

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 1st day of JULY, 1997, 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:

4:00 P. 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

COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

HECTOR PEÑA

The meeting was called to order by Judge Gilberto Hinojosa.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on June 27, 1997, at 4:06 P.M.:

(1) EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 4:05 P.M. to discuss the following matters:

- a) Confer with County Counsel regarding the possible litigation against Cameron County by G. S. Huddleston, III, involving damage and destruction to trees and the possible settlement of said dispute; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (A)&(B);
- b) Confer with County Counsel to discuss and authorize the County Attorney's Office to represent Ms. Yolanda de Leon, District Attorney and Cameron County on the case styled Joseph Graham vs. Yolanda de Leon, et. al., Case No. 1997-CCL-511-AL; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
- c) Deliberation regarding the Real Property concerning the acquisition of a certain tract of land, adjoining the Cameron Park Community Center, for the Cameron Park Recreation Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- d) Deliberation regarding the Real Property concerning the possible sale of the Cameron County Trustee Property, known as Brownsville-Colonia Victoria, Lot No. 885; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- e) Confer with County Counsel for the possible litigation involving the Beach Construction Permit Application by the Baker Exploration Company for the Gas Exploration Facility on Boca Chica Beach; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (A).

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At this time, Judge Hinojosa 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.

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(11) DISCUSSION OF THE POSSIBLE APPROVAL OF THE INTERLOCAL AGREEMENT (MUTUAL AID AGREEMENT) FOR LAW ENFORCEMENT ASSISTANCE BETWEEN THE CITY OF LOS FRESNOS AND CAMERON COUNTY

At this time, Sheriff Omar Lucio, Sheriff's Department, explained that the City of Los Fresnos was concerned about their Law Enforcement Officers regarding injuries while occasionally assisting the County Constables and Sheriff's Department and stated that the Interlocal Agreement would assure the City of Los Fresnos that the County would be responsible for the compensation to the Officers, should any injuries occur in emergency situations.

Commissioner Matz moved that the Interlocal Agreement (Mutual Aid Agreement) be approved for Law Enforcement Assistance between the City of Los Fresnos and Cameron County.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreement is as follows:

(2) **ACTION RELATIVE TO EXECUTIVE SESSION**

- a) Confer with County Counsel regarding the possible litigation against Cameron County by G. S. Huddleston, III, involving damage and destruction of trees and the possible settlement of said dispute.

Commissioner Benavides reported that the payment, in the amount of \$2,800.00, and the removal of the remaining debris in the area should be approved, said funding to be allocated from Precinct No. 1.

Mr. Doug Wright, Cameron County Counsel, reported that Mr. G. S. Huddleston, III, should be present while the County employees removed the debris, in order to avoid further damages.

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the payment, in the amount of \$2,800.00, to Mr. G. S. Huddleston, III, for the damage and destruction of trees, and the removal of the remaining debris was approved, said funding to be allocated from Precinct No. 1, noting that Mr. G. S. Huddleston, III, should be present while County employees removed the debris, in order to avoid further damage.

- b) Confer with County Counsel to discuss and authorize the County Attorney's Office to represent Ms. Yolanda de Leon, District Attorney, and Cameron County on the case styled Joseph Graham vs. Yolanda de Leon, et. al., Case No. 1997-CCL-511-AL.

Mr. Doug Wright, Cameron County Counsel, reported that the County Attorney's Office should be authorized to represent Cameron County and the County Attorney regarding said litigation.

Commissioner Matz moved that the County Attorney's Office be authorized to represent Ms. Yolanda de Leon, District Attorney, and Cameron County on the case styled Joseph Graham vs. Yolanda de Leon, et. al., Case No. 1997-CCL-511-AL.

The motion was seconded by Commissioner Benavides and carried unanimously.

- c) Deliberation regarding the Real Property concerning the acquisition of a certain tract of land adjoining the Cameron Park Community Center for the Cameron Park Recreation Project.

Commissioner Matz reported that the Status Report by County Counsel should be acknowledged regarding said matter.

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Status Report by County Counsel was acknowledged regarding the Real Property concerning the acquisition of a certain tract of land, adjoining the Cameron Park Community Center, for the Cameron Park Recreation Project.

NOTE: COMMISSIONER CASCOS JOINED THE MEETING.

- d) Deliberation regarding the Real Property concerning the possible sale of the Cameron County Trustee Property, known as the Brownsville Colonia Victoria, Lot No. 885.

Mr. Doug Wright, Cameron County Counsel, reported that the Property Management Coordinator should be authorized to sell said property for the price of \$5,000.00.

Commissioner Matz moved that the Property Management Coordinator be authorized to sell the Cameron County Trustee Property, known as the Brownsville Colonia Victoria, Lot No. 885, for the price of \$5,000.00.

The motion was seconded by Commissioner Benavides and carried unanimously.

- e) Confer with County Counsel for the possible litigation involving the Beach Construction Permit Application by Baker Exploration Company for the Gas Exploration Facility on Boca Chica Beach.

Commissioner Matz reported that the Status Report by County Counsel should be acknowledged regarding said matter.

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Status Report by County Counsel was acknowledged regarding the possible litigation involving the Beach Construction Permit Application by Baker Exploration Company for the Gas Exploration Facility on Boca Chica Beach.



(3) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Rob Almon, Senior Audit Supervisor, presented the following additional late claims for approval:

Warrant No. 38475, as to Patrick Miller, in the amount of \$32,000.00; and

Warrant No. 38476, as to National Seafood, Incorporated, in the amount of \$33,888.00.

Mr. Almon noted that Warrant No. 36844, as to Public Utilities Board, in the amount of \$300,000.00, which was presented by the County Auditor at the previous Meeting, was pending approval, subject to the Certificate of Approval which was requested from the Court.

Commissioner Cascos questioned whether it was a Certificate of Completion and Mr. Almon responded that it was a Certificate of Approval from the Texas Water Development, which was to be signed for approval.

Commissioner Cascos requested additional information as to Warrant No. 38155, payable to the Brownsville Herald, in the amount of \$1,450.00.

Commissioner Matz requested additional information as to Warrant No. 38329, payable to Naccho, in the amount of \$345.00.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the County Claims were approved as presented by the Senior Audit Supervisor, subject to the additional information regarding Warrant No. 38155, in the amount of \$1,450.00, and Warrant No. 38329, in the amount of \$345.00, and inclusive of the following late claims:

Warrant No. 38475, as to Patrick Miller, in the amount of \$32,000.00;

Warrant No. 38476, as to National Seafood, Incorporated, in the amount of \$33,888.00; and

Warrant No. 36844, as to Public Utilities Board, in the amount of \$300,000.00.

**(2) IN THE MATTER OF THE BUDGET
AMENDMENTS AND/OR SALARY SCHEDULES
(NO ACTION TAKEN)**

At this time, Mr. Ron Almon, Senior Audit Supervisor, noted that there were no Budget Amendments and/or Salary Schedules for approval.

(3) APPROVAL OF THE MINUTES OF JUNE 10, 1997

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Minutes of the Regular Meeting held June 10, 1997, at 4:00 P.M., were approved.

**(6) IN THE MATTER OF MS. ELIDA ZUNIGA
REGARDING THE OPEN DRAINAGE DITCH ON
LOT NO. 9, BLOCK NO. 43, CAMERON PARK
SUBDIVISION, SECOND INSTALLMENT
(TABLED)**

At this time, Mr. Juan Bernal, County Engineer, stated that a pipe had been placed in the drainage ditch on Ms. Elida Zuniga's property and added that Ms. Zuniga was requesting that a converter box be placed on the open drainage ditch.

Ms. Elida Zuniga, Cameron Park Subdivision resident, explained that if the drainage ditch remained opened the water pressure would be too massive and would be hazardous to the residents.

Mr. Bernal stated that the work would cost the amount of \$2,800.00 to \$3,000.00, in addition to the previous purchase and the placement of the pipes in the drainage ditch.

Commissioner Cascos suggested that the Item be Tabled until the issue was further reviewed and added that the additional cost regarding said matter had not been anticipated.

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

[REDACTED]

(7) **IN THE MATTER RELATIVE TO THE BEACH CONSTRUCTION PERMIT APPLICATION BY BAKER EXPLORATION COMPANY FOR THE GAS EXPLORATION FACILITY ON BOCA CHICA BEACH BACK DUNE AREA, APPROXIMATELY 1/4 MILE SOUTH OF BRAZOS SANTIAGO PASS (DENIED)**

At this time, Commissioner Matz requested that a Representative from the Baker Exploration Company explain the traffic and activity that would occur in each drilling episode.

Mr. Charlie Belaire, Belaire Environmental, Incorporated, explained that there might be as few as one (1) to three (3) drilling episodes during the first year, based on the findings and added that there would be a three (3) day period in which there would be as many as eighty (80) trucks per day.

Commissioner Matz expressed concern regarding the drilling from a pad in the beach area and whether there was an alternative matter in which the drilling could be accomplished.

Mr. Belaire stated that the drilling pad would be behind the dunes and added that several alternative means of access and locations on land had been examined. He noted that there would many problems if the drilling would take place on land and added that the Gulf side was not compatible or economically feasible for the Project. Mr. Belaire explained that the distance from the drilling pad to the main high water line would be eight hundred feet and about three hundred feet West of the vegetation line and the East edge of the dunes. He stated that the area in which the drilling pad would be was about two (2) acres wide and added that trucks would travel four (4) miles North through the sand from Highway 4, noting that the proposed security would control the publics= access on the Tuesdays, Wednesdays and Thursdays of each week.

Commissioner Benavides expressed concern as to the six thousand feet drilled into the Gulf of Mexico and whether the eighty (80) trucks would be traveling over the dunes or if the dunes would be removed.

Mr. Belaire stated that the Texas General Land Office requested that a thirty foot wide area of dunes be temporarily removed, which would be replaced when the Project was completed.

At this time, Ken Conway, Parks System Director, questioned whether the trap would extend beyond the eight hundred feet of the vegetation line further to the West and requested a particular reason why the company located the distance from the beach.

Mr. Belaire stated that the trap did extend further from the eight hundred feet of the vegetation line and added that the location of the distance was to avoid the wetlands.

The following individuals expressed their opposition to the matter:

Ms. Rosa Maria Ayanos, Valley Interfaith, Precinct No. 1 resident, and
Mr. Francisco Sinfuentes, Brownsville resident.

Judge Hinojosa recommended that the Beach Construction Permit Application by Baker Exploration Company be denied based on the following grounds:

That the Proposed Project will reduce or encroach on the public beach in several respects and impair or adversely affect the public use of or access to and from the public beach;

Specifically, that the heavy truck and equipment traffic under the proposal will impair and adversely affect public use and access to and from the public beach;

That the Application, on the further grounds of the Application, does not adequately address the full impact on the public beach and access to the public beach because of the obvious expected result of the drilling process and the production of mineral interests that this product will be transported and/or distributed for refining and use which further aggravates the public access and use of the beach; and

Specifically, along those lines, that the Proposal to build a gas line from the point of the pad to Highway 4 on the beach side of the dunes will also adversely affect the public use of and access to and from the public beach and encroach on the public beach and impair and adversely affect the public use of the beach; also

On the further grounds that the risk of damage to and interference with the public beach access far outweighs any economic convenience gained by Baker Exploration by using their directional drilling process; and lastly

That there are other reasonable means by which Baker Exploration may access the mineral beneath the State tracks in the Gulf of Mexico.®

Commissioner Benavides moved that the Beach Construction Permit Application by Baker Exploration Company for the Gas Exploration Facility on Boca Chica Beach back dune area, approximately 1/4 mile South of Brazos Santiago Pass, be denied.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Order Denying Beach Construction Permit is as follows:

(9) AUTHORIZATION TO CHANGE THE BRIDGE TOLL FOR AUTOS AND PICKUPS FROM THE AMOUNT OF \$1.00, TO THE AMOUNT OF \$1.25, EFFECTIVE AUGUST 1, 1997

Commissioner Matz moved that the Bridge Toll for autos and pickups be increased from the amount of \$1.00, to the amount of \$1.25, effective August 1, 1997.

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

AYE: Commissioners Benavides, Matz and Judge Hinojosa

NAY: Commissioner Cascos.

(10) IN THE MATTER OF SECURITY SERVICES FOR THE COUNTY OWNED PARKING AREAS (TABLED)

At this time, Commissioner Cascos stated that vandalism and theft in vehicles had been occurring in the parking lot facing the County Courthouse and suggested that phone quotes be obtained to install a hurricane fence around the parking lot, with controlled ingress and egress. He stated that one (1) ingress and two (2) egresses would be sufficient and that two (2) or three (3) pedestrian gates would be constructed from the fenced parking lot to the Administrative and Judicial Building.

Judge Hinojosa suggested that a Deputy should be hired to patrol the parking lot in a small motor vehicle with a Salary range of about \$14,000.00 per year.

Commissioner Cascos stated that the fence would also control the vendors that solicit the car washes, which were sometimes unfriendly and aggressive with the visitors and County employees.

Judge Hinojosa suggested that Constable Precinct No. 2 be requested to submit a Proposal and input on the best way of securing the parking lots.

Commissioner Matz stated that a plan was created for said parking lot three (3) or four (4) years ago to resurface, landscape and control with gates or security, which should be resurrected and added that the options should be further reviewed to address the issues.

At this time, Commissioner Benavides expressed concern as to the designated parking spaces for the Commissioners, which were limited to two (2) parking spaces.

Judge Hinojosa stated that four (4) parking spaces would be designated on Tuesdays for the Commissioners.

Commissioner Cascos suggested that the County Auditor's Office, the County Engineer's Office and Constable Precinct No. 2 work together, in order to submit a Proposal to the Commissioners' Court in two (2) weeks.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, this Item was **TABLED** for two (2) weeks.

At this time, Mr. Francisco Sinfuentes, Brownsville resident, suggested that signs be placed, in order to control the solicitation by vendors.

[REDACTED]

(12) **AUTHORIZATION TO ADVERTISE A REQUEST FOR PROPOSAL FOR CONSULTANT SERVICES TO DEVELOP A STRATEGIC ECONOMIC DEVELOPMENT PLAN FOR THE FREE TRADE BRIDGE INDUSTRIAL CORRIDOR**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the advertisement for Request for Proposals was approved for Consultant Services to develop a Strategic Economic Development Plan for the Free Trade Bridge Industrial Corridor.

[REDACTED]

(13) **DISCUSSION OF THE SPECIAL ELECTION ORDERED BY GOVERNOR GEORGE W. BUSH FOR AUGUST 9, 1997**

At this time, Ms. Amalia Cano-Acevedo, Elections Administrator, stated that the Special Election had been ordered by the Governor, noting that the funds were not budgeted nor available to perform the requested Special Election and added that the Election would cost the amount of \$25,000.00. She noted that Precincts were being combined and numbered fifty (50) and would have three (3) individuals per Polling Place.

Commissioner Cascos moved that the Special Election ordered by Governor George W. Bush for August 9, 1997, be approved, said funding to be allocated from Lapsed Salaries, with the Surplus Fund as an alternate.

The motion was seconded by Commissioner Matz and carried unanimously.

[REDACTED]

(14) **APPROVAL OF THE POLLING PLACES FOR THE SPECIAL ELECTION TO BE HELD ON AUGUST 9, 1997**

(15) **APPROVAL OF THE EARLY VOTING BRANCH OFFICE FOR THE SPECIAL ELECTION OF AUGUST 9, 1997, AT THE HARLINGEN COUNTY BUILDING, 608 E. HARRISON, HARLINGEN, TEXAS**

At this time, Ms. Amalia Cano-Acevedo, Election Administrator, noted the following changes in Polling Places:

Precinct No. 4 - Villarreal Elementary School, Olmito, Texas; and

Precinct No. 20 - Rio Hondo I.S.D. ROTC Building.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the following Polling Places and the Early Voting Branch Office for the Special Election of August 9, 1997, at the Harlingen County Building, 608 E. Harrison, Harlingen, Texas, were approved.

The List is as follows:

**(16) APPROVAL TO PURCHASE NEW VOTING
EQUIPMENT FOR THE ELECTIONS
DEPARTMENT**

At this time, Ms. Amalia Cano-Acevedo, Elections Administrator, stated that Request for Proposals had been advertised for the Central Count System and added that the Evaluation Committee recommended and approved the new voting equipment.

Commissioner Cascos explained that the Budgetary Process for the Central Count System would be for a term of five (5) years and would not have a significant impact on the County's Budget.

Commissioner Cascos moved that the purchase of new voting equipment for the Elections Department be approved.

The motion was seconded by Commissioner Matz.

At this time, Mr. Joe G. Rivera, County Clerk, stated that integrity, as opposed to the cost, was the important issue in changing from a Precinct Count System to a Central Count System and requested that the Court consider examining funding possibilities for a Precinct Count System, noting that the cost would be about \$600,000.00.

Commissioner Matz expressed his support for the Precinct Count System for purposes of integrity and sensibility for the individuals located at the different Precincts.

Mr. Rivera stated that decisions were made by the Ballot Committee regarding disputes on a ballot and added that the voters would not have a final say so on the Central Count System. He stated that giving the authority of an individual's vote to a number of Panel members would create a problem.

Commissioner Matz questioned whether there was a manner in which to move from a Central Count System to a Precinct Count System and Ms. Acevedo responded that the County should start by incrementally purchasing Precinct Counters every year for the large Precincts, in order to avoid a large impact on the Budget.

Commissioner Cascos agreed that the Precinct Count System was preferred for the integrity of the vote counts, but stated that the issue was strictly based on economics and the significant cost, which the County could not afford at the present time.

At this time, Mr. Manny Vela, Democratic Party Chairman, stated that as a member of the Evaluation Committee, the recommendation was made based on the professional manner in which the Bid addressed the concerns of the County and added that a system was in place that would credit the County if the decision was made within a year to change to the Precinct Count System.

Ms. Acevedo confirmed that the County would receive credit for one (1) of the two (2) scanners being purchased and highlighted the most costly items on the equipment list.

Commissioner Benavides suggested that a long range plan be implemented regarding the purchase of the Precinct Counters.

Mr. Rivera recommended that a Committee be appointed to thoroughly examine the issue and offered his assistance if the County Clerk's Office was given the storage space for the storage of records, in order to begin the process immediately, as opposed to deferring the matter for several years.

Commissioner Cascos stated that the County had attempted every year to encumber funds for certain Projects, but noted that every year the County had experienced a Budget shortfall. He added that the funds were not available to attempt to encumber the amount of \$100,000.00 per year for the proposed plan and stated that the County should work with the current available funds.

Commissioner Benavides expressed his support regarding the annual purchases of the Precinct Counters for the larger Precincts.

Judge Hinojosa suggested that a Counter should be implemented in the Harlingen area, in order to avoid the long distance traveling from the Northern part of the County.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the purchase of the new voting equipment for the Elections Department was approved.

**(17) APPOINTMENT OF A. C. NELSON, ATTORNEY,
TO THE BOARD OF TRUSTEES OF THE
PROPOSED SUNNY SKIES LAND
CORPORATION**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, Mr. A. C. Nelson, Attorney at Law, was appointed to the Board of Trustees of the proposed Sunny Skies Land Corporation.

At this time, Mr. Doug Wright, Cameron County Counsel, noted that a State Statute existed, in which the County was required to readjust the Precincts to comply with the count of no more than three thousand (3,000) per Precinct and recommended that the County should be addressing the issue.

**(18) IN THE MATTER OF THE BIDS FOR THE
DISASTER RELIEF EMERGENCY ROAD
REPAIR PROJECT (TEXAS COMMUNITY
DEVELOPMENT PROJECT CONTRACT NO.
716097) (TABLED)**

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

(19) ACCEPTANCE OF THE ANNUAL CERTIFICATION OF THE DARRELL B. HESTER JUVENILE JUSTICE DETENTION CENTER CONDUCTED BY THE CAMERON COUNTY JUVENILE BOARD ON MAY 1, 1997, PURSUANT TO SECTION 51.128 OF THE TEXAS FAMILY CODE

Commissioner Cascos moved that Annual Certification of the Darrell B. Hester Juvenile Justice Detention Center conducted by the Cameron County Juvenile Board on May 1, 1997, pursuant to Section 51.12 8 of the Texas Family Code, be accepted.

The motion was seconded by Commissioner Matz and carried unanimously.

The Certification is as follows:

(20) **APPROVAL OF THE RENEWAL OF THE MANAGEMENT CONTROL AGREEMENT BETWEEN THE DISTRICT ATTORNEY-S OFFICE OF CAMERON COUNTY AND THE CAMERON COUNTY DATA PROCESSING DEPARTMENT FOR THE ACCESS OF THE TEXAS CRIME INFORMATION CENTERS (TCIC) AND THE NATIONAL CRIME INFORMATION CENTER (NCIC)**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Management Control Agreement was renewed between the Cameron County District Attorneys Office and the Cameron County Data Processing Department for the access of the Texas Crime Information Centers (TCIC) and the National Crime Information Center (NCIC).

The Agreement is as follows:

(21) **PUBLIC HEARING TO ABANDON ONE PORTION OF A CERTAIN 40 FOOT DEDICATED ROAD, KNOWN AS TRAVIS ROAD, EXTENDING FROM THE WEST RIGHT-OF-WAY LINE OF OKLAHOMA AVENUE TO A POINT 170 FEET EAST ALONG TRAVIS ROAD, AS SHOWN ON THE MAP OF THE WENTZ SUBDIVISION, SHARE 32, ESPIRITU SANTO GRANT, CAMERON COUNTY, TEXAS, RECORDED IN VOLUME 5, PAGE NO. 44, OF THE CAMERON COUNTY MAP RECORDS**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Public Hearing to abandon one (1) portion of a certain 49 foot dedicated road, known as Travis Road, extending from the West Right-of-Way Line of Oklahoma Avenue to a point 170 feet East along Travis Road, as shown on the map of the Wentz Subdivision, Share 32, Espiritu Santo Grant, Cameron County, Texas, recorded in Volume 5, Page 44, of the Cameron County Map Records, was opened for public comments.

At this time, Mr. Gale Armstrong, Wentz Subdivision resident, stated that he had ownership interest in the property adjacent to the Right-of-Way, which was to be closed by the County and added that access would be denied to Travis Road.

Mr. Carlos Sanchez, Engineering Department, stated that said issue was a Commissioners= Court action implemented on November 1, 1995, in which the Court accepted a one-hundred foot Right-of-Way donation and added that the Agreement stated that the property would revert back to Mr. Jack Bryant, Property owner.

Commissioner Matz clarified that the Agreement to revert the strip of land did not mean that the Right-of-Way would be closed and/or abandoned.

Mr. Doug Wright, Cameron County Counsel, stated that in order to abandon said property, a Petition of eight (8) property owners in the area was required and added that a published Notice of the Intent to abandon the roadway would need to be posted at three (3) locations, which included posting the Notice on the property. Mr. Wright noted that Road and Bridge Act had been codified into the Transportation Code and stated that copies had been forwarded to the County Engineer regarding said issue.

Commissioner Cascos questioned whether the abandonment of the road would affect the integrity of a current County Project and the Mr. Sanchez responded that the property owner-s only intent was to subdivide said portion of the land.

Commissioner Cascos stated that he would not support the abandonment of the roadway, until further information was obtained or a legitimate reason in which the land in question would jeopardize a certain Project, was confirmed.

Commissioner Cascos confirmed that a plan had been implemented and added that the funds would be allocated from Precinct No. 2. He suggested that the Item be Tabled for two (2) weeks, in order to obtain additional information.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, this Item was **TABLED** for two (2) weeks.

[REDACTED]

(24) AUTHORIZATION TO ADVERTISE FOR PROPOSALS FOR THE LEASE OF ALL OR PART OF SEA RANCH MARINA, ISLA BLANCA PARK, AND ADJOINING UPLAND AREA FOR PURPOSES OF EXPANDING AND UPGRADING PUBLIC MARINA FACILITIES AND AMENITIES

At this time, Mr. Doug Wright, Cameron County Counsel, expressed concern regarding whether the Parks System Director possessed the metes and bounds description of the property.

Mr. Kenneth Conway, Parks System Director, stated that he had a general description subject to the Proposal Procedure.

Mr. Wright stated that the County had confronted the same type of problem in the past and added that some type of description was required, that being the property identified by monument or by a definite location, in order to avoid issues.

Judge Hinojosa suggested that the Request for Proposal should be approved, subject to the Metes and Bounds Description or a suitable Property Description included in the Request for Proposal.

Commissioner Cascos moved that the advertisement for the Request for Proposals be approved for the Lease of all or part of the Sea Ranch Marina, Isla Blanca Park, and adjoining upland area for purposes of expanding and upgrading the Public Marina Facilities and Amenities, subject to the Metes and Bounds Description or a suitable Property Description being included in the Request for Proposal.

The motion was seconded by Commissioner Benavides and carried unanimously.

[REDACTED]

(25) REVIEW PANEL'S RECOMMENDATIONS ON REQUEST FOR PROPOSAL NO. 97-02062 AND AUTHORIZATION TO NEGOTIATE THE CONTRACT WITH THE COURT'S SELECTION

At this time, Mr. Kenneth Conway, Parks System Director, recommended that the Lease be awarded due to the effective date of the Lease, that being July 1, 1997, and added that the wording of the Agenda Item differed.

Mr. Doug Wright, Cameron County Counsel, confirmed that the Lease had been reviewed by County Counsel and stated that the Lease should be negotiated and the County Judge be authorized to sign, upon the approval of the Court.

Commissioner Cascos moved that the Contract regarding Request for Proposal No. 97-02062 be negotiated and awarded to Mr. Alfonso Salazar, doing business as Cameron Sand Box, as recommended by the Review Panel, and that the County Judge be authorized to sign the Contract.

The motion was seconded by Commissioner Matz and carried unanimously.

The Agreement is as follows:

(26) **AUTHORIZATION TO ISSUE PERMIT NO. 9 TO JOSEPH P. NALLEY, DOING BUSINESS AS AUTO CLINIC FOR THE BEACH TOWING SERVICES**

At this time, Kenneth Conway, Parks System Director, reported that the issuance of Permit No. 9 was in compliance with the Towing Cap limited to ten (10) vendors and noted that there was an error in the Policy regarding the Vehicle Liability Policy, noting that the conditions stipulated the General Liability Policy.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, Permit No. 9 was issued to Joseph P. Nalley, doing business as Auto clinic for the Beach Towing Services, subject to the clarification as to whether the Policy was a General Liability Policy.

(27) **AUTHORIZATION TO INCREASE THE AUTO ALLOWANCE FOR DEPUTY CONSTABLE PRECINCT NO. 5**

At this time, Judge Hinojosa stated that one (1) of the two (2) Deputy Constables in Precinct No. 5 had been transferred to Rio Hondo in the last Budget Cycle, which resulted in a much larger workload for the remaining Deputy and recalled that the Court had decided that the travel allowance for all the Constables should be uniform. He noted that Constable Sanchez, Precinct No. 3, was the last Constable that did not have the \$10,000.00 travel allowance and reported that the upgrading of the position for Precinct No. 5 had also been recommended by Judge Sallie Gonzalez, Justice of the Peace, Precinct No. 6-1.

Commissioner Benavides moved that the auto allowance for Deputy Constable Precinct No. 5, be increased, said funding to be allocated from Lapsed Salaries Fund, subject to the availability in the fund.

The motion was seconded by Commissioner Matz and carried unanimously.

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:

At this time, Commissioner Cascos expressed concern as to the benefit gained by the Deputy Constables attending the ALegislative Update® in Austin, Texas, and whether the AForty (40) Hours required by ATCLEOSE® would be completed in one (1) or two (2) days, regarding Items 29 Aa® through Ad®. He suggested that the Constables or designated Deputy could relay the information retained from the ALegislative Update®.

Mr. Doug Wright, Cameron County Counsel, stated that continuing education was required for the TCLEOSE Certification and added that the Sheriff-s Department offered all the Law Enforcement Officers the complete

continuing education needed through the Harlingen Police Department, noting that it was not necessary to travel out of the County.

Commissioner Cascos noted that the hotel accommodations for Item No. 28 Af@, were over the \$75.00 limit, with the exception of the \$100.00 limit for New York, Washington or Mexico City, and stated that the Item should be approved with the \$75.00 limit. He questioned whether the mileage amount was \$0.20 or \$0.25 per mile and the Parks System Director responded that the amount of \$0.20 was for in County travel and the amount of \$0.25 was for out of the County travel.

Commissioner Cascos moved that the AConsent@ Agenda Items be approved as follow, subject to allowing only one (1) Constable or a designee to attend the ALegislative Update@ on Items No. 28 Aa@ through Ad@, and that Item No. 28 Af@ be limited to \$75.00 regarding the hotel accommodations.

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

AYE: Commissioners Cascos, Matz and Judge Hinojosa

NAY: Commissioner Benavides, as to the travel Items, in which the individuals were not present to justify their reasons for the travel.

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

- a) Constable Precinct No. 2 to attend the ALegislative Update@ in Austin, Texas, on July 7-8, 1997;
- b) Constable Precinct No. 3 and Deputy to attend the AForty Hours required by the Texas Commission of Law Enforcement Office Standard and Education (TCLEOSE)@ in Austin, Texas, on July 7-9, 1997; (one { 1 } only)
- c) Constable Precinct No. 4 and two (2) Deputies to attend the ALegislative Update@ in Austin, Texas, on July 7-8, 1997; (one { 1 } only)
- d) Constable Precinct No. 6 to attend the ALegislative Update@ in Austin, Texas, on July 7-8, 1997;
- e) Computer Center Programmer to attend AObservation and Training of the J. P. System@ in Orange, Texas, on July 13-15, 1997;
- f) Sheriff, Chief and Sheriff's Department employee to attend the ASheriff's Association of Texas 119th Annual Conference@ in Fort Worth, Texas, on July 20-23, 1997;
- g) County Clerk to attend the ATexas Association of Counties 1997 Post Legislative Conference@ in Austin, Texas, on August 27-29, 1997;

- h) 103rd District Court Reporter to attend the ATexas Court Reporters Association Annual Convention/Seminar@ in San Antonio, Texas, on June 19-22, 1997;
- I) Chief Juvenile Probation Officer to attend the AJuvenile Justice Alternative Education Program Workday@ and to meet with the Architects on the South Texas Juvenile Boot Camp in Austin, Texas, on June 16-20, 1997;
- j) Health Department employee to attend a ASeminar on Occupational Safety and Health Administration@ in Brownsville, Texas, on July 30-31, 1997; and
- k) Elections Administrator to attend the AElection Center-s Professional Education Program@ in Austin, Texas, on July 12-19, 1997.

(29) FINAL APPROVAL

a) Precinct No. 4

Country Manor Estates Unit No. 1 - being a resubdivision of 3.63 acres of land out of Lot No. 2, Pendleton Resubdivision of Lot No. 4, Stuart Place Subdivision of Survey No. 294.

(30) APPROVAL OF THE FOLLOWING PURCHASE WITHOUT THE PURCHASE ORDER

a) L. T. BOSWELL - \$189.00 (PARKS SYSTEM)

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

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APPROVED this **22nd** day of **July, 1997**.

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GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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