

THE STATE OF TEXAS           §

COUNTY OF CAMERON         §

BE IT REMEMBERED on the 1st day of NOVEMBER, 1994, there was conducted a REGULAR PUBLIC Session 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:

1:30 P. M.

PRESENT:

ANTONIO O. GARZA, JR.  
COUNTY JUDGE

LUCINO ROSENBAUM, JR.  
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS  
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ  
COMMISSIONER, PRECINCT NO. 3

\_\_\_\_\_  
COMMISSIONER, PRECINCT NO. 4

PRISCILLA J. KEE                                 Deputy  
COUNTY CLERK

ABSENT:

NATIVIDAD VALENCIA

----- 0 -----

The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Mr. Jack Brown, Martin and Brown Engineering, to lead the Court and the audience in reciting the Pledge of Allegiance to the Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on October 28, 1994, at 2:59 P. M.:

**(1) APPROVAL OF COUNTY CLAIMS**

At this time, Mr. Mark Yates, County Auditor, presented the late claim as to Dr. James A. Freeberg, Brownsville, Texas, Warrant No. 107767, in the amount of \$4,020.34, for approval.

Commissioner Rosenbaum moved that the County Claims be approved as presented, inclusive of the late claim as to Warrant No. 107767, in the amount of \$4,020.34.

The motion was seconded by Commissioner Matz and carried the following vote:

**AYE:** Commissioners Rosenbaum, Cascos and Matz

**NAY:** None

**ABSTAIN:** Judge Garza as to the claim of:

<u><b>E. DE LA GARZA</b></u>	
Warrant No. 107409	- \$ 87.22,
Warrant No. 107579	- \$140.70.

**The Affidavit is as follows:**

(2) **IN THE MATTER OF BUDGET AMENDMENTS  
AND SALARY SCHEDULES [NO ACTION]**

The County Auditor reported that there were no Budget Amendments or Salary Schedules for approval at this time.

----- 0 -----

(3) **APPROVAL OF MINUTES OF OCTOBER 11, 1994,  
AND OCTOBER 18, AND 25, 1994, [TABLED]**

**October 11, 1994**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Minutes of the Regular Meeting held October 11, 1994, at 1:30 P. M. were approved.

**October 18 and 25, 1994**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Minutes of October 18 and 25, 1994, were **TABLED**.

----- 0 -----

(4) **AUTHORIZATION TO NEGOTIATE A CONTRACT  
WITH GEOMAT DATA SERVICES TO INSTALL A  
NATIONAL LIGHTNING DETECTION  
ELECTRONIC SENSOR AT THE CAMERON  
COUNTY AIRPORT**

Commissioner Matz explained that the Lighting Detection System by Geomat was discussed at a recent meeting attended by at least sixteen (16) individuals interested in the Cameron County Airport, and he reported that it was the consensus of group that the Court should proceed to install the Electronic Sensor at the Cameron County Airport.

Commissioner Matz moved that authorization be given to negotiate a Contract with Geomat Data Services, in order to install a National Lightning Detection Electronic Sensor at the Cameron County Airport.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**The Contract is as follows:**

(9) **IN THE MATTER OF A TAX ABATEMENT AGREEMENT IN THE BROWNSVILLE REINVESTMENT ZONE FOR THE RICH-SEA PAK CORPORATION [TABLED]**

At this time, Mr. Frank Bejarano, Program Development and Management Director, suggested that this Item be tabled pending review by County Counsel, and added that a Company Representative wished to address the Court.

At this time, Mr. Allan Harkleroad, Comptroller for Rich-Sea Pak Corporation, stated that the Frozen Food Processing Plant had been part of the Brownsville Community for over thirty (30) years at the Boca Chica location and that the Company invested approximately thirteen (13) million dollars to build a 100,000 square foot production facility in 1993. He stated that the expansion of production resulted in creating more jobs and increasing the payroll.

Commissioner Matz questioned whether the other entities had been given the tax abatement retro-actively to December, 1992, and Mr. Ben Medina, City of Brownsville, stated that seven (7) of the entities had approved the tax abatements.

Judge Garza stated that he was "not excited" about a retro-active tax abatement, but that the Program Development and Management Director and County Counsel would review the Agreement.

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

----- 0 -----

(8) **PRESENTATION OF THE CAMERON PARK GENERAL PLAN, AS SUBMITTED BY THE CONSULTANT TEAM OF BENTON, BLUM AND BROWN**

Mr. Kenneth Benton, Project Coordinator, stated that it was important for the Court to consider the Cameron Park General Plan as an opportunity to work together to solve some "real" problems facing the County. He stated that the Document, was prepared based on sound research, thorough analysis and vision, identified the results if there was a willingness to implement the Plan, as indicated in the following letter dated October 6, 1994:

At this time, Mr. Michael J. Blum, consultant, highlighted the Seven (7) Year Plan with the use of graphics and text, and added that the Project had a clear set of defined goals and objectives that were measurable and included specific Project priorities for the successful implementation of the Plan.

He stated that the one hundred percent (100%) housing survey in Cameron Park, identified the conditions of the housing and the infrastructure problems associated with poor drainage, septic tanks, flooding, unpaved streets and fire hazards. He reported that out of one thousand eighty eight (1,088) houses in Cameron Park, one hundred eighty four (184) were considered standard, five hundred sixty (560) were substandard, and three hundred forty six (346) were dilapidated. He added that nine hundred twenty one (921) homes had poor drainage problems, with four hundred nine (409) having septic tank problems, six hundred seven (607) were in the flood prone areas and seven hundred thirty nine (739) homes had fire hazards.

At this time, Judge Garza requested clarification as to what was considered the Flood Elevation, and Mr. Jack Brown, Consultant Engineer, stated that any property below Flood Elevation twenty (20) was in a flood hazard.

Judge Garza remarked that one third of the land appeared to be in the flood prone area and that the County should not allow development or improvements, unless it met the Federal Flood Standards.

Mr. Blum stated that the comprehensive redevelopment efforts were to make the neighborhood a desirable place to live, and that although water and sewer were important factors, that the streets in Cameron Park should not be paved until proper drainage was provided. He stated that the Drainage Plan, based on Standard Engineering Criteria adopted by Cameron County, and the Paving Plan were estimated to cost approximately \$7.1 million to complete.

Mr. Blum added that the improvements to address the problems would cost over \$27 million. He stated the Plan outlined a series of steps over a seven (7) year period, which was considered a reasonable length of time, and added that the problems did not happen overnight and could not get solved overnight.

He explained that Seven (7) Year Plans were implemented in McAllen, that being in the Balboa Acres and the Santa Cruz Ranch Subdivisions. He explained that Balboa Acres was twice the size of Cameron Park, and that in 1974 it looked as bad as Cameron Park, and after seven (7) years of work, the streets were all paved, the drains were all in and every house had sewer and the subdivision looked like a nice neighborhood. He added that funding mechanisms for the various improvements consisted of Community Development Block Grant, EDA, McAllen Public Utility, the City of McAllen General Fund and Local Match funds.

Mr. Blum stated that the Document was a "controlling" Option Plan and that the Court had the option to control the future of the neighborhood of all of Cameron County. He added that "Cameron Park was created because there was an 'absence of control'."

He stated that the Code enforcement was a critical step in controlling, and that the Plan outlined the existing laws that needed to be enforced. He reviewed the nine (9) steps that must be implemented simultaneously, in order to improve the conditions at Cameron Park, and the long-term solutions were suggested for the success of the Plan.

At this time, the suggestion was made for the members of the Court to study the Plan and that any comments by them could be integrated into the "Transmittal Letter" that would be sent to the State.

Commissioner Matz, moved that the final draft of the Cameron Park General Plan be acknowledged, and that the Transmittal Letter to the Texas Department of Housing Community Affairs be prepared.

The motion was seconded by Commissioner Cascos and carried unanimously.

----- 0 -----

**(5) AUTHORIZATION TO RE-APPOINT THE PRESENT DIRECTORS TO THE CAMERON COUNTY DRAINAGE DISTRICT NUMBER ONE (1)**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the following Directors to the Cameron County Drainage District Number One (1) were reappointed:

Mr. Sam Sato, Los Fresnos, Texas;

Mr. H. B. Girault, Los Fresnos, Texas, and

Mr. H. B. Hill, Brownsville, Texas.

----- 0 -----

**(6) APPROVAL TO RENEW "HP SUPPORT" WITH HEWLETT PACKARD COMPANY, FROM OCTOBER 1, 1994, THROUGH SEPTEMBER 30, 1995**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the "HP Support" with the Hewlett Packard Company was renewed, for the period beginning October 1, 1994, through September 30, 1995, subject to review by the County Auditor.

----- 0 -----

**(7) AUTHORIZATION TO APPROVE CHANGE ORDER NO. 7, FOR THE DARRELL B. HESTER JUVENILE JUSTICE CENTER, CHANGING THE COMPLETION DATE TO FEBRUARY 1, 1995**

Commissioner Cascos moved that Change Order No. 7 be approved for the Darrell B. Hester Juvenile Justice Center, in order to change the completion date to February 1, 1995.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

**The Change Order is as follows:**

- (10) **AUTHORIZATION TO ACCEPT LUNDY DRIVE AS A COUNTY DEDICATED ROAD**
- (11) **AUTHORIZATION TO ACCEPT SANTOS GOMEZ DRIVE AS A COUNTY DEDICATED ROAD**
- (12) **AUTHORIZATION TO ACCEPT TEXAS AVENUE AS A COUNTY DEDICATED ROAD**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, Lundy Drive, Santos Gomez Drive, and Texas Avenue were accepted as County Dedicated Roads.

----- 0 -----

## **"CONSENT" AGENDA ITEMS**

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

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the "Consent" Agenda Items were approved as follow, exclusive of **Item No. 15** which was **Tabled**:

- (13) **AUTHORIZATION TO INITIATE DISCUSSIONS WITH PROSPECTIVE ENGINEERS, TO PROVIDE WASTEWATER PLANNING SERVICES FOR VILLA PANCHO GRANT APPROVED AND PENDING RECEIPT OF PLANS**
- (14) **AUTHORIZATION TO PURCHASE EXCESS PIPE FROM A CONTRACTOR AT A REDUCED COST**
- (15) **IN THE MATTER OF A RESOLUTION ADOPTING GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT AGREEMENTS IN THE CITY OF BROWNSVILLE REINVESTMENT ZONE [TABLED]**
- (16) **PRELIMINARY AND FINAL APPROVAL:**
  - a) **Precinct No. 1:**  
Villa Bonita Subdivision - being a subdivision all of Block 7 (9.273 Acres) and the East one-half of Block 8, (5.220 Acres) Esperanza Place Subdivision, and
  - b) **Precinct No. 4:**  
Krystal Estate Subdivision - being a subdivision of a 10.00 Acre Tract of land situated on Blocks 18 and 19, Survey 298, Stuart Place Subdivision.
- (17) **AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGETS:**
  - a) Members of Commissioners' Court to attend the "TxDot Commissioners Meeting" on November 30, 1994, in Austin, Texas, to support the I-69 designation to the Valley;
  - b) County Court-at-Law No. 1, Judge Everardo Garcia, to attend the "Advance Drafting Seminar" in Austin, Texas, on November 2-4, 1994;
  - c) Task Force Commander to attend the "Regional Commanders Meeting" in San Antonio, Texas, on November 3, 1994;
  - d) One (1) Health Department employee to attend a Workshop on "Eliminating Tuberculosis through Recognition and Action" on November 10, 1994, in Brownsville, Texas;

- e) Chief and Assistant Chief Juvenile Officers to attend the "Texas Probation Association Legislative Committee Meeting" in Austin, Texas, on November 3-5, 1994, and
- f) Commissioner Precinct One (1) to meet with the Land Office Staff regarding application for Gulf Pier Boca Chica Beach in Austin, Texas, on October 31, 1994, through November 6, 1994.

----- 0 -----

At this time, the County Auditor was requested to prepare a year-to-date Report of the Material Items and the percentages expended regarding the Road and Bridge Budgets for the new Fiscal Year, including the outstanding Purchase Orders, and to present to the Court within two (2) weeks.

----- 0 -----

**(18) EXECUTIVE SESSION**

Upon motion by Commissioner Matz seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 2:30 P. M. to discuss the following matters:

- a) Discuss evaluation of Vehicle Maintenance Director, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code; Section 551.074 (A)(1);
- b) Discuss Right-of-Way acquisition for FM/509 for Parcels 1-127, 7-208, 7-005, 7-017, 6-021, 6,010, 6-012, and 6-018A, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- c) Discuss Dakota Avenue South, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Regular Session at 3:00 P. M.

----- 0 -----

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

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to take action regarding the following matters:

- a) Discuss evaluation of Vehicle Maintenance Director.

Judge Garza noted the "favorable" evaluation, and that the salary should be increased to the total amount of \$24,500.00, effective November 1, 1994, said funds to be appropriated from the Fund Balance;

- b) Discuss Right-of-Way acquisition for FM/509 for Parcels 1-127, 7-208, 7-005, 7-017, 6-021, 6,010, 6-012, and 6-018A; and
- c) Discuss Dakota Avenue South.

Judge Garza reported that said acquisitions should proceed along the terms and conditions as outlined in Executive Session.

Commissioner Matz moved that a) the "favorable" evaluation of the Vehicle Maintenance Director be acknowledged and the salary be increased to the total amount of \$24,500.00, effective November 1, 1994, and that the Right-of-Way acquisitions regarding b) FM/509 for Parcels 1-127, 7-208, 7-005, 7-017, 6-021, 6,010, 6-012, and 6-018A; and c) Discuss Dakota Avenue South be acquired, along the terms and conditions as outlined in Executive Session.

The motion was seconded by Commissioner Cascos and carried unanimously.



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

----- 0 -----

**APPROVED** this **14th** day of **NOVEMBER, 1994**.

---

**ANTONIO O. GARZA, JR.**  
**COUNTY JUDGE**

**ATTEST:**

---

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