

THE STATE OF TEXAS :
COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 11TH day of
JANUARY, 1993, after due notice having been given, there was
begun and holden, a REGULAR MEETING of the Commissioners' Court
in the Commissioners' Courtroom of the Administration Building
in the City of Edinburg, Hidalgo County, Texas with the
following members of said Court present and participating:

Hon. J. Edgar Ruiz
County Judge

Hon. Samuel Sanchez
County Commissioner, Precinct #1

Hon. Lalo Arcaute
County Commissioner, Precinct #2

Hon. Juan Rosel
County Commissioner, Precinct #3

Hon. Leonard Camarillo
County Commissioner, Precinct #4

WHEREUPON, the following proceedings

were had, to-wit:

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JANUARY 11, 1993

The Honorable J. Edgar Ruiz, County Judge, called the Commissioners' Court meeting to order, whereupon the following proceedings were had, to-wit:

ITEM 1. APPROVAL OF MINUTES - October 20, 1992

A motion was made by Commissioner Arcaute, seconded by Commissioner Camarillo, to approve the minutes of October 20th, 1992, as presented.

MOTION CARRIED.

ITEM 2. APPROVAL OF BILLS - County Auditor

A motion was made by Commissioner Camarillo, seconded by Commissioner Sanchez, to approve in the General Fund bills #85613 thru #85764 totaling \$196,429.56; in the Special Revenue Fund bills #83321 thru #83539 totaling \$315,813.98; in the Debt Service Fund bill #859 in the amount of \$4,785.61; in the Trust and Agency Fund bills #3297 & #3298 totaling \$279,640.63 and in the Enterprise Fund bills #1351 thru #1357 totaling \$22,734.46.

MOTION CARRIED.

ITEM 3. APPROVAL OF OFFICIAL BONDS:

- A. Severo Lopez - Deputy Constable - Pct. #5
- B. Javier Marcos Martinez - Reserve Deputy Constable - Pct. #5

A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to approve the official bonds of Severo Lopez and Javier Marcos Martinez, as presented; these are for Precinct Five.

MOTION CARRIED.
SEE "EXHIBIT A"

SKIPPED ITEM #4 BY CONSENSUS

ITEM 5. APPROVAL OF COURT APPOINTED ATTORNEY'S FEES - \$74,391.00

A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to approve court appointed attorneys' fees, respectively, from last week, totaling \$80,301.50 and this week's totaling \$74,391.00.

MOTION CARRIED.
SEE "EXHIBIT C"

ITEM 6. APPROVAL OF MONTHLY FEE REPORTS:

(01/11/93)

- A. Anzalduas Park - \$ 776.00 - December
- B. Justice of the Peace:
 - 1. Rene O. Torres - \$ 7,007.96 - November
- C. County Clerk - \$178,446.47 - December

A motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to approve the monthly fee reports, as presented.

MOTION CARRIED.
SEE "EXHIBIT D"

ITEM 7. TAX ASSESSOR/COLLECTOR:

- A. Tax Refund:
 - 1. H.E. Butt Grocery Co. - \$9,433.01

A motion was made by Commissioner Arcaute, seconded by Commissioner Rosel, to approve a tax refund to H.E.B. Grocery Company, totaling \$9,433.01.

MOTION CARRIED.
SEE "EXHIBIT E"

ITEM 8. HIDALGO COUNTY LIBRARY SYSTEM:

- A. Consideration and approval of Representatives and Alternates to the Board of the Hidalgo County Library System

Mr. William McGee came before the Court to present the names of the nominees for representatives and alternates to the Library System Board. A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to appoint Hilda Gorena, as Representative, from the Mercedes Memorial Library, her alternate, to be Mrs. Ruben Hinojosa; in Weslaco the nominee is to be Mrs. Virginia Bailey, as Representative, as a reappointment and Sandra Vela, as an Alternate.

MOTION CARRIED.
SEE "EXHIBIT F"

ITEM 9. SHERIFF'S DEPARTMENT:

- A. Discussion and possible action on County Highway Patrolmen
- B. Authorization to appropriate reimbursement check from Texas Association of Counties in Acct. # 010-421-100.95

9/A

Sheriff Brig Marmolejo came before the Court requesting that he have full control of the County Highway Patrol, the reason being that he felt, that they, the County Highway Patrol, have outlived their usefulness. He felt that they would be more useful working for security at the Courthouse. A discussion then ensued with Judge Ruiz commenting that, in terms of security, he didn't feel that that need was justified. Sheriff Marmolejo then stated that they would be useful in transporting prisoners to and from the Jail and the Courthouse. After further discussion concerning the duties of the Sheriff's personnel, Com-

missioner Rosel stated that he didn't feel that the Highway Patrol had outlived their duties because their job was greatly justified in his Precinct and Commissioner Camarillo concurred with him. After additional comments from Commissioners Arcaute and Sanchez and further discussion, Judge Ruiz stated that the Sheriff's Department was the only department that had grown tremendously within the past three years, both in personnel and budget-wise. Bob Davis then responded to Judge Ruiz's comments, after which Commissioners Rosel and Camarillo concurred that the Commissioners should hold workshops with the Sheriff's Office and the County Highway Patrol regarding these concerns. After further discussion, a motion was made by Commissioner Rosel, seconded by Commissioner Arcaute, not to release the County Highway Patrol, being the personnel, cars and their monies [to the Sheriff's Department].

MOTION CARRIED.
SEE "EXHIBIT G"

Sheriff Brig Marmolejo then stated that as of 5:00 PM today he would relinquish their deputations and that they would not be Deputy Sheriff's any longer. Commissioner Rosel then read from the County Commissioners' statutes, under Section B concerning the County Police Force, which stated that the Sheriff shall deputize these officers. Steve Austin then stated that if the County Highway Patrols were not performing their duties, as required by the law, then they might not be eligible to receive a paycheck, from the County. Mr. Travis Heister, County Legal Counsel, then stated the reason that the Sheriff was going to do this was because the County Patrol was not going to do the services that he wanted them to do. He further stated, "the effect of what he's doing is to do what he can not do legally, which is to terminate these employees, and there is a specific provision, in the statutes, that he can not do that. So, I would suggest to you that there is a very good argument, that although he does have the power to deputize these people, once he has authority and the concurrence of the Commissioners' Court and there's, or unless there's some very, very major reason for revoking that deputization, such an act of omission of that particular one and I doubt very seriously, I think, it's subject to challenge, as to whether or not, I don't think he has authority to do that." There was further discussion regarding the relinquishing of the deputization of these employees, by the Sheriff and the releasing of paychecks to the patrolmen. Mr. Heister then stated that the patrolmen could not be removed from pay and as County employees, until this Commissioners' Court concurs with that. Judge Ruiz then called attention to the fact that this Commissioners' Court had rejected the request from the County Sheriff and questioned Steve Austin, County Auditor, if that was sufficient for him, for these people to make payroll. Mr. Austin then answered that he would have to refer his questions to the Attorney General's Office and the District Attorney's Office.

9/B

A motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to authorize the appropriation of \$1,500.00, which is reimbursement from the Texas Association of Counties Insurance Program; it will be appropriated into Sheriff's equipment account #95.

MOTION CARRIED.
SEE "EXHIBIT G"

ITEM 10. COMPUTER DEPARTMENT:
A. Declare Equipment Surplus:
1. Various equipment

A motion was made by Commissioner Arcaute, seconded by Commissioner Rosel, to authorize the declaration of equipment surplus, a list included in the packet, and authorize our Purchasing Agent to dispose of said equipment.

MOTION CARRIED.
SEE "EXHIBIT H"

ITEM 11. ADULT PROBATION DEPARTMENT:
A. Approval to extend contract for services between Hidalgo County Community Supervision and Corrections Department and Dr. Humberto Gonzalez and the Texas Employment Commission

Joe Lopez, Adult Probation Interim Director, came before the Court requesting extension of contracts, due to the fact that all the 1992 monies had not been expended. He further stated that once these monies were expended, then that's when the 1993 monies would begin to be expended. After further discussion, a motion was made by Commissioner Sanchez, seconded by Commissioner Rosel, to approve an extension of contract, between Dr. Humberto Gonzalez and the Texas Employment Commission and the County of Hidalgo; contracts run through August 31st, 1993 or as money is available.

MOTION CARRIED.
SEE "EXHIBIT I"

ADD. 1. ADULT PROBATION DEPARTMENT:
A. Authorization and approval to enter into contract with Argus Security Systems, Inc. for Adult Boot Camp Improvements

After a discussion regarding the length of time taken to complete this project, a motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to authorize and approve a contract with Argus Security System and the County of Hidalgo for improvements to be done at the Adult Boot Camp totaling \$107,188.00.

MOTION CARRIED.
SEE "EXHIBIT I"

ITEM 4. SELECTION OF 1993 GRIEVANCE COMMITTEE

After Judge Ruiz explained the duties of the Grievance Committee, he allowed Commissioner Arcaute, to pick nine names, by lot, to be the Committee and the Judge picked three additional names to be alternates. The 1993 Grievance Committee members are as follows: Cain Caceres, from Weslaco, Concepcion Ramirez, from La Villa, Tony G. Villanueva, Lee Perez, from Elsa, Luis Calderon, from Pharr, Jose Ricardo Rivera, from Weslaco, Sylvia Longoria, from McAllen, George Parker, from McAllen and Blanca Cantu, from Pharr. The Alternates are Graciela Sanchez, from

Weslaco, Maria Sara Castillo, from Weslaco and Irene Martinez, from McAllen. A motion was then made by Commissioner Arcaute, seconded by Commissioner Camarillo, to approve the Grievance Committee, as presented.

MOTION CARRIED.
SEE "EXHIBIT B"

ITEM 12. HEALTH DEPARTMENT:

- A. Set salary - Part-time employee (HIV Grant)
- B. Internal Line Item Transfer

A motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to set the salary at \$8.40, for a half position that will be matched by the State and authorize the internal line item transfer of \$2,063.44.

MOTION CARRIED.
SEE "EXHIBIT J"

ITEM 13. REQUEST TO ADVERTISE FOR COUNTY DEPOSITORY BANK

A motion was made by Commissioner Arcaute, seconded by Commissioner Rosel, to authorize the advertising for proposals for County depository bank for a period of two years for the County of Hidalgo. Bid opening to be February 3rd, bid award to be February 8th.

MOTION CARRIED.
SEE "EXHIBIT K"

ITEM 14. INTERNAL LINE ITEM TRANSFERS:

- A. Pct. #2 - Park - \$900.00
- B. Crippled Children - \$2,200.00
- C. Road and Bridge - County Wide - \$200.00
- D. Buildings & Grounds - \$6,900.00
- E. Sullivan City Clinic - \$13,952.79
- F. County Judge - \$435.60

A motion was made by Commissioner Arcaute, seconded by Commissioner Camarillo, to approve the internal line item transfers, as presented.

MOTION CARRIED.
SEE "EXHIBIT L"

ITEM 15. APPROPRIATE UNBUDGETED FUNDS:

- A. Sullivan City Clinic

After a discussion concerning the cost of the clinics, a motion was made by Commissioner Arcaute, seconded by Commissioner Rosel, to appropriated unbudget funds of \$30,461.25, for the Sullivan City Clinic.

MOTION CARRIED.

SEE "EXHIBIT M"

- ITEM 16. AUTHORIZATION AND APPROVAL TO REDUCE 1993 BUDGET ACCOUNTS AND INCREASE 1992 BUDGET ACCOUNTS:
 - A. Public Defense Attorney
 - B. Enterprise Fund

A motion was made by Commissioner Arcaute, seconded by Commissioner Rosel, to authorize and approve the reduction of 1993 budget and increase the 1992 budget accounts of Public Defense Attorneys, by \$108,877.24, and the Enterprise Fund by \$18,975.85.

MOTION CARRIED.
SEE "EXHIBIT N"

- ITEM 17. PCT. #2:
 - A. Declaration of Lease Termination with Missouri Pacific Railroad - Travis Heister

Travis Heister, Legal Counsel, explained that this lease had been in effect since 1930 and since this property had not been used in the last six years, he explained that the leasing of this property was no longer needed. After further discussion, a motion was made by Commissioner Arcaute, seconded by Commissioner Rosel, to approve a declaration of lease termination, with Missouri Pacific Railroad Company and the County of Hidalgo, releasing that portion of land that was used as a dipping vat for the County.

MOTION CARRIED.
SEE "EXHIBIT O"

- ITEM 18. PCT. #4:
 - A. Request to advertise for bids to pave Big "5" Road N. of 1925
 - B. Transfer of equipment to Precinct #1 from Pct. #4
 - C. Declare equipment surplus

18/A

A motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to authorize the advertising for bids for the paving of Big "5" Road north of F.M. 1925; bid opening February 3rd, bid award February 8th.

MOTION CARRIED.
SEE "EXHIBIT P"

18/B

A motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to authorize a transfer of equipment from Precinct Four to Precinct One's inventory, its a roll-off container and a Ford Truck.

MOTION CARRIED.
SEE "EXHIBIT P"

18/C

(01/11/93)

7

Commissioner Camarillo informed the Court that he would like to change his request from declaring this item surplus, to declaring it salvage. He then made a motion, which was seconded by Commissioner Rosel, to authorize the declaration of equipment surplus and authorize our Purchasing Agent to dispose of this 1973 2 1/2 ton truck.

MOTION CARRIED.
SEE "EXHIBIT P"

- ITEM 19. PURCHASING DEPARTMENT:
- A. Award bids:
 - 1. Hot mix - Pct. #3
 - B. Request to advertise:
 - 1. Tires - Pct. #3

19/A

A motion was made by Commissioner Rosel, seconded by Commissioner Camarillo, to approve the bid for purchasing hot mix, in Precinct Three, to Valley Caliche Products at a cost of \$21.00 per ton; contract is for one year.

MOTION CARRIED.
SEE "EXHIBIT Q"

19/B

NO ACTION.

- ITEM 20. PLANNING DEPARTMENT:
- A. Subdivisions:
 - 1. Guzman Subdivision - Pct. #3

A motion was made by Commissioner Rosel, seconded by Commissioner Sanchez, to approve the plat of Guzman Subdivision, which is located 246.0 feet north from Colbath Road on the west side of South Bentsen Road, inside the city limits of McAllen, in Precinct Three.

MOTION CARRIED.
SEE "EXHIBIT R"

- ITEM 21. APPROVAL OF TAX ABATEMENT AGREEMENT WITH ABASTO CORP.

Judge Ruiz informed the Court that sometime last year this Court had approved an abatement program, for the County of Hidalgo. Anthony Covacevich then explained the guidelines for abatement. He then presented an agreement for tax abatement with ABASTP Corporation, depending on the final Appraisal District's assessment of the construction. Mr. Elio Botello, President of ABASTO Corporation then came before the Court and explained the type of business that his corporation did. After further discussion, a motion was made by Commissioner Arcaute, seconded by Commissioner Rosel, for the authorization to enter into a contract for tax abatement under the agreement, our policy with ABASTO Corporation.

MOTION CARRIED.

(01/11/93)

Affairs. After this presentation, Mr. Covacevich introduced Milton Kersten, from North Alamo Water Supply, who is in the process of purchasing the so-called system, being held by Mr. Fletcher. He further stated that an offer had been made, which had been accepted and at this time the transfer papers were being prepared. Discussion then continued with questions and comments regarding the study. At one point, Mr. Covacevich asked Judge Ruiz if at this point North Alamo Water Supply, should be approached as the owner of this system, to which Judge Ruiz answered that they should indentify the economic impact on the grant itself, with the Agency and the County. After further questions and comments regarding ownership of this system, NO ACTION was taken on this item.

NO ACTION.
SEE "EXHIBIT T"

22/F

A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to authorize the advertising for bids for construction of the Progreso Park Community Resource Center; bid opening February 12th, bid award February 16th.

MOTION CARRIED.
SEE "EXHIBIT T"

22/G

A motion was made by Commissioner Arcaute, seconded by Commissioner Camarillo, to approve the 1989 Urban County bill #4198 in the amount of \$1,479.01; the 1991 Urban County bills #4199 thru #4206 totaling \$35,596.54; and the 1992 HOME Program bills #4207 thru #4211 totaling \$42,315.00. The total Urban County memorandum to be approved is \$79,390.55.

ITEM 23. PERMITS:
A. North Alamo Water Supply - Pct. #4 (corrected)
B. Southwestern Bell - Pct. #2

23/A

A motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to approve a request for permit by North Alamo Water Supply, for two meter connections, in Precinct Four.

MOTION CARRIED.
SEE "EXHIBIT U"

23/B

A motion was made by Commissioner Arcaute, seconded by Commissioner Camarillo, to approve a request for permit by Southwestern Bell, to go along Gasline east of 1426, for a proposed subdivision and to go along Owassa Road east of Tower Road, in Precinct Two.

MOTION CARRIED.
SEE "EXHIBIT U"

There being no further business to come before the Court, a motion was made by Commissioner Camarillo, seconded by Commissioner Arcaute, that said meeting of Commissioners' Court be hereby adjourned.

MOTION CARRIED.

THERE BEING NO FURTHER BUSINESS TO COME
BEFORE SAID COURT, the meeting of the Commissioners' Court was
adjourned.

J. Edgar Ruiz _____
County Judge

Samuel Sanchez _____
County Commissioner, Precinct #1

Lalo Arcaute _____
County Commissioner, Precinct #2

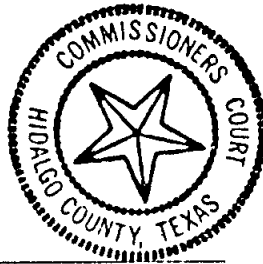
Juan Rosal _____
County Commissioner, Precinct #3

Leonard Camarillo _____
County Commissioner, Precinct #4

Dated this 11TH day of JANUARY, 1993.

ATTEST:

WILLIAM R. LEO, COUNTY CLERK



By: Jennifer Castillo
Jennifer Castillo, Deputy