

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 21st day of DECEMBER, 1999, 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:

9:30 A.M.

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

NATIVIDAD "TIVIE" VALENCIA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

The meeting was called to order by Judge Gilberto Hinojosa at 9:35 A.M. 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 17, 1999, at 11:02 A.M.:

(33) EXECUTIVE SESSION:

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 9:36 A.M., to discuss the following matters:

- i) Deliberation regarding Economic Development negotiations with Magne Tek/Finsa; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.086 (1)(2).

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 10:02 A.M.



(34) ACTION RELATIVE TO EXECUTIVE SESSION

- i) **Deliberation regarding Economic Development negotiations with Magne Tek/Finsa.**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, Ms. Dylbia Jefferies-Vega, Commissioners= Court Legal Counsel, was directed to draft a letter requesting an Attorney General=s opinion concerning interpretations on abatements regarding the Economic Development negotiations with Magne Tek/Finsa.



(1) APPROVAL OF COUNTY CLAIMS

At this time, Commissioner Cascos expressed concern as to Warrant No. 25167, payable to San Benito News and Mr. Mark Yates, County Auditor, responded that the extended hours at the Los Indios Bridge had been advertised in the newspaper.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the County Claims were approved, as presented by the County Auditor.

The Budget Officer=s Comments Report is as follows:

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

Commissioner Matz moved that the 1999 Fiscal Year Budget Amendment No. 99-56, the 2000 Fiscal Year Budget Amendment No. 2000-10, and the Salary Schedules for TB PC, Fund No. 260-6460 and Immunizations, Fund No. 240-6380, be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Budget Amendments and Salary Schedules are as follow:

(3) APPROVAL OF MINUTES OF NOVEMBER 2, 1999, NOVEMBER 8, 1999, NOVEMBER 9, 1999, NOVEMBER 16, 1999, NOVEMBER 23, 1999, AND NOVEMBER 30, 1999.

At this time, Commissioner Cascos explained that County Counsel had expressed concerns as to the vote at the previous Meeting for the Minutes of November 2, 1999, and November 8, 1999, which consisted of two (2) votes in favor, zero (0) against, and (2) abstentions. He stated that County Counsel noted that the Item did not contain fifty-one percent (51%) of the votes and; therefore, the matter had not been approved.

Upon motion by Judge Hinojosa, seconded by Commissioner Cascos and carried unanimously, this Item was **TABLED** for one (1) week.

(12) DISCUSSION ON OVERWEIGHT TRUCKS ON COUNTY ROADS AND BRIDGES

At this time, Mr. Juan Bernal, County Engineer, stated that there was a problem with overweight trucks traveling on County roads and bridges which have truck weight limits.

Commissioner Cascos stated that the problem existed on Robindale and Old Alice Roads and added that the trucks were not complying with the weight limit signs in the area. He stated that discussions had been held concerning equipment to weigh the trucks, but noted that there were issues concerning the cost of the equipment and the personnel to operate the equipment.

Judge Hinojosa stated that the Department of Transportation should assist in controlling the traveling of overweight trucks on County Roads and Bridges. He suggested that the trucks should be detained by County Law Enforcement until the trucks are weighed or that the trucks be escorted to the proper weighing locations. He added that the Deputies should frequently patrol the problem areas and stated that the traveling of overweight trucks would eventually decrease.

Sheriff Omar Lucio, Cameron County Sheriff, stated that the Sheriff's Department would coordinate with the Texas Department of Transportation and suggested that the overweight vehicles be escorted to the appropriate weighing locations.

Judge Hinojosa stated that the Sheriff's Department Budget be analyzed at the mid year review, in order to determine the increase of two (2) Deputies to address the matter and requested that the Sheriff implement a plan to submit to the Court. He stated that a Resolution be adopted authorizing the County Engineer to designate specific roads and bridges to preclude trucks with a certain number of axles from those roads and/or bridges, noting that the County Engineer submit a list of the roads and bridges.

(5) **IN THE MATTER OF THE CONTRACT BETWEEN CAMERON COUNTY AND MARIA GUADALUPE ESQUIVEL TO PARTICIPATE IN THE TEXAS DEPARTMENT OF HEALTH DIETETIC INTERNSHIP PROGRAM (TABLED)**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, this Item was **TABLED** for one (1) week.

(6) **IN THE MATTER OF THE CONCESSIONAIRE AGREEMENT FOR THE SEA RANCH MARINA WITH LEWISVILLE 9/4 INCORPORATED, PURSUANT TO THE ORIGINAL CONCESSIONAIRE AGREEMENT WITH S.R. MARINE CENTER, INCORPORATED (TABLED)**

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

(7) **AUTHORIZATION TO COLLECT A \$20 FEE FOR A NEW CONSTRUCTION PERMIT AND \$10 FEE PER LOT FOR NEW SUBDIVISION FOR THE PURPOSE OF PROVIDING RURAL ADDRESS MAPPING SERVICES AND AUTHORIZATION TO CHARGE \$25 FOR A 24"X 36" MAP AND \$35 FOR LARGER SIZE MAPS**

At this time, Mr. Juan Bernal, County Engineer, stated that the amount of \$25.00 was too high and suggested that the price of the County Road Map should remain at \$15.00.

Judge Hinojosa explained that a fee schedule had been created to implement a program whereas, the County would assume the funding of the Rural Address Mapping System, in order to provide addresses and retain them in a central data base system for new subdivisions and houses constructed as of the effective date of the policy. He stated that the addresses on subdivisions and houses constructed prior to the implementation of the policy would also need to be retained and added that the program would require transferring an employee from the County Engineer's Office to the Auditor's Office with additional personnel to assist, noting that the program would be funded from the subdivision fees.

Commissioner Cascos moved to collect a \$20 fee for a new Construction Permit and \$10 Fee per lot for new subdivision for the purpose of providing rural address mapping services, and authorization to charge \$25 for a 24"x 36" map and \$35 for larger size maps, to be effective January 1, 2000.

The motion was seconded by Commissioner Valencia and carried unanimously.

(9) AUTHORIZATION TO CLOSE GATEWAY INTERNATIONAL BRIDGE ON DECEMBER 15, 1999, FROM 12:00 NOON TO 12:30 P.M.

Commissioner Matz moved that Gateway International Bridge be closed on December 15, 1999, from 12:00 P.M. to 12:30 P.M.

The motion was seconded by Commissioner Valencia and carried unanimously.

(10) AUTHORIZATION TO PURCHASE SERVICES AND EQUIPMENT FOR THE DISTRICT CLERK LIAISON IMAGING PROJECT USING REGION 4 STATE PURCHASING

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the purchase of services and equipment for the District Clerk Liaison Imaging Project using Region 4 State Purchasing was approved.

(11) ACTION ON THE RECOMMENDATION OF S&B ENGINEERS FOR THE UTILITY PROVIDERS FOR THE COUNTY JAIL

At this time, Mr. Mike Riojas, S&B Infrastructure, Ltd., highlighted the Cameron County Facilities Master Plan Proposed Utilities Report and recommended that the Public Utilities Board be utilized as the utility provider for the facilities.

Judge Hinojosa clarified that the Olmito Water Supply Corporation had not been recommended due to the uncertainty of the facilities being constructed to provide water and sewer within the time lines. He added that there was not a guarantee as to the grant/loan ratio to be received by the Federal Government for the expansion, noting that the rates reflected in the report might change. He suggested that the recommendations by S&B Engineers be accepted, on the condition that the Public Utilities Board matched the Olmito Water Supply Corporation rates and added that if the condition was not met, the County would then negotiate with the Olmito Water Supply Corporation.

Upon motion by Judge Hinojosa, seconded by Commissioner Valencia and carried unanimously, the recommendation of S&B Engineers to negotiate with Public Utilities Board to provide utilities for the County Jail was approved, subject to the condition that Public Utilities Board match or offer better rates than the Olmito Water Supply Corporation, noting that if the conditions were not met, negotiations would be made with the Olmito Water Supply Corporation.

(16) IN THE MATTER OF A TAX ABATEMENT AGREEMENT WITH THE FINSA DEVELOPMENT CORPORATION AT THE FREE TRADE BRIDGE REGIONAL ENTERPRISE ZONE

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

(17) AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE THE CONSTRUCTION CONTRACT WITH CUBCO CONSTRUCTION, INCORPORATED, FOR CERTAIN INFRASTRUCTURE IMPROVEMENTS, PURSUANT TO THE LAGUNA MADRE AFFORDABLE HOUSING INITIATIVE

Commissioner Cascos moved that the County Judge execute the Construction Contract with Cubco Construction, Incorporated, for certain infrastructure improvements, pursuant to the Laguna Madre Affordable Housing Initiative, subject to legal clearance of the bonds.

The motion was seconded by Commissioner Matz and carried unanimously.

(18) APPROVAL OF RESERVE DEPUTY JUAN CASTILLO FOR CONSTABLE PRECINCT NO. 6

(19) APPROVAL FOR BOND RENEWAL FOR MR. ANGEL O. GOMEZ, PRECINCT NO. 2

Commissioner Cascos moved that Reserve Deputy Juan Castillo for Constable Precinct No. 6 be approved and that the Bond be renewed for Mr. Angel O. Gomez, Precinct No. 2.

The motion was seconded by Commissioner Matz and carried unanimously.

(28) APPOINTMENT OF PARKS ADVISORY BOARD MEMBERS TO A TWO-YEAR TERM COMMENCING ON JANUARY 1, 2000, THROUGH DECEMBER 31, 2001

Commissioner Matz moved that Mr. Scott Argus and Mr. Rudy Mares be appointed to the Parks Advisory Board to a two-year term commencing on January 1, 2000, through December 31, 2001.

The motion was seconded by Commissioner Valencia and carried unanimously.

(29) AUTHORIZATION TO ADVERTISE FOR BIDS FOR TWO (2) 4X4 UTILITY VEHICLES

Commissioner Valencia moved that the Bids for two (2) 4x4 utility vehicles be advertised.

The motion was seconded by Commissioner Matz and carried unanimously.

CONSENT AGENDA ITEM

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

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the

A Consent® Agenda Items were approved as follow:

(30) TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET AND ALL APPLICABLE COUNTY POLICIES:

- a) County Extension Agent to attend the A Bi-National Planning Meeting® in Weslaco, Texas, on December 9, 1999;
- b) UNIT Director to attend the A Southwest Border HIDTA Executive Committee Meeting® in Albuquerque, New Mexico, on January 10-12, 2000;
- c) Eight (8) Juvenile Probation Officers to attend a A Texas for a Parent Connection Support Group Facilitator Training® sponsored by Rainbow Days, Incorporated, in Edinburg, Texas, on December 6, 1999; and
- d) Health Department employee to attend the A Public Health Advisory Planning Group Meeting® in Weslaco, Texas, on January 26, 2000.

(31) **PURCHASE WITHOUT PURCHASE ORDER FOR AMERICAN FREIGHT WAY, IN THE AMOUNT OF \$925.67, FOR FREIGHT AND STORAGE**

(32) **PRELIMINARY AND FINAL APPROVAL**

a) **Precinct No. 4**

Valle Del Cipres Subdivision - being 60.62 acres of land out of 170.31 acres more or less, out of 236.015 acres of land of 1,100.10 acres, known as Cipres Ranch, which is part of the Landrum-s Reserve, out of the Share No. 2S, Concepcion De Carricitos Grant;

b) **Precinct No. 2**

Rancho Caracol Subdivision - being a 20.628 acre tract of land, more or less out of Block No. 172, El Jardin Subdivision in Shares No. 19 and No. 27, Espiritu Santa Grant; and

c) **Precinct No. 2**

La Paloma Grove Estates Phase II - being a 3.36 acre out of Lot No. 49, Block No. 12, of the Map No. 3 of Barreda Gardens.

(33) **EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 11:47 A.M. to discuss the following matters:

- a) Confer with County Counsel concerning the possible litigation involving Schlitterbahn Water Park at South Padre Island and on matters relating to the water park, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A) and Section 551.071 (2);
- b) In the matter of evaluation of the Elections Administrator; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074; **(TABLED)**
- c) In the matter of the Real Property concerning discussion on approval of three (3) Concessionaire Agreements; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; **(TABLED)**
- d) Deliberation regarding Real Property concerning concession of Sea Ranch Marina (South); pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074;
- e) Deliberation regarding the Real Property concerning Lot No. 3, Block No. 35, West Brownsville Addition, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074;
- f) Confer with County Counsel to discuss disbursement of funds for property, known as Brownsville - Linda Vista, Lot No. 5; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;

- g) In the matter of the possible litigation pertaining to Sea Ranch Marina Concessionaire (S.R. Marine Center); pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A) and 551.071(2); **(TABLED)**
- h) Deliberation regarding the Real Property concerning the possible land acquisition in La Feria, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- i) Deliberation regarding Economic Development negotiations with Magne Tek/Finsa; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.086 (1)(2).

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 12:26 P.M.



(34) ACTION RELATIVE TO EXECUTIVE SESSION

- a) **Confer with County Counsel concerning the possible litigation involving Schlitterbahn Water Park at South Padre Island and on matters relating to the water park, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act.**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Status Report by County Counsel was acknowledged concerning the Island and on matters relating to the water park, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act.

- b) **In the matter of the evaluation of the Elections Administrator. (TABLED)**

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

- c) **In the matter of the Real Property concerning discussion on approval of three (3) Concessionaire Agreements. (TABLED)**

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

- d) **Deliberation regarding the Real Property concerning concession of Sea Ranch Marina (South).**

Commissioner Valencia moved that the Property Management Coordinator negotiate the concession of the Sea Ranch Marina (South).

The motion was seconded by Commissioner Cascos and carried unanimously.

- e) **Deliberation regarding the Real Property concerning Lot No. 3, Block No. 35, West Brownsville Addition, Texas; and**
- f) **Confer with County Counsel to discuss disbursement of funds for property, known as Brownsville - Linda Vista, Lot No. 5.**

Commissioner Matz moved that the contribution by the Law Firm be accepted, concerning Lot No. 3, Block No. 35, West Brownsville Addition, Texas, and that the disbursement of funds for the property, known as Brownsville - Linda Vista, Lot No. 5 be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

- g) **In the matter of the Real Property concerning approval of five Concession Agreements at Isla Blanca Park. (TABLED)**

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

- h) **Deliberation regarding the Real Property concerning the possible land acquisition in La Feria, Texas.**

Commissioner Matz moved that the land acquisition in La Feria, Texas, be negotiated.

The motion was seconded by Commissioner Valencia and carried unanimously.

- [REDACTED]
- (26) **IN THE MATTER OF A RENEWAL CONCESSIONAIRE AGREEMENT IN ISLA BLANCA COUNTY PARK BETWEEN CAMERON COUNTY PARKS SYSTEM AND BOY SCOUTS OF AMERICA, LAGUNA STATION HIGH ADVENTURE CAMP (TABLED)**

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

[REDACTED]

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the meeting was **ADJOURNED** at **12:36 P.M.**

APPROVED this **1st** day of **February, 2000**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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