

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 10th day of July 2002, 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:

2:00 P.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A
COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

RICHARD VALDEZ
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

=====

The meeting was called to order by Judge Hinojosa at 2:15 P.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation and he led the Court and the audience in reciting the Pledge of Allegiance.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on July 5, 2002, at 12:17 P.M., and Supplemental Agenda posted on July 5, 2002, at 4:46P.M.:

ACTION ITEMS

**(1) APPROVAL OF THE BUDGET AMENDMENTS
AND SALARY SCHEDULES**

Commissioner Cascos moved that the 2002-Fiscal Year Budget Amendment No. 2002-28 and the Salary Schedules for the Crime Victims Department, Fund No. 250-4753 and Fund No. 250-4743 be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Budget Amendment and the Salary Schedules are as follows:

████████████████████

(2) **IN THE MATTER REGARDING THE MINUTES FOR
THE REGULAR MEETING HELD JUNE 18, 2002
(TABLED)**

Commissioner Garza questioned whether Mr. Francisco Sifuentes, Brownsville resident, had stated that the Brownsville Police Department was issuing citation or the Tax Assessor's Office.

Mrs. Maricruz Robles, Commissioners' Court Secretary, explained that Mr. Sifuentes had addressed two (2) items concerning both the Brownsville Police Department and the Tax Assessor/Collector's Tasks Force.

Commissioner Cascos suggested that this Item be tabled and that the information be confirmed.

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

████████████████████

(3) **CONSIDERATION AND POSSIBLE ACTION
REGARDING THE EXTENSION OF THE
PERIMETER FENCE, INSTALLATION OF RAZOR
WIRE AND ADDITIONAL CAMERAS FOR THE
CARRIZALEZ/RUCKER CAMERON COUNTY
DETENTION CENTER**

Chief Juan Mendoza, Sheriff's Department, reported that two (2) weeks ago, two (2) inmates had escaped from the Carrizalez/Rucker Detention Center through a plumbing chassis directed to the ceiling. He noted that the major problem was the regular locks installed on the closet doors inside the pods leading to the chassis; and explained that the facility had been inspected and the issues in need of correction had been pointed out to Landmark Organization Inc. Chief Mendoza stated that the locks were being replaced at this time, and that it was not known why the eight (8) plumbing chassis were located inside the pods.

Commissioner Cascos questioned the width of the air-conditioning vents.

Judge Hinojosa stated that the air-vents extracted the hot air from the ceiling area.

Mr. Juan Bernal, County Engineer, stated that the air-vents were approximately 18" x 18" wide.

Commissioner Benavides questioned whether the second inmate was re-captured and if in fact a plastic spoon was used to open the locks.

Chief Mendoza stated that only one (1) inmate was captured and that another remained on the loose, adding that the locks could easily be opened.

Judge Hinojosa stated that correspondence was received from the Durrant Group Inc., the Architectural Firm who designed the facility, and explained that according to a letter dated July 3, 2002, the locks, and security bars in the

vent area were not in accordance to the specifications and that the access doors leading to the roof should not be in the closets. Judge Hinojosa stated that there were questions as why the closets were inside the cells.

Chief Mendoza stated that there were eight (8) closets in the cells.

Judge Hinojosa stated that the lock to the storage room was not a dead bolt lock; therefore, was easily opened by the inmates with the spoons. He added that if the curved portion of the lock was turned around it would have not been opened and that even with access to the closet, the inmate should not have been able to get out, because the specifications did not call for access to the roof area. Judge Hinojosa stated that the door panel with an inappropriate lock to the ceiling area, that was not supposed to be there, had been opened to access the ceiling area; and stated that even with the door panel the inmates should have not been able to escape, because according to the letter the security bars installed were not in accordance to the specifications. Judge Hinojosa stated that it was unknown why the pods had storage rooms, and added that the specifications required an extra heavy duty mortise lock, that could not be opened, adding that even with access to the storage there should not have been access to the roof.

Commissioner Cascos questioned if the storage rooms inside the pods had been questioned during the numerous inspections and the walks through the facility.

Judge Hinojosa stated that a former jailor, from the previous Administration, was hired solely to address the security issues.

Commissioner Cascos stated that an inmate should have been hired to test the security, since they think in a way that we do not, adding that the inmates could circumvent all security measures.

Chief Mendoza stated that the storage rooms were previously questioned.

Mr. Bernal stated that the access door panels were for the maintenance personnel to access the roof.

Chief Mendoza stated that there were eight (8) doors, to the eight (8) closets within the pods, and that a light inside the pod turned on when the door was opened, which should be detected by the Detention Officer who monitors the switch board and makes the rounds.

Commissioner Cascos questioned if the light had turned on at the time the door was opened.

Chief Mendoza responded in the affirmative, and explained that once the door was opened the light could be easily turned off.

Captain Robert Lopez, Sheriff's Department, explained that three (3) inmates had gotten in line to obstruct the view of the Detention Officer while the door was quickly opened and closed.

Judge Hinojosa stated that Landmark Organization, Inc., was working with the Durrant Group Inc., to assure that the design was constructed.

Commissioner Garza stated that the recommendations from the Durrant Group Inc., should have been provided to the Court before the Carrizalez/Rucker Detention Center was opened for operations, and that he believed that the Durrant Group Inc., was negligent in not inspecting the facility, unless the County was responsible.

Mr. Doug Wright, Commissioners' Court Legal Counsel, explained that the legal situation was that the design built, the designer, and the builder were not the same. He stated that there was no question that Landmark Organization, Inc., was responsible.

Commissioner Garza commented that the Durrant Group Inc., evidently did not look at detail since they could not spell the name of the County Judge correctly after working on the facility for one (1) year.

Mr. Bernal stated that the County had requested that specific type of locks be installed on the door panels, and that at the time Landmark Organization, Inc., had indicated that the Architect recommended the locks which were installed.

Judge Hinojosa stated that according to the Architect they had not recommended said locks.

Chief Mendoza stated that in order for the pod to work efficiently a Control Officer was needed inside the pod and two (2) runners to make the rounds within the cells, adding that the manpower was not available.

Commissioner Cascos stated that the concerns were addressed in a letter dated August 7, 2001, to Landmark Organization, Inc., and that the perimeter locks were addressed in a letter dated November 15, 2001. He expressed his concern not addressing the security issues prior to accept the facility as substantially complete and releasing the retainage. Commissioner Cascos questioned if the concerns had been addressed.

Mr. Bernal reiterated that Landmark Organization, Inc., had indicated that the locks installed were recommended by the Architect.

NOTE: COMMISSIONER BENAVIDES STEPPED OUT OF THE COURTROOM, AT THIS TIME.

Commissioner Cascos stated that the County Engineer had indicated that dead bolt locks were needed according to the original specifications, and that now Landmark Organization, Inc., was saying differently. He clarified that there was sufficient correspondence notifying Landmark Organization, Inc., of the concerns but they failed to take action, adding that now the initial memos were correct. Commissioner Cascos questioned why the jail was accepted and taken as ready for occupancy when concerns remained pending.

Mr. Bernal stated that concerns were pending because the Architect had recommended the specific locks.

Commissioner Cascos stated that Judge Hinojosa had indicated that the Architect declared that the locks installed were not the ones recommended by them.

Judge Hinojosa pointed out the three (3) break out causes; the locks, the access panel to the ceiling area, and the incorrect security bars that were installed incorrectly.

Chief Mendoza stated that there were eighty (80) different types of improperly secured vents located on the roof.

Judge Hinojosa stated that Chief Jailor from the previous administration was hired to check the concerns and to report directly to the Court, adding that every single conceivable way to construct the facility was followed but failed for some reason.

Commissioner Cascos stated that no one was monitoring the personnel hired.

Judge Hinojosa stated that the construction managers were supervising the construction that the Chief Jailor was hired to oversee the security issues during the construction. He stated that even then, County personnel had noticed issues with the type of locks installed, but that somehow the Durrant Group's personnel was not informed or the construction personnel failed to inform the person who reported to the Court. He stated that someone was hired to inspect the facility because no member of the Court had the ability to tour the facility to identify what would work and what would not work.

NOTE: COMMISSIONER BENAVIDES JOINED THE MEETING AT THIS TIME.

Chief Mendoza stated that the locks should have been changed by this time, as well as the air-vents welded with rod iron.

Captain Lopez stated that the welding of the air-vents had been discussed with Mr. Randy Hass, Landmark Organization, Inc., who would commence upon approval of the Court.

Chief Mendoza requested that a sound system that would buzz inside the control room when the door was opened instead of the light be installed.

Commissioner Garza questioned if security bars would be installed inside the grills.

Judge Hinojosa suggested that Landmark Organization, Inc., be informed of the need to change the security bars inside the vents, to secure the mason room as noted in the letter sent by the Durrant Group's Inc., and that the specifications be reviewed. He stated that the surveillance cameras were excluded from the Contract, in order to minimize the cost, with the understanding that they would be bid out separately and that the bidding process needed to take place. He suggested that the expansion of the Darrel B. Hester Juvenile Administrative Building be postponed until the costs of the surveillance cameras, the razor fence, and any additional items were known.

Commissioner Garza questioned why the additional expenses should be incurred, and whether the items were to be provided by Landmark Organization, Inc., in accordance to the Contract.

Judge Hinojosa explained that maximum security facilities required razor wire fencing.

Commissioner Benavides stated that the concern was for the safety of the community and the County employees.

Chief Mendoza requested that surveillance cameras to monitor the outside perimeter and a booth at the back entrance with five (5) Detention Officers to monitor the control box and the area be installed. He explained that monitoring the booth during three (3) eight (8) hour shifts would require five (5) Detention Officers, and that all individuals with access cards going in and out of the facility would be documented at all times.

Judge Hinojosa clarified that the installation of the locks on the access panels, and the security bars in the vents would be paid by Landmark Organization, Inc., in addition to one (1) strand of razor wire on the roof.

Mr. Bernal stated that the items listed on the memos would be addressed by Landmark Organization, Inc.

Judge Hinojosa stated that the specifications were not modified in order to install the security bars inside the vents in the manner installed.

Commissioner Cascos questioned if the responses to the concerns addressed in the memos sent to Landmark Organization, Inc., by the County Engineering Department, were verified to have taken effect.

Mr. David Gomez, County Engineering Department, stated that after Landmark Organization, Inc., had responded to the concerns, the Texas Commissioner of Jail Standards had inspected and approved the facility.

Commissioner Cascos questioned who had confirmed whether the concerns had in fact been addressed by Landmark Organization, Inc.

Mr. Gomez responded that the County was responsible for confirming that the concerns had been addressed.

Mr. Bernal stated that the security bars inside the air-vents were not visible once installed.

Mr. Gomez stated that the issue was brought up because it was determined that if the visible security bars were not addressed most likely the others were not addressed as well.

Judge Hinojosa noted the need to assure that all the requests by the Sheriff's Department be done; otherwise, that the matter be brought before the Court. He stated that the Retainage would not be released until all the items were addressed. Judge Hinojosa noted the need to determine the items not listed in the specifications that would be corrected by Landmark Organization, Inc., and suggested that a cost estimate of the perimeter fences be obtained.

Chief Mendoza described the proposed fences; one fence 12' with three (3) strands of razor wire on top would be surround the facility from 30' away and a 7' high fence with three (3) strands of razor wires on top would be installed on the roof.

Commissioner Cascos suggested that the fence be inserted a few feet underground in order to prevent the inmates from burrowing under the fence.

Mr. Dagoberto Barrera, Brownsville resident, questioned why the closets and the panel doors were not observed during the inspections, why the jail facility was accepted prior to completion, and why the person hired to review the security issues had not done the job.

Commissioner Garza stated that he appreciated the Reports presented by the Sheriff's and Engineering Departments, but that he believed that the Report should be presented by Landmark Organization, Inc., and the Durrant Group Inc. He stated that it should be the Architect's and the Contractor's responsibilities to assure that the corrections take effect, since the Law Enforcement personnel had other duties and responsibilities.

Judge Hinojosa stated that he had instructed the Architect and the Contractor to make sure that the concerns be addressed, but that he believed that it was the County's responsibility as well.

Mrs. JuaNita Brodecky, Rio Hondo resident, stated that according to Commissioner Cascos the specifications were read by a Committee, and that it was not much to ask of the Court to read the specifications. She stated that Mr. Barrera was correct in saying that the inspections were inappropriate if the concerns were not reported, and stated that someone should have had the wisdom to have stopped the issues before it got this far, and that she would not fault the Sheriff's Department, but rather the Engineers, the inspection groups and the individuals hired to construct the facility.

Mr. Bernal stated that the points that followed by the inmates during the escape were documented and presented to Landmark Organization, Inc., and that a response had been requested. He stated that he could foresee a problem when a Design Build Team was hired because they would work for the same person rather than on behalf of the owner. Mr. Bernal stated that although a Design Build Team was less costly and less time consuming the owner lacked the confidence of the Architect being responsive.

Judge Hinojosa suggested that a Report be presented by the following Tuesday concerning: the issues to be funded by Landmark Organization, Inc., that the cost estimate of the issues not listed in the specifications be presented, that any designs and/or constructions using any of the Bond Issue's funds be postponed until the cost of the items not funded by Landmark Organization, Inc., were known, that the installation of 12' high perimeter fence with three (3) strands of razor wire around the jail facility be approved, that the installation of a 7' high fence with three (3) strands of razor wire on the roof be approved, and that the installation of surveillance cameras on the facility's exterior be approved.

Commissioner Cascos questioned if a method to notify the area residents was contemplated, and suggested the installation of a siren.

Judge Hinojosa suggested that the siren be included to the items not covered by Landmark Organization, Inc.

Commissioner Garza questioned whether the fencing or the sirens required approval from the City of Brownsville.

Commissioner Cascos noted that the need to notify the public was more important than not exceeding the City of Brownsville's decibel level.

Commissioner Cascos moved that a Report be presented by the following Tuesday, July 16, 2002, concerning the issues to be funded by Landmark Organization, Inc., that the cost estimate of the issues not listed in the specifications be presented, that any designs and/or constructions using any of the Bond Issue's funds be postponed until the cost of the items not funded by Landmark Organization, Inc., were known, that the installation of 12' high perimeter fence with three (3) strands of razor wire around the jail facility be approved, that the installation of a 7' high fence with three (3) strands of razor wire on the roof be approved, and that the installation of surveillance cameras on the facility's exterior be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Report is as follows:

████████████████████

(5) **CONSIDERATION AND APPROVAL OF AN
INTERLOCAL AGREEMENT BETWEEN
CAMERON COUNTY SHERIFF'S DEPARTMENT
AND THE UNITED STATES CUSTOMS SERVICE**

Commissioner Valdez moved that the Interlocal Agreement between the Cameron County Sheriff's Department and the United States Customs Service be approved.

Commissioner Garza questioned whether the Agreement consisted of only one (1) individual being hired.

Captain Robert Lopez, Sheriff's Department, responded in the affirmative, and that Attachment "A" was reviewed by Commissioners' Court Legal Counsel.

Commissioner Garza requested that Attachment "A" be made available.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that he had reviewed the document and had raised it as an issue.

Commissioner Cascos questioned what Attachment "A" consisted of.

Captain Lopez explained that the document listed the revenue percentages of what was ceased.

Commissioner Valdez moved that the Interlocal Agreement between the Cameron County Sheriff's Department and the United States Customs Service be approved.

The motion was seconded by Commissioner Garza.

Commissioner Cascos clarified that the Agreement would take effect during the 2003-Fiscal Year, and questioned the text indicating that the Cameron County Sheriff's Department "may" request reimbursement.

Captain Lopez responded that the matter depended on whether the Deputies had completed the 171 hours.

Commissioner Cascos questioned the overtime reimbursement involved and the defining of costs.

Mr. Xavier Villarreal, Budget Officer, stated that the overtime reimbursement was inclusive of fringe benefits.

NOTE: JUDGE HINOJOSA STEPPED OUT OF THE COURTROOM, AT THIS TIME.

Commissioner Garza questioned if the \$13,000.00 would be monitored by the Budget Officer.

Captain Lopez responded in the affirmative.

Upon motion duly made by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the Interlocal Agreement between the Cameron County Sheriff's Department and the United States Customs Service was approved, subject to legal review and to the submission of Attachment "A".

The Agreement is as follows:

████████████████████

(6) **IN THE MATTER REGARDING THE CELLULAR TELEPHONES AND SERVICE FOR FEDERAL INMATES TRANSPORT OFFICERS (TABLED)**

Captain Robert Lopez, Sheriff's Department, reported that Mr. Charles Paulette, Marshals' Office, had advised that some type of communication was needed with the two (2) Officers transporting the forty-two (42) female inmates from McAllen, Texas, in the event that their Court docket was changed, adding that the radio system could not be used past La Feria, Texas. He stated that funding was available for the remainder of the 2002-Fiscal Year and that even if the Budget remained the same, funds would be available for the 2003-Fiscal Year, noting that it was imperative that the cellular telephones be provided.

NOTE: JUDGE HINOJOSA JOINED THE MEETING AT THIS TIME.

Commissioner Valdez moved that the cellular telephones and service for the Federal Inmates Transport Officers be approved.

The motion was seconded by Commissioner Garza.

Commissioner Garza questioned if the Item would be funded from the revenues obtained from the U.S. Marshal's Office.

Captain Lopez stated that the cellular telephones and service could be funded from the said revenues.

Commissioner Garza noted that he did not recall the request for cellular telephones in the Agreement.

Captain Lopez stated that the expenses of the Program did not include the cellular telephone service.

Commissioner Garza questioned whether the U.S. Marshal's Office could provide the cellular telephones and service if the County provided the cellular telephones.

Judge Hinojosa noted that the cellular telephones were needed for the safety of the County Officers, and suggested that U.S. Marshal's Office be requested to fund the cellular telephones' service for Federal Inmates Transport Officers.

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

████████████████████

(7) **IN THE MATTER REGARDING APPOINTMENT OF PRESIDING AND ALTERNATE ELECTION JUDGES FOR THE 2002-2003 TERM (TABLED)**

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

[REDACTED]

**(8) CONSIDERATION AND APPROVAL OF A
RESOLUTION ADOPTING GUIDELINES AND
CRITERIA GOVERNING TAX ABATEMENT
AGREEMENTS IN THE HARLINGEN INDUSTRIAL
PARK ENTERPRISE ZONE**

Commissioner Garza moved that the Resolution adopting Guidelines and Criteria Governing Tax Abatement Agreements in the Harlingen Industrial Park Enterprise Zone be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Resolution is as follows:

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ITEMS WERE HEARD COLLECTIVELY UNLESS OPPOSITION WAS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WAS CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION WAS TAKEN SEPARATELY.

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

ITEM NO. 12:

Mr. Frank Bejarano, Project Development and Management Coordinator, stated that Mr. Roberto J. Ruiz, Project Architect, had addressed the issue concerning the provision of emergency power to the Dancy Building during the Workshop previously held. He added that the specification called for emergency power only to the second floor and that the question was raised as to whether the Court wanted to provide emergency power to the entire building at an additional cost or to power only the second floor and have the building pre-wired.

Judge Hinojosa suggested that emergency power be provided to the entire building.

Mr. Roberto J. Ruiz, Project Architect, reported that provision of emergency power to the entire building was of concern due to the restricted amount of space to place the equipment on the exterior of the building. He suggested to pre-wire the entire building and to use a portable emergency power system.

Commissioner Garza commented that the discussion was concerning the Emergency Operations Courtroom (EOC) and that the suggestion was made that the EOC would be relocated to the Carrizalez/Rucker Detention Center.

Judge Hinojosa stated that there were three (3) different EOC options: 1) to stay at the Cameron County Courthouse; 2) to relocate to the Sheriff's Department; and 3) to move it to the Dancy Building. He stated that he believed that the Dancy Building was discarded, and recommended that the EOC remain at the Cameron County Courthouse since it was constructed, located, and setup as an EOC, adding that it was the Policy of Cameron County that the County employees working during an emergency situation could bring their family to the Central Jury Room.

Commissioner Garza stated that he believed that the emergency power would only be needed on the second floor.

Judge Hinojosa stated that the offices located on the first, second, third, and fourth floor, in addition to the basement would not have power during a shortage.

Mr. Ruiz stated that the computer room on the third floor would have emergency power as well.

Judge Hinojosa noted that outages took place at least two (2) or three (3) times a year.

Mr. Ruiz stated that the estimated cost would not change with the emergency power to the second floor and the computer room on the third floor.

Judge Hinojosa suggested the possibility of providing emergency power to all three (3) floors be considered, unless it was too costly.

Mr. Ruiz stated that a 500-Kilo Volt Amperes generator was available and that a 2000-Kilo Volt Amperes generator needed to provide emergency power to the entire facility would require additional space for the equipment and \$250,000.00.

Commissioner Cascos suggested that the entire building be pre-wired and that the purchase of a generator be considered in the future.

Mr. Ruiz requested direction from the Court in order to obtain better price from the General Contractors, instead of having to present a Change Order in the future, noting that the Generator System or the tank would not be available at this time.

Judge Hinojosa stated that the facility could be pre-wired and that the Generator System and the tank could be obtained in the future. He requested that the elevators have emergency power.

Mr. Ruiz stated that one-hundred percent (100 %) of the facility would be pre-wired.

Judge Hinojosa questioned if the entire facility would not be powered, except for the second floor.

Mr. Ruiz stated that it would be either the pre-wiring of the entire facility or having the emergency power available to the second floor and the computer room located on the third floor.

Commissioner Cascos explained that the emergency power was being requested for the elevators as well as the second floor and the computer room located on the third floor, in addition to the pre-wiring of the entire facility, and requested that an estimated cost be presented to the Court.

Mr. Ruiz questioned if he was to present the estimated cost to the Court or if the design could be done because of the critical time constraints.

Judge Hinojosa questioned if the Bid Specifications were pending approval.

Mr. Ruiz responded in the affirmative, and explained that all the information would be presented to the Historical Commission for approval.

Judge Hinojosa suggested that Item No. 12 be approved and that the estimated costs for the elevators be brought before the Court.

Commissioner Garza questioned if the advertising of the bids could be approved with incomplete bid documents.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the Architect was requesting direction from the Court as to what to include in the Bid Package and that direction could be given at this time. He clarified that the

direction being given was to provide emergency power to the second floor, the computer room located on the third floor, the elevators, and to pre-wire the entire facility.

Judge Hinojosa noted that the emergency power would not be provided to the whole building.

Mr. Ruiz clarified that the pre-wiring would increase the cost, and explained that the emergency power would be provided to the second floor, the computer room located on the third floor, and the elevators, in addition to the pre-wiring of the entire facility, without the installation of the generator, the transfer switch and the storage tank at this time.

Commissioner Garza questioned if the bids would include a generator of sufficient size to power the second floor, the computer room in the third floor and the elevators.

Mr. Ruiz responded in the affirmative.

ITEM NO. 11:

Commissioner Garza questioned the damages caused to the property.

Mr. Juan Bernal, County Engineer, explained that according to the appraisal the building was located on Parcel No. 27 for FM 106 was condemned and needed to be relocated because it was too close to the highway.

ITEM NO. 9:

Mr. Mark Yates, County Auditor, presented the following late claims:

Warrant No. 00079225, payable to GE Equipment Company, in the amount of \$70,000.00; Warrant No. 00079227, payable to Advantage Rent-a-Car, in the amount of \$28,801.49; Warrant No. 00079228, payable to Bank of America, in the amount of \$5,747,54; and requested that Warrant No. 00079226 be voided.

ITEM NO. 14 “C”:

Commissioner Garza questioned the registration fee being paid for an individual making a Presentation.

Mr. Xavier Villarreal, Budget Officer, stated that the registration fee was requested.

ITEM NO. 14 “M”:

Mr. Xavier Villarreal, Budget Officer, requested that Item No. 14 “M” be TABLED.

ITEM NO. 14 “L”, “N”, and “O”:

Commissioner Cascos questioned the Items that were not reviewed by the Budget Officer.

Mr. Xavier Villarreal, Budget Officer, explained that Items No. 14 “O” would be funded through Public Funds, and Item No. 14 “N” would be 100% funded by State.

ITEM NO. 14 “K”:

Commissioner Garza commented that the document was delivered and that it was the first thing on the desk of the correct agencies, adding that the Agency appreciated that it was delivered in a timely manner.

Commissioner Benavides moved that the following "Consent and Travel Items" be approved with the stipulation on Item No. 12, and that Item No. 14 "M" be **TABLED**.

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

- AYE: Commissioner Benavides, Cascos, and Valdez,
NAY: None,
ABSTAIN: Judge Hinojosa as to Warrant No. 00079114, payable to Laguna Madre Water District, in the amount of \$13,540.15; and Commissioner Garza as to Warrant No. 00079133, payable to the Medicine Shoppe, in the amount of \$897.88.

- (9) **APPROVAL OF CLAIMS;
The Affidavit follows:**
- (10) **AUTHORIZATION OF PURCHASE WITHOUT PURCHASE ORDER FOR TECHNO PLY IN THE AMOUNT OF \$319.24;**
- (11) **ACCEPTANCE OF PARCEL NO. 27, FOR FM 106;**
- (12) **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE DANCY BUILDING INTERIOR RESTORATION; AND**
- (13) **AGREEMENT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND THE REACH OUT AND READ NATIONAL CENTER TO ESTABLISH A READING PROGRAM.
The Agreement follows:**

TRAVEL ITEMS

- (14) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- (a) Project Development and Management employee to attend the "Lower Rio Grande Valley Development Council Professional Advisory Review Panel Meeting", in Harlingen, Texas, July 10, 2002;
 - (b) Two (2) District Attorneys Investigators to attend the "TNOA 2002 Annual Training Conference", in Corpus Christi, Texas, August 11-15, 2002;
 - (c) Two (2) County Extension Agents to attend the "Master Gardener Class", in Weslaco, Texas, June 24-28, 2002;
 - (d) Project Development and Management Coordinator to attend the "La Torre Water Project with North Alamo Water Supply Corporation Meeting", in Edinburg, Texas, July 3, 2002;
 - (e) Health Department employee to attend the "Continuing Education for On-Site Waste Water Treatment System Sponsored by Texas Cooperative Extension", in Weslaco, Texas, July 17, 2002;
 - (f) Juvenile Probation Department employee to participate as a Presenter at the "5th Annual Drill Instructor Institute Workshop", in Austin, Texas, July 15-17, 2002;
 - (g) Unit Administrative Secretary/Intel Research Specialist to attend the "TLETS/NLETS and TCIC/NCIC Basic Procedures", in Beeville, Texas, August 4-9, 2002;

- (9) **APPROVAL OF CLAIMS.**
The Affidavits are as follow:

- (13) **AGREEMENT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND THE REACH OUT AND READ NATIONAL CENTER TO ESTABLISH A READING PROGRAM.**
The Agreement is as follows:

SUPPLEMENTAL ITEMS

(1) IN THE MATTER REGARDING AUTHORIZATION TO ADOPT AN ORDER FOR THE CLOSING OF A PORTION OF LAKE SHORE DRIVE ALSO KNOWN AS LAKE DRIVE (TABLED)

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

(2) CONSIDERATION AND AUTHORIZATION TO SUBMIT AN APPLICATION FOR TECHNICAL ASSISTANCE ON A SOLID WASTE PLANNING AND DESIGN PROJECT-CAMERON COUNTY GARBAGE COLLECTION AND MANAGEMENT SYSTEM-TO BE SUBMITTED TO THE BORDER ENVIRONMENTAL AND MANAGEMENT COOPERATION COMMISSION FOR PROJECT CERTIFICATION AND TO BE FUNDED BY THE NORTH AMERICAN DEVELOPMENT BANK

Commissioner Cascos moved that the submission of the Application for Technical Assistance on a Solid Waste Planning and Design Project-Cameron County Garbage Collection and Management System to the Border Environmental and Management Cooperation Commission for Project Certification and to be funded by the North American Development Bank (NADB) be authorized.

The motion was seconded by Commissioner Valdez.

At this time, Judge Hinojosa explained that an Application was submitted to North American Development Bank (NADB) for funding of a study to do a Plan of Solid Waste Disposable Sites throughout the County. He stated that during a meeting a NADB Representative was informed that a Rural Collection Plan could be administered through the Water District and would not require the Solid Waste Disposal Sites being considered. Judge Hinojosa stated that he had instructed his Office to put together a Plan on a Rural Collection Program that could be administered by the County and that NADB was saying that they could develop the Plan and possibly fund the Plan; therefore the suggestion was made to modify the Application to allow NADB to prepare the Plan.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the submission of the Application for Technical Assistance on a Solid Waste Planning and Design Project-Cameron County Garbage Collection and Management System to the Border Environmental and Management Cooperation Commission for Project Certification and to be funded by the North American Development Bank (NADB) was authorized.

[REDACTED]

**(4) CONSIDERATION AND POSSIBLE ACTION
REGARDING THE MAINTENANCE OF DRAINAGE
AND THE IRRIGATION DITCHES IN CAMERON
COUNTY**

Commissioner Benavides reported that he had placed this Item on the Agenda in order to address some concerns in the Valle Escondido area.

Mr. Joe Barrera, Irrigation District No. 1, reported that Irrigation District No. 1 had concerns with the East part of the County, such as the Cranberry Road and the Browne Road crossings. He stated that the Board of Directors had requested that the Court be addressed due to the concerns with large quantity of land being purchased by Developers and the City of Brownsville's plans to construct a school in the area. Mr. Barrera added that the Irrigation District was not in the drainage business, and that the 1998 State Water Conservation Bill had minimized next year's income by \$85,000.00.

Mr. Barrera stated that the Board of Directors had requested that he review the County's Plans for the area and that the Irrigation District continued to maintain the ditches with their equipment, but that after the current round, only the ditches having to do with irrigation would be maintained. Mr. Barrera stated that a lot of the water that came from the City of Brownsville tended to flood the Lopez High School and the nearby residential area. He stated that the Irrigation District was willing to help with equipment but the area was developing very quickly.

Commissioner Garza questioned if there was a Drainage District in the area.

Mr. Barrera responded negatively, and stated that when Drainage District No. 2, went into bankruptcy the Irrigation District continued to maintain the ditches, but that the problem appeared to be that the ditches were designed for irrigation rather than for subdivisions. He stated that the ditch on the north side of the County park carried most of the water from Villa Pancho, and that he was working with Engineers regarding the possibility to straighten the ditch in order to properly drain the property. Mr. Barrera stated that the development in the area was greater than the Brownsville Irrigation District and requested assistance from the Commissioners' Court to formulate a Plan to form another Irrigation District that would assist the area.

Commissioner Benavides explained that construction of a subdivision would conflict with the drainage of the water.

Mr. Barrera stated that the construction resulted in less ground for the water to sink into.

Commissioner Benavides questioned the persons responsible for the drainage ditches on the Southmost area.

Mr. Barrera responded that the City of Brownsville was responsible for any drainage ditches within the city limits, and that many of the houses were constructed on City easements which conflicted with the maintenance

of ditches. Mr. Barrera stated that in 1994 the County Ordinance that allowed for the easements to be within the square footage of the lots, causing conflicts with maintenance and was later modified with assistance from the County.

Mr. Juan Bernal, County Engineer, stated that the matter was previously discussed and that without the assistance from the City of Brownsville and the Port of Brownsville the problem could not be alleviated. He stated that he believed that the problem should be addressed as a team made-up by the City of Brownsville, the Port of Brownsville, the Irrigation District, and the County.

Commissioner Benavides stated that he would meet with Mr. Lanny Lambert, City of Brownsville Manager, and suggested that Mr. Barrera and the City Engineer be present.

Mr. Bernal stated that the County could meet with the City of Brownsville at this time, and suggested that an attempt be made to get the Port of Brownsville involved.

Commissioner Cascos highlighted that the issue was what the County could do to maintain the ditches, adding that the County did not have the equipment nor the personnel to provide the maintenance, and that the City of Brownsville should contribute to the maintenance of the drainage ditches.

Judge Hinojosa noted that the drainage ditches pulled the water out of the City of Brownsville.

Mr. Barrera stated that the City of Brownsville did not have a Drainage System in place, and briefed some examples where the City of Brownsville did not respond to requests previously made. He stated that the increase of the crossings under Morningside Road had been requested, adding that during a Hurricane the area had flooded and an attempt to correct the problem was considered by the City of Brownsville, but forgotten as soon as the water disappeared. Mr. Barrera stated that the concerns were addressed to the City of Brownsville but no response had been made.

Mr. Bernal stated that problems existed when working with the City of Brownsville but that there was now a different Administration.

Commissioner Garza suggested that a Drainage District be formed.

Judge Hinojosa stated that the formation of the Drainage District was considered and that at least half of the tax revenue generated needed to be used for administrative costs.

Mr. Bernal noted that a lot of development was taking place in the area.

Judge Hinojosa suggested that Drainage District No. 1 expand to the area.

Mr. Barrera stated that another issue was the drainage ditches that continued to be labeled as Drainage District No. 2, on maps.

Judge Hinojosa suggested that the possible expansion be discussed with Drainage District No. 1, and that a meeting be scheduled between the Drainage District No. 1, Commissioner Benavides, Mr. Barrera, the City of Brownsville, and the County.

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, the Report by Mr. Joe Barrera, Irrigation District No. 1, regarding the maintenance of drainage and the irrigation ditches in Cameron County was acknowledged.

At this time, Mr. Dagoberto Barrera, Brownsville resident, resided the following speech:

EXECUTIVE SESSION

(15) EXECUTIVE SESSION

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the Court met in Executive Session at 3:58 P.M., to discuss the following matters:

- (a) Deliberation regarding Real Property concerning the possible acquisition of properties for the new Cameron County Annex Building in Harlingen; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (b) Deliberation regarding Real Property concerning the possible Development of a Right of Way Easement to be located at Andy Bowie Park; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.
- (c) Confer with Commissioners' Court Legal Counsel concerning the possible transfer by Deed or Easement of Los Indios property and FM 509 Right of Way property; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).
- (d) To conduct interviews for the Title V Program Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074(1).

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the Court reconvened in Regular Session at 5:29 P.M.

(16) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) **Deliberation regarding Real Property concerning the possible acquisition of properties for the New Cameron County Annex Building in Harlingen.**

Commissioner Cascos moved that the Report by Mr. Joseph Ardito, Property Manager, concerning the acquisition of properties for the new Cameron County Annex Building in Harlingen, Texas, be acknowledged.

The motion was seconded by Commissioner Valdez and carried unanimously.

- (b) **Deliberation regarding Real Property concerning the possible development of a Right of Way Easement to be located at Andy Bowie Park.**

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the Report by Mr. Javier Mendez, Parks System Director, concerning the development of a Right of Way Easement to be located at Andy Bowie Park was acknowledged and the proposal of the same was rejected.

- (c) **Confer with Commissioners' Court Legal Counsel concerning the possible transfer by Deed or Easement of Los Indios Property and FM 509 Right of Way Property.**

Commissioner Cascos moved that the County Judge be authorized to execute the Easement as clean-up right of way concerning FM 509 and drainage for easement of the Los Indios property.

The motion was seconded by Commissioner Garza and carried unanimously.

(d) To conduct interviews for the Title V Program Director.

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the three (3) interviews for the Title V Program were acknowledged.

There being no further business to come before the Court, upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the meeting was **ADJOURNED** at 5:32 P.M.

APPROVED this 30th day of **July 2002**.

**GILBERTO HINOJOSA
COUNTY JUDGE**

ATTEST:

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