

THE STATE OF TEXAS :
COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 16TH day of
FEBRUARY, 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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FEBRUARY 16, 1993

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

CONSENT AGENDA

ITEM 1. APPROVAL OF MINUTES - December 01, 1992
December 08, 1992

ITEM 2. APPROVAL OF BILLS - County Auditor
(SEE EXHIBIT A")

ITEM 3. APPROVAL OF OFFICIAL BONDS:
A. Robert Caples - Reserve Deputy Constable - Pct. #3
B. Leon Zamora - Reserve Deputy Constable - Pct. #3
C. Dr. Fernando Ortegon - Reserve Deputy Constable - Pct. #3
D. Jose Armando Rios - Deputy Public Weigher - County Judge
(SEE EXHIBIT B")

ITEM 4. APPROVAL OF MONTHLY FEE REPORTS:
A. Ismael Ochoa - \$ 1,055.07 - January
B. Guadalupe Garces - \$10,412.36 - January
C. Rosa R. Trevino - \$ 3,934.87 - January
D. Adan Caballero - \$ 3,766.00 - January
E. Ruben Ramos - \$ 7,965.45 - January
F. Espiridion Jackson - \$ 2,247.50 - January
G. Jesus E. Morales - \$ 5,175.40 - January
(SEE EXHIBIT "C")

ITEM 5. APPROVAL OF COURT REPORTERS' FEES:
A. Shirley A. Palston - \$2,731.00
(SEE EXHIBIT D")

ITEM 6. REQUEST FOR VOTING MACHINES:
A. Donna ISD - 4 voting machines
B. City of Alamo - 6 voting machines
(SEE EXHIBIT E")

ITEM 7. DISTRICT ATTORNEY:
A. Request to advertise:
1. Computer equipment - Investigation Fund (103)
(SEE EXHIBIT "F")

ITEM 8. INTERNAL LINE ITEM TRANSFERS:
A. County Clerk - Records Management/Preservation - \$6,000.00
B. County Court at Law #2 - \$36.68
C. County Court at Law #4 - \$35.72
D. Purchasing Department - \$41.72
E. Veterans Service - \$45.00
F. Library System - \$28.00
G. County Auditor - \$225.68
H. District Clerk - \$540.00
I. Sheriff's Department - \$475.00
J. Historical Museum - \$100,000.00

- K. Pct. #2 - County Wide Shop - \$300.00
- L. Pct. #2 - Parks - \$12,000.00
- M. District Attorney - \$64,602.00

(SEE EXHIBIT "G")

ITEM 9. PURCHASING DEPARTMENT:

- A. Award Bids:
 - 1. Bank Depository - Hidalgo County
- B. Request to advertise:
 - 1. Industrial Chemicals - Hidalgo County

(SEE EXHIBIT "H")

ITEM 10. PERMITS:

- A. I Link, Inc - Pcts. #1 & #2
- B. North Alamo Water Supply - Pcts. #1 & #2
- C. Southwestern Bell - Pcts. #1, #2, #3 & #4
- D. Rodolfo Perez - Pct. #1
- E. Sharyland Water Supply - Pcts. #3 & #4
- F. La Joya Water Supply - Pct. #3
- G. Shell Western E & P - Pct. #4

(SEE EXHIBIT "I")

Judge Ruiz gave a brief explanation of each of the items in the consent agenda. He stated that the bid dates for Items #7 and #9B were as follows: to open March 10th and to award March 16th, 1993. He also mentioned that there had been three bids for County Depository but the only valid bid was 1st National Bank of Edinburg. Commissioner Camarillo inquired if there would be a problem with the bank if the County would hire a financial advisor. A discussion then ensued where Judge Ruiz, with the assistance of David Penoli, stated that it would not be feasible to the County to employ an advisor.

Commissioner Sanchez then pointed out a clause, in the contract with regards to the free services provided to County employees. He read Item 20 on the contract where it stated "The County employees are provided with their first check order free, as well as free service charge account." "Then," he stated, "it has an asterisk that says that this is done only as long as the County agrees to lower the total interest bearing balances by \$800,000.00." He asked Mr. Penoli to explain that clause further and also the number of County employees who actually bank there. Mr. Penoli stated that there were approximately 240 employees, who had accounts with the bank. He said that because of the falling interest rates, in order to support the free banking, the bank would have to have some type of compensating balance. A discussion then ensued with regards to whether or not this option would be beneficial to the County and the banking entity. Commissioner Sanchez inquired as to how much the County had lost in the previous years, because of this option, and Mr. Penoli stated that nothing, and it had always been part of the contract, but due to falling interest rates, this year it was being offered as an option. Commissioner Sanchez then asked what amount did the County stand to lose, due to the option and the response was that it was approximately \$30,000.00. Judge Ruiz then stated that the County had the option of not giving its employees free checking or the offer of free checking then the County would have a \$2 million discretion in interest bearing transactions. The option, with regards to free banking services to the County employees, was discussed at length, after which it was agreed by all the Commissioners not to offer this service at this time.

A motion was then made by Commissioner Sanchez, seconded by Commissioner Camarillo, to approve the consent agenda, as presented.

MOTION CARRIED.
SEE "EXHIBITS A-J"

REGULAR AGENDA

ITEM 1. HEALTH DEPARTMENT:

- A. Approval of amendment to state contract - Immunizations
- B. Authorization and approval of renewal contract with Texas Department of Human Services - Medicaid Worker

1/A

Dr. Charles Wilson, Health Director, came before the Court requesting approval of an amendment of \$96,580.00 to state contract for immunizations. He stated that with these funds he was proposing to hire three additional LVNs and put the rest in contractual services for the hiring of nurses as needed. A motion was then made by Commissioner Arcaute, seconded by Commissioner Sanchez, to approve the immunization division grant amendment, totaling \$96,580.00, setting annual salaries of three LVNs at \$18,500.00, with fringes.

MOTION CARRIED.
SEE "EXHIBIT J"

1/B

Dr. Wilson explained that in past years they had been provided two Medicaid Workers to assist in the clinics. He stated further that one of them did not have enough work to justify the position, therefore he was proposing to have only one worker, Valley-wide, with her salary to be split in half between the Health Department and the Department of Human Services. The Health Department's portion of the contract is \$17,608.16, to be paid out of the Co-Pay budget. After further discussion, a motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to authorize the renewal of contract for one Medicaid worker; the County's match will be \$17,608.16, which is 50% and is coming from Co-Pay.

MOTION CARRIED.
SEE "EXHIBIT J"

ITEM 2. APPROVAL OF RESOLUTION - North Alamo Water Supply (EDAP)

Noe Cavazos came before the Court, to request approval of a resolution endorsing North Alamo Water Supply Corporation's application for Facility Engineering Phase I funding. He further stated that the proposed area was the area surrounded by Eldora Road, San Juan Road, Canton Road and Valverde Road, which consisted of approximately 41 colonias. The funding is to study the feasibility of providing wastewater services to the 41 colonias. After further discussion, a motion was made by Commissioner Camarillo, seconded by Commissioner Arcaute, to approve the resolution, as presented.

MOTION CARRIED.
SEE "EXHIBIT K"

ITEM 3. LIBRARY SYSTEM:

- A. Authorization and approval to exempt Amigos Bibliographic Council from competitive bidding process

Mr. Bill McGee, Library Systems Coordinator, came before the Court requesting approval of the exemption of Amigos Bibliographic Council, from the bidding process, stating that they were the sole vendors in this area of the State. A motion was made by Commissioner

(02/16/93)

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Sanchez, seconded by Commissioner Arcaute, to authorize the exemption from the competitive bidding process, to Amigos Bibliographic Council for the service of database through the OCLC, for the Hidalgo County Library System.

MOTION CARRIED.
SEE "EXHIBIT L"

ITEM 4. AUTHORIZATION AND APPROVAL TO TRANSFER FUNDS FROM 92ND DISTRICT COURT TO THE 332ND COURT FOR ADMINISTRATIVE SECRETARY

Judge Ruiz explained that there had been a changing of the Chair, in the Board of Judges. Previously it had been Judge Homer Salinas, this year it will be Judge Mario Ramirez. As a result the supplement of the secretary, will have to be transferred. The County Auditor explained that the total of the budget amendment is \$2,432.53, plus fringes and the supplement that will be transferred is the remaining balance which is \$2,100.00, plus fringes. A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to authorize a transfer of \$2,433.07 from the 92nd District Judge budget to the 332nd District Judge Court, for the Administrative Secretary, of the Board of Judges. (NOTE: \$2,433.07 is derived from the \$2,100.00 plus fringes.)

MOTION CARRIED.
SEE "EXHIBIT M"

ITEM 5. BUDGET AMENDMENT:
A. General Government Buildings - Revenue Sharing
B. Juvenile Probation Department

5/A

A motion was made by Commissioner Arcaute, seconded by Commissioners Sanchez and Camarillo, to approve a reappropriation, in Revenue Sharing, of \$10,453.40, from 1992 to 1993.

MOTION CARRIED.
SEE "EXHIBIT N"

5/B

A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to authorize a budget amendment, transferring interest earned funds, to computer, for the purchase of office equipment, totaling \$800.00.

MOTION CARRIED.
SEE "EXHIBIT N"

ITEM 6. PCT. #3:
A. Request to advertise:
1. Paving Los Ebanos Rd. N. of 3 Mi. Line
B. Authorization to increase Park Maintenance position salary

6/A

A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to authorize the advertising for bids for the paving of Los Ebanos Road, north of the 3 Mile Line; bid opening to be March 10, bid award March 16.

(02/16/93)

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MOTION CARRIED.
SEE "EXHIBIT O"

6/B

Judge Ruiz explained that Commissioner Rosel, was also requesting a budget adjustment within his 03 category, authorizing an increase on a Park Maintenance position, of \$353.66. After further research the Judge stated that it was more of an employee transfer from the Landfill to the Park, then transferring the other person from Park to the Landfill. He mentioned that there was a salary change, but no increase in salary. A motion was then made by Commissioner Arcaute, seconded by Commissioners Camarillo and Sanchez, to authorize the transfer of the employee or change of status, changing an employee from Landfill to Parks and then transferring the other employee from Parks to Landfill; the employee transferred to the Landfill will be earning \$9,282.00 and the other employee will be earning \$9,632.00.

MOTION CARRIED.
SEE "EXHIBIT O"

ITEM 7. PCT. #4:

A. Discussion and possible action on Crushed Caliche Contract
- Zamora Caliche Products

Commissioner Camarillo explained that Zamora Caliche had been awarded a contract, to supply the County with crushed caliche. He said that on his last three projects Zamora Caliche had run out of caliche and he had to use other bids to complete the projects. He stated further that Commissioner Arcaute, was having the same problem, and he was at this time requesting that something be done about this. He said that the reason that he brought this up was that at the present time he was purchasing caliche from Valley Caliche. Judge Ruiz then asked for how much longer the contract, with Zamora Caliche, would be in effect and the reply was until December 1993. Travis Heister, County Legal Counsel, then stated that a letter should be sent to Zamora Caliche saying that if they cannot supply the caliche the contract will be cancelled. Commissioner Arcaute then said that the gentleman, at Zamora Caliche, had stated, to him verbally that he was not going to be able to furnish anymore crushed caliche, and Commissioner Camarillo concurred. Commissioner Arcaute then mentioned that he had talked to the gentleman and requested a letter of cancellation, so that the Commissioners' Court could be able to authorize the readvertisement for bids, at this meeting. Mr. Heister then stated that they should give Zamora Caliche thirty days notice stating that the contract will be cancelled. Commissioner Arcaute asked if the Court could authorize the advertisement and the Judge stated that the process of advertising could be initiated and authorized the following week, so as to have a bid in place within thirty days. A motion was then made by Commissioner Camarillo, seconded by Commissioner Arcaute, to authorize the termination of a contract with Zamora Caliche Products by notice of notifying within thirty days.

MOTION CARRIED.
SEE "EXHIBIT P"

Judge Ruiz then addressed Mary Maldonado, the Purchasing Agent, and told her to begin the bidding process by advertising and place on the agenda, for the following week, the authorization by the Commissioners' Court to do so. Commissioner Arcaute then told Ms. Maldonado to specify that Grade 3 caliche, was needed.

ITEM 8. PLANNING DEPARTMENT:

A. Subdivisions:

1. Ro-Ellen Addition Unit No. 2 Subdivision - Pct. #1
2. Peoples Management Subdivision - Pct. #2
3. R.E.F. Industrial Park Subdivision - Pct. #2
4. Audie E. Ray Subdivision - Pct. #3
5. Bentsen Palm R.V. Park No. 2 Subdivision - Pct. #3
6. Walton Brothers Subdivision - Pct. #3
7. Alamo Brisas Subdivision - Pct. #4
8. Curry Acres Subdivision - Pct. #4

8/A/1

A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to approve the plat of Ro-Ellen Addition Unit No. 2 Subdivision, which is located approximately 240 feet south of Eighth Street on the west side of South Airport, inside the city limits of Weslaco, in Precinct One.

MOTION CARRIED.
SEE "EXHIBIT Q"

8/A/2

A motion was made by Commissioner Arcaute, seconded by Commissioner Camarillo, to approve the plat of Peoples Management Subdivision, which is located approximately 0.3 mile west of Morningside Road on the north side of Frontage Road on Expressway 83, inside the city limits of San Juan, in Precinct Two.

MOTION CARRIED.
SEE "EXHIBIT Q"

8/A/3

A motion was made by Commissioner Arcaute, seconded by Commissioner Camarillo, to approve the plat of R.E.F. Industrial Park Subdivision, which is located approximately 1/2 mile south of Hall Acres Road on the east side of Jackson Road, in Precinct Two.

MOTION CARRIED.
SEE "EXHIBIT Q"

8/A/4

A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to approve the plat of Audie E. Ray Subdivision, which is located approximately 744.0 feet west from Glasscock Road on the south side of Mile 7 1/2 North Road, in Precinct Three.

MOTION CARRIED.
SEE "EXHIBIT Q"

8/A/5

A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to approve the plat of Bentsen Palm R.V. Park No. 2 Subdivision, which is located on the west side of 2 1/4 miles north Bentsen Palm Drive, in Precinct Three.

MOTION CARRIED.
SEE "EXHIBIT Q"

8/A/6

A motion was made by Commissioner Arcaute, seconded by Commissioner Camarillo, to approve the plat of Walton Brothers Subdivision, which is located on the northwest corner of the 5 Mile Line and Abram Road, inside the City of Mission's ETJ, in Precinct Three.

MOTION CARRIED.
SEE "EXHIBIT Q"

8/A/7

Commissioner Camarillo ensued a discussion, over his concern on what appeared to be holding ponds near the homesites, within this subdivision. Emilio Garcia, Chief Planner, later explained that they were swells, to assist in the drainage, but that this subdivision was not in a flood zone area. A motion was made by Commissioner Camarillo, seconded by Commissioner Arcaute, to approve the plat of Alamo Brisas Subdivision, which is located on the southwest corner of Alamo Road and Rogers Road, inside the City of Edinburg's ETJ, in Precinct Four.

MOTION CARRIED.
SEE "EXHIBIT Q"

8/A/8

A motion was made by Commissioner Camarillo, seconded by Commissioner Arcaute, to approve the plat of Curry Acres Subdivision which is located on the southwest corner of Tower Road and Curry Road, in the rural area of the County, in Precinct Four.

MOTION CARRIED.
SEE "EXHIBIT Q"

ITEM 9. URBAN COUNTY:

- A. City of Edcouch - Budget Amendments Year B-89-UC-48-0501
B-91-UC-48-0501
B-92-UC-48-0501
- B. City of Elsa - Construction Contract Award Street Improvement Year B-92-UC-48-0501
- C. City of Elsa - Change Order - Wright Way Construction Street Improvements Project B-92-UC-48-0501
- D. HOME Program Budget Amendment
- E. 1991 Emergency Shelter - Budget Amendment (Mujeres Unidas/Women Together)
- F. Approval of bills

9/A

Anthony Covacevich, Urban County Director, explained that the City of Edcouch was proposing to move some monies from years '89 and '91 into '92. A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to approve the request from the City of Edcouch for budget amendments for years '91, '92 and '89.

MOTION CARRIED.
SEE "EXHIBIT R"

9/B

A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to award bid to Wright Way Construction for street improvements, with the City of Elsa and the County of Hidalgo; the contract amount is \$147,362.50.

MOTION CARRIED.
SEE "EXHIBIT R"

9/C

A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to approve a change order, with Wright Way Construction reducing it to \$114,022.50.

MOTION CARRIED.
SEE "EXHIBIT R"

9/D

Anthony Covacevich informed the Court that about a year ago, the County had gotten approval for funding for HOME funds in the amount of \$1,926,000.00. Under this program, administration funds were not allowable and therefore they had allocated monies out of the CDBG funds, in the amount of \$56,000.00 to administer the HOME Program. As of October 28, 1992, the new legislation allowed Counties to set up administration costs under the HOME Program, retroactive to 1991. So the budget amendment was to set up \$40,500.00 for administration under the HOME Program. A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to approve the budget amendment in the HOME Program and authorize the budget prescribed, totaling \$40,500.00.

MOTION CARRIED.
SEE "EXHIBIT R"

9/E

A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to approve a budget amendment for a contract with Mujeres Unidas/Women Together, under the 1991 Emergency Shelter Grant.

MOTION CARRIED.
SEE "EXHIBIT R"

9/F

A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to approve the 1989 Urban County bill #4315 in the amount of \$1,170.00; the 1990 Urban County bill #4316 in the amount of \$1,064.00; the 1991 Urban County bills #4317 thru #4320 totaling \$37,344.27; the 1992 Urban County bills #4321 thru #4336 totaling \$49,530.36; the Colonia 1-A Fund bill #4337 in the amount of \$4,400.00 and the HOME Program Fund bills #4338 thru #4342 totaling \$37,829.20. The total Urban County memorandum to be approved is \$131,337.83.

MOTION CARRIED.
SEE "EXHIBIT R"

- ITEM 10. COMMUNITY SERVICE AGENCY:
 - A. Authorization and approval:
 - 1. UAP Contract FFY '93
 - 2. MTP Sub-Agreement
 - B. Request to advertise:
 - 1. Janitorial Contract

10/A/1

Maribel Navarro-Saenz, Executive Director, came before the Court to explain the Utility Assistance Program (UAP) which is a new program. As a part of her presentation she read a notice, which is supplied as an exhibit. Judge Ruiz brought up a point, in the notice concerning appeals and Mrs. Saenz stated that the applicants would be appealing through the department's appealing process. She then stated that the contract was for \$450,116.00, however the State had broken it down to a heating portion and a cooling portion. She stated further that the administration costs had also been split and then proceeded to explain the program and what possible problems there might be. After discussion, a motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to approve the Utility Assistance Program contract, as presented, totaling \$450,116.00.

MOTION CARRIED.
SEE "EXHIBIT S"

10/A/2

A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to authorize a sub-agreement between the County

of Hidalgo and Cantu and Valadez Enterprises, for transportation under the Medical Transportation Contract.

MOTION CARRIED.
SEE "EXHIBIT S"

10/B

A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to authorize the advertising for bids for the purpose of janitorial services for the Community Service Agency building; bid opening March 10th, bid award March 16th.

MOTION CARRIED.
SEE "EXHIBIT S"

A questions and comments session then followed with the following items being discussed:

Commissioner Sanchez referred to Item #7, stating that during the period in the which the contract termination and the advertising for new bids, was taking place, maybe the Court should exempt buying crushed caliche, from the bidding process, so as not to violate the law. Judge Ruiz then recommended that it be placed on the agenda for the following week.

Ciro Trevino, Tax Assessor/Collector, came before the Court regarding Item 9/A/1, with regards to the rejection of the free service to the County employees, by 1st National Bank. His concern was in what way would the deletion of this option benefit the employees. Judge Ruiz then proceeded to give a brief explanation, to which Mr. Trevino brought up no pay increases, this year, as well as the decreasing of departments and the increase on in the insurance rates. Commissioner Sanchez then explained that the County would be saving money in the long run, this was followed with a brief discussion.

Judge Ruiz then announced that there would be a Workshop on Thursday, February 18th, at 9:00 AM, regarding some legislation, as well as some County issues.

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.

DRAINAGE DISTRICT #1

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

ITEM 1. AUTHORIZATION AND APPROVAL TO ADVERTISE FOR REPAIRS - Pump Structure #5 (South Donna Drain)

Vona Walker, Drainage Director, informed the Court that about

two weeks ago there had been a fire and their pump at the South Donna Drain had been damaged. A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to authorize the advertising for the repair of Pump Station #5, in the South Donna Drain; bid opening March 10, bid award March 16.

MOTION CARRIED.
SEE EXHIBIT T"

ITEM 2. AUTHORIZATION AND APPROVAL OF CONDITIONS FOR PARTIAL RELEASE OF DRAINAGE EASEMENT - Proposed Renaissance Pointe Subdivision

Ms. Walker explained that this was in reference to a proposed subdivision, on the corner of Jackson Avenue and Expressway 83, in the City of McAllen. The County had been asked to release a portion or an easement, in return for the placing of the drainage ditch underground from the Expressway to Jackson Avenue, at no cost to the Drainage District. After further explanation, a motion was made by Commissioner Camarillo, seconded by Commissioner Arcaute, to authorize the conditional release of a partial drainage easement, for the proposed Renaissance Pointe Subdivision.

MOTION CARRIED.

There being no further business to come before the Drainage District, a motion was made by Commissioner Camarillo, seconded by Commissioner Arcaute, to adjourn.

MOTION CARRIED.

