and maybe they should have researched it somewhat different. But we weren't there. Don't know what happened other than what you said that the Herald did not publish anything. I think Karisa indicated that she didn't recall ever anything coming out in the paper when I spoke to you. You didn't recall anything like that. That is not to say it didn't happen. Because maybe it did, but it was a little thing about this big that nobody read. I don't know. But that will probably happen at some point in the future. But yeah, maybe the Navigation should have taken a different approach or assisted us in this. At the minimum, and I think I said this to Karisa in the papers as well, that a minimum, a courtesy call should have given to the Judge's Office or also to the Commissioner that represents the area. A courtesy call from those that attend the meetings too, but somehow it got by. And that is what happens when people don't read their packets. But it got by. So, I think that at that point, we are here to do the best we can, with what we got now. So, who is next? Any other comments from the public? Is anybody here that is in support of allowing the eighteen wheelers to damage our beach? Please stand up and be shot.®

Mr. Sifuentes stated AYou just said the right word; a courtesy call.® These people come here, and I was at both of the proceedings both days, and they said, the owner of the company said, Awe made a courtesy call.® We don't have to call you the County. I mean you are the County. You are in charge of protecting us. But they say it in such a way Acourtesy call.® No, they have to call and find out what are the law. How do we feel about it. And they said Awe gave you a courtesy call.® They should have called. One of the most important things, we called him. We call him on the phone. They are going to make a large investment and they are going to make a phone call. That is the most stupid thing I have heard. They should have sent a letter. No, we called on the phone. That is not the way business operates. Send a letter or something.®

Commissioner Cascos stated AThe courtesy call should have come from the Navigation District. I think that was the entity that allowed to basically for this to happen. So the courtesy call should have come from the Navigation District. Yes, Manuel?®

Mr. Manuel Hernandez, Brownsville resident stated AYo digo que, que lastima que estos comisionados del Navigation no vinieron aqui. Porque ellos son los que hicieron el problema. Y segun, tuvieron la audiencia, y que lo metieron en el pediorico, fueran los primeros que estubieran aqui. No se si se entero la oficina del juez, para que les dijeran que vinieran aqui. Y posiblemente no estan aqui porque la politica esta caliente. Por eso no estan aqui, ollendo a nosotros, la frustracion. Ellos meresen oyir a nuestra razon. Porque ellos son los que empesaron el problema.®

Commissioner Benavides stated "Let me say one thing that happened yesterday. I was talking to Mr. Gordon, he is the owner of Gordon's Bait Stand out there. And he was asking about this problem. And he said "there hasn't been one person in this store that comes in, in favor of the trucks." And he turned around and ask his son "Gary, have you heard anyone that has been in favor of the trucks on Boca Chica Beach." And he answered "One." And he said the name, but I don't recall the name. But he said the name. And Mr. Gordon says "oh, yes I remember that guy, he was in the drilling business." So that is the only guy."

Commissioner Valencia stated "I would like to comment a few words on Mr. Sifuentes and Mr. Almazan. We, here on the Court are trying to do everything possible to try to prevent any problems in the County. Of course, I wasn't here at the time when they put the restraining order towards this Boca Chica business. Now, it is like you say. Somebody missed by giving certain information to someone. We are here today because we are trying to prevent. But sometime we can't control other people's doings. But as you all commented, they should have been here at least to let us know, or let this Court know what was happening, I guess. I hope that your concerns, the way you came to Commissioners' Court and that you will also take it to somebody else over there."

Mr. Sifuentes stated "Oh, I have. I have."

Commissioner Valencia stated "This certainly does recognize the importance of your attendance."

Mr. Sifuentes stated "I have talked to Mr. Besteiro. I talked with them for information and they don't have anything. I told them the way I feel about it. They should have called a public hearing. It is the law and they did not follow it. And I have talked to other officials."

Commissioner Valencia stated "And this is again, why we have to go on out there and put a restraining order on this heavy equipment and vehicles on Boca Chica Beach. Because we are concerned for the public."

Mr. Sifuentes stated "One of the problems, sir, that I see here is, where were our Sheriff's Deputies? Where were our Constables? Where was everybody else? I mean, for ten or fifteen days where was everyone that should be at the beach once a day and finding out if there is some illegal going on. If something is going on at our beach. Nobody came to the Judge's Office or to their superiors so they will come to the Judge and he will come to you. And say "look, this is what is going on." I believe very strongly that someone is failing. Because, for ten or fifteen day, you did not find out that something was happening at the Port."

Mr. Remi Garza, Executive Assistant to the County Judge, stated "Keep in mind that the ten or fifteen days that this was going, it is not a straight ten or fifteen days. They only move on certain days. About three days out of the week. So you are really only looking at two weeks which is six days. Plus they specifically avoided the weekend. When our Constables were out there patrolling. We can't afford to send them everyday."

Mr. Sifuentes stated AWith all due respect, as far as the Constables. I travel a lot. But today the job of Constables is to hide behind something, so that we come by and fly out after us. Instead of taking care of County problems, which is the most important thing. I have received calls from people in different Colonias, and they continually are stopping them for little bitty things. Of course, it is their job, it is their duty. But if they are going to leave priorities to go give a ticket to someone, I would rather that they take care of the beach. And this is a good time to look at our Deputies and how many Deputy Constables we have over there and what they are doing. Because, I have approached a few of them and I have found seven police officers at 7:10 A.M. Ten minutes after they come in to work, they are eating breakfast, instead of eating breakfast at home before they come to work. They are not prepared to come to work. I have approached them and I have a video. I have references and I have names. And they joke and they say AWho the heck are you?@ I say I am one of your bosses because I pay taxes.@

Commissioner Matz stated AGood for you. Good for you.@

Commissioner Cascos stated AIt is not really just the Constables. You have that in most public officials.@

Mr. Sifuentes stated ABut they continue doing it up till today. I have talked to Chief Reyna, I have talked to the officials, and I am talking to you today. There is quite a few guys, they just go behind the counter and serve themselves coffee like they own the stores. That is illegal. Once they start taking gratuities, that is it. Once they start taking gratuities, that is a bribe.@

Commissioner Cascos stated AYour point is well taken. Elected Officials, they are all kings and queens in their own kingdoms. Do I here any other comments from the public?@

Commissioner Benavides stated AThe only other thing I want to say, Carlos, is that I spoke to Mr. Villarreal, Port Commissioner. He said that it was a mistake that they had made and he would be the first one to admit something like that. In all fairness to the Port, they are not hiding behind anybody. They are saying AI=m sorry, it slipped by us.@ I just wanted to mention that.@

Commissioner Valencia stated AI thing they realize their mistake, Commissioner. Unfortunately, this Court has to be the one to lead the restraining order.@

Commissioner Benavides stated AThat is absolutely right.@

Mr. Almazan stated AQue no te lo diga a ti. Que se lo diga al publico.@

Commissioner Benavides stated AHe said that anybody that wanted to go and ask him, he would more than happy, it is in the newspaper anyway.@

Mr. Sifuentes stated AHe is one of the only Commissioners in the Port that has an open door policy. He will see you. If you come and see him, he will see you.@

Commissioner Valencia stated ATry to find out how they voted on that issue.@

Commissioner Cascos stated AWell, I think they all voted for it.@

Commissioner Benavides stated AYes, they all voted for it. They are not denying that. That is what I am saying.@

Commissioner Cascos questioned AOkay, any other comments from the public, English, French or Spanish? Do I hear a motion to close the Public Hearing?@

Commissioner Matz replied ASo move.@

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Public Hearing was closed at 10:30 A.M.

The Report is as follows:

(2) **POSSIBLE APPROVAL OF THE ORDER
ESTABLISHING A LOAD LIMIT FOR MOTOR
VEHICLES TRAVELING ON BOCA CHICA
BEACH**

Commissioner Matz moved that the Order establishing a load limit for motor vehicles traveling on Boca Chica Beach be approved, as recommended by Mr. John Hudson, Traffic Engineers, Incorporated.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Order is as follows:

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 10:31 A.M.

APPROVED this **16th** day of **March, 1999**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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