

THE STATE OF TEXAS :
COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 2ND day of
MARCH, 1993, after due notice having been given, there was begun
and holden, a SPECIAL 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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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 - January 05, 1993
January 11, 1993

ITEM 2. APPROVAL OF BILLS - County Auditor
General Fund - #87032 - #87230 - \$1,512,671.73
Special Revenue Fund - #84687 - #84849 - \$1,301,808.84
Debt Service Fund - # 869 - # 871 - \$5,377,722.80
Trust and Agency Fund - # 3366 - \$ 243,865.81
Enterprise Fund - # 1394 - # 1414 - \$ 57,398.66
(SEE "EXHIBIT A")

ITEM 3. APPROVAL OF OFFICIAL BONDS:
A. Apolonio Cardoza - Reserve Deputy Constable - Pct. #3
B. Romeo Garcia - Reserve Deputy Constable - Pct. #3
C. Jose Cruz - Reserve Deputy Constable - Pct. #3
D. Jorge A. Andres - Reserve Deputy Constable - Pct. #3
(SEE "EXHIBIT B")

ITEM 4. APPROVAL OF COURT REPORTERS' FEES:
A. Shirley A. Ralston - \$758.00
(SEE "EXHIBIT C")

ITEM 5. APPROVAL OF MONTHLY FEE REPORTS:
A. Sheriff's Department - \$7,084.31 - January
B. Constables:
1. Horacio Aguirre - \$ 0.00 - January
2. Gilberto Alaniz - \$ 375.00 - " "
3. Luis Zamora - \$ 35.00 - " "
4. Rinaldo Cerda, Jr. - \$ 165.00 - " "
5. Eduardo Bazan - \$ 0.00 - " "
(SEE "EXHIBIT D")

ITEM 6. APPROVAL OF VOTING MACHINES:
A. City of Weslaco/Weslaco ISD - 12 machines
B. City of Edinburg - 14 machines
C. City of McAllen - 19 machines
D. PSJA ISD - 18 machines
E. City of Hidalgo - 04 machines
F. Monte Alto ISD - 01 machine
(SEE "EXHIBIT E")

ITEM 7. INTERNAL LINE ITEM TRANSFERS:
A. J.P. Pct. #1 Pl. #2 - Jesus E. Morales - \$11.20
B. J.P. Pct. #1 Pl. #1 - Adan Caballero - \$11.20
C. Buildings & Grounds - \$1,755.12
D. Minor Structures - \$1,200.00
E. Human Services - \$30.00
F. WIC - \$1,000.00
G. Pct. #3 - Administration - \$210.00
H. Lunacy Trials - \$133.00

I. Health Dept. (Co-Pay) - \$1,000.00
(SEE "EXHIBIT F")

ITEM 8. SHERIFF'S DEPARTMENT:

- A. Declare Equipment Surplus:
 - 1. 1987 Ford Crown - #2FABP72FXHX211143
 - 2. 1990 Chev. Caprice - #1G1BL54E1LA146692
 - 3. Two (2) RCA Televisions
- B. Budget Appropriation:
 - 1. Acct. #3-104-421-100 - \$6,943.35

(SEE "EXHIBIT G")

ITEM 9. DISTRICT CLERK:

- A. Request to Advertise:
 - 1. Jury Summon Cards

(SEE "EXHIBIT H")

ITEM 10. PCT. #3:

- A. Request to Advertise:
 - 1. Asphalt paving - Tabasco Subdivision
 - 2. Paving Project - Cavazos Street & Alejandro Street

(SEE "EXHIBIT I")

ITEM 11. PURCHASING DEPARTMENT:

- A. Award Bids:
 - 1. Two (2) 1/2 ton pick-up trucks - Pct. #2
 - 2. Progreso Community Resource Center - Hidalgo County

(SEE "EXHIBIT J")

ITEM 12. PLANNING DEPARTMENT:

- A. Subdivisions:
 - 1. Northridge Park Phase 2 - Pct. #4

(SEE "EXHIBIT K")

ITEM 13. PERMITS:

- A. Southwestern Bell - Pcts. #1, #2 & #3

(SEE "EXHIBIT L")

Judge Ruiz gave a brief explanation of each of the items on the Consent Agenda. He stated that on Items 9 and 10, with regards to the advertising for bids, the dates would be March 24th, to open and March 30th to award. For the awarding of bids on Item 11/A/1 the bid is awarded to Roberts Chevrolet and Ramirez Ford. The pick-up awarded to Roberts Chevrolet will be for Precinct Two Parks and the pick-up from Ramirez Ford will be for County Wide Shop. The awarding of the bid for the Progreso Community Resource Center will be taken separate and apart from the Consent Agenda. There being no further comments or questions, a motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to approve the Consent Agenda, save and except, Item 11/A/2 and also that the order of the day be changed and that that item be taken first on the Regular Agenda.

MOTION CARRIED.
SEE "EXHIBITS A-L"

ITEM 11. PURCHASING DEPARTMENT: (CONSENT AGENDA)

A. Award Bids:

2. Progreso Community Resource Center - Hidalgo County

Mr. Anthony Covacevich came before the Court and explained that this project had been originally estimated at \$230,000.00. Since all the bids had gone over the estimated cost, he was at this time requesting that all bids be rejected. A discussion then ensued regarding problems that there have been with this project, since its initiation. A motion was then made by Commissioner Sanchez, seconded by Commissioner Arcaute, to reject all bids submitted for the Progreso Community Resource Center construction, in Progreso.

MOTION CARRIED.
SEE "EXHIBIT J"

ITEM 1. APPROVAL OF RESOLUTION OF APPRECIATION FOR DR. MIGUEL NEVAREZ

After Commissioner Arcaute read the resolution, a motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to approve the resolution, as presented.

MOTION CARRIED.
SEE "EXHIBIT M"

ITEM 2. APPROVAL OF ATTORNEYS' FEES IN THE AMOUNT OF \$14,385.00

A motion was made by Commissioner Sanchez, seconded by Commissioner Rosel, to approve the court appointed attorneys' fees in the amount of \$14,385.00.

MOTION CARRIED.
SEE "EXHIBIT N"

ITEM 3. AUTHORIZATION AND APPROVAL TO DECREASE 1993 BUDGET AND INCREASE 1992 BUDGET:

A. Public Defense

A motion was made by Commissioner Sanchez, seconded by Commissioner Camarillo, to authorize the decrease of the 1993 budget and the increase of the 1992 budget, with reference to Public Defense, in the amount of \$25,129.00.

MOTION CARRIED.
SEE "EXHIBIT O"

ITEM 5. COUNTY CLERK:

- A. Approval of Early Voting Sub-Stations
- B. Approval of Election day Polling Places
- C. Approval of Judges and Alternate Judges

Florestella Chavez, Elections Administrator, came before the Court requesting approval of early voting sub-stations, election day polling places and also the approval of Judges and Alternate Judges for the May 1st election. She explained that this year, they were reducing the number of early voting sub-stations and also since some of the cities and school districts, were also having elections on that date, she had tried to consolidate some of the election day polling places. After a brief discussion, a motion was made by Commissioner Camarillo, seconded by Commissioner Sanchez, to approve the early vot-

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ing substations, the election day polling places and the Judges and Alternates.

MOTION CARRIED.
SEE "EXHIBIT P"

ITEM 4. PERSONNEL POLICY MANUAL:

A. Authorization and approval to correct item XIV C, (Pg. 15)

Judge Ruiz explained that the correction involved allowing employees to run for office. He then stated that this section needed to be clarified, with regards to this section pertained only to County offices, due to the fact that there could be a conflict. Commissioner Rosel then commented on running for a County office that had no direct relationship or interference with an employee's present department. A discussion then ensued in which it was clarified that a County employee could run for elected office, other than a County office. If a County employee decided to run for a County position, then he/she had to resign. Judge Ruiz then stated, "I will continue the interpretation of this policy, to dictate, that a County employee can run for any office both non-partisan, partisan, above the County level, ...or below." After further discussion, the Commissioners decided that they would like to research this further.

NO ACTION.

ITEM 6. LIBRARY SYSTEM:

A. Authorization and approval of Alternate appointment for a term of one (1) year - Hidalgo County Library Board

A motion was made by Commissioner Rosel, seconded by Commissioners Arcaute and Sanchez, to appoint Norma Andis, to the Library Board, as an Alternate, from Speer Memorial Library.

MOTION CARRIED.
SEE "EXHIBIT Q"

ITEM 7. WIC:

A. Authorization and approval to amend present 1992-1993 Budget

Norma Acosta, WIC Program Director, came before the Court requesting approval of an amendment of \$56,806.40. These monies would be used for additional personnel, due the opening of a site in the Alton area. A motion was then made by Commissioner Rosel, seconded by Commissioner Camarillo, to approve a budget amendment of \$56,806.40, as presented.

MOTION CARRIED.
SEE "EXHIBIT R"

Judge Ruiz explained that the proposed salaries were as follows: two clerical positions at \$4.75 per hour; one LVN position at \$8.87 per hour; one Nutritionist at \$11.32 per hour and one Clinic Aide at \$5.00 per hour. A motion was made by Commissioner Rosel, seconded by Commissioner Arcaute, to set salaries, as prescribed, through September 30, 1993.

MOTION CARRIED.
SEE "EXHIBIT R"

ITEM 8. ADULT PROBATION DEPARTMENT:

A. Approval of Change Order #1 with Argus Security System -

Adult Boot Camp

Joe Lopez, Adult Probation Director, informed the Court that the change order covered several changes to the contract. First of all the contract date was to be changed to January 11th, 1993, due to the fact that even though this contract was awarded on November of 1992, the contractor received no notification of it until January. Secondly there was the substitution of security system and equipment from what was originally specified. The reason for this was that the change would allow for the expansion of the system. Thirdly, because the area around the gate was not level, concrete had to be poured to allow the gate to slide back and forth. This was done at a cost of \$1,116.93. A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to authorize a change order #1, totaling \$1,116.93, increasing the contract with Argus Security Systems, for the Boot Camp.

MOTION CARRIED.
SEE "EXHIBIT S"

There was also another change order, but this one with Gerlach Brothers. The change order was in regards to reducing the contract amount by \$16,099.00. A motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to approve a decrease in the contract to Gerlach Brothers Construction, by \$16,099.00.

MOTION CARRIED.
SEE "EXHIBIT S"

ITEM 9. COUNTY AUDITOR:

A. Authorization and approval to carry-over 1992 unexpended - Capital Project Funds

Steve Austin, County Auditor, explained that these were project budgets previously approved by bond ordinance or by the Commissioners' Court, by additional funding. He then requested that the Court approve the carry-over of these funds, as follows: Certificates of Obligation Series 1990 - \$993.28; Certificates of Obligation Series 1990A, for Edinburg Clinic - \$2,892.58, for the Weslaco Clinic - \$1,525.67 and for the Sullivan City Clinic - \$24,763.00; Certificates of Obligation Series 1991, for the Boot Camp - \$956,712.75, for the Adult Detention Facility - \$49,357.16 and the Juvenile Detention Center - \$451,841.67. He further stated that these monies were being carried-over into an undistributed object 00; the Commissioners can then, at a later date, allocate those funds into equipment, within those categories. A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to authorize a carry-over fo 1992 unexpended funds in the Capital Projects funds of Certificates of Obligations 1990, 1990A and 1991, as prescribed by the memo by Steve Austin.

MOTION CARRIED.
SEE "EXHIBIT T"

ITEM 10. AUTHORIZATION AND APPROVAL OF RESOLUTION AUTHORIZING NEGOTIATION WITH XL RECYCLING CORP.

The Judge explained that this item had been discussed previously, in a Workshop. The representatives from this corporation were willing to have meetings with the Commissioners' Court and begin looking into the possibility of placing a recycling plant within the County of Hidalgo. The resolution being proposed here was to begin negotiations for a solid waste management and recycling program. Commissioner Camarillo then asked that Edward De Leon, who is the Coordinator, with the Development Council, on the Solid Waste Management Plan, currently being worked on, be involved in these negotiations. Commissioner Sanchez also wanted to included an approval that the County can negotiate with

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XL Corporation and any other firm interested in provided the same services. Commissioner Rosel then commented on Item 3, where it stated that the County Judge was authorized to sign any and all matters in relation to XL Recycling. Judge Ruiz then recommended that Item 3 be abolished from the resolution. A motion was then made by Commissioner Sanchez, seconded by Commissioner Camarillo, to approve the resolution with the changes as stated.

MOTION CARRIED.
SEE "EXHIBIT U"

ITEM 11. AUTHORIZATION AND APPROVAL TO ENTER INTO A CONSULTANT CONTRACT WITH THE LAW FIRM OF HINOJOSA AND POWELL

Judge Ruiz informed the Court that this was a contract for consultant services, for research and development, for some legislative activities, with the firm of Hinojosa and Powell. The contract is for \$30,000.00, for one year of service. He stated that this had been discussed previously, in a Workshop, with reference to some legislation that was presently being proposed, that would affect County government. Commissioner Camarillo then stated that the Court encourage Mr. Hinojosa to be in contact with the Texas Association of Counties and Commissioner Sanchez questioned the validity of this proposed expenditure. His question involved whether there was some serious legislation that would affect our County, to warrant the expenditure of \$30,000.00, at this point. The Judge then responded that there were, at this time, about four or five pieces of legislation that would affect our County. He then went into an explanation of the procedures involving the preparation of new legislation, on the State level and other problems that there might be. A discussion then ensued as to the fee, to which the Judge stated that the fee was for no more than \$30,000.00. There was further discussion on whether or not the County really needed to go into contract for this type of service. A motion was then made by Commissioner Rosel, seconded by Commissioner Camarillo, to authorize a contract between the law firm of Hinojosa and Powell and the County of Hidalgo, at a cap of \$30,000.00 and also exempting them from the bidding procedure, under professional services.

MOTION CARRIED. (COMMISSIONERS ROSEL AND CAMARILLO VOTED IN FAVOR OF
SEE "EXHIBIT V" THE MOTION; COMMISSIONERS ARCAUTE AND SANCHEZ VOTED
AGAINST THE MOTION; JUDGE VOTED IN FAVOR.)

ITEM 12. URBAN COUNTY:

- A. City of Hidalgo -Budget Amendments Year - B-90-UC-48-0501
- B. Pct. #3 - Public Hearing/Amendment Year 5
- C. Pct. #3 - U.C. Amendment Year 5
- D. Pct. #1 - Request for final quantitative adjustment
Change Order and final payment (Progreso Lakes Bridge)
- E. Approval of bills

12/A

Anthony Covaccovich, Urban County Director, explained that the proposed amendments were for the health clinic in the City of Hidalgo. A motion was then made by Commissioner Arcaute, seconded by Commissioner Sanchez, to approve a budget amendment for the City of Hidalgo's Urban County Years '90, '91 and '92, for the construction of a health clinic.

MOTION CARRIED.
SEE "EXHIBIT W"

12/B

Judge Ruiz called the public hearing open with reference to a budget amendment to Precinct Three's Year 5 Urban County Program. The amendment was to transfer \$30,000.00, from the parks line

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item, which was going to be used for a wildlife refuge, in the Alton area and move them into the street improvements line item. There being no further comments concerning the proposed amendment, the public hearing was closed.

NO ACTION.
SEE "EXHIBIT W"

12/C

A motion was made by Commissioner Rosel, seconded by Commissioner Arcaute, to authorize a budget amendment within Precinct Three's 5th Year of Urban County of \$30,000.00.

MOTION CARRIED.
SEE "EXHIBIT W"

12/D

Anthony Covacevich, Urban County Director, explained that on February 18th, 1992, the County entered into a contract with Carkenord & Sons, for Progreso Lakes bridge construction. The amount of the contract was for \$30,168.60, after which change order #1 was approved to increase the contract to \$31,368.60. The project had since been completed and Carkenord & Sons has submitted a request for payment to Salinas & Associates, the engineering firm involved, with the project. The change order now being presented is for final quantitative adjustment in the amount of \$6,341.10, an amount that is being recommended by the engineer, which equates to exactly 25% of the contract, bringing the total contract, as proposed, by the engineer, at an amount of \$37,709.70. The contractor, however, is contending that he has done, in excess of \$42,363.30 worth of work, on the site. The Judge then addressed, Mr. Richard Salinas, the engineer, and asked as to why there was a large discrepancy in the amount that was bid and the amount that was actually constructed. The engineer stated that they had analyzed the site, before and after water had been pumped out of the canal and this may have been where the discrepancy lay. Two discussions then ensued, one with comments from Commissioner Sanchez, as to where the money for this change order would come from, as all of his Urban County funds, had already been allocated. The other discussion involved comments from both the engineer and the contractor, as to the amount that was owed. The contractor's argument was that the specifications were not complete, in terms that they lacked Item 400, from the Highway Department's specifications. Judge Ruiz then recommended that both the contractor and the engineer, sit down, with the Commissioner from Precinct One and negotiate an amount, that would be agreed upon by all parties. This he hoped would help to settle this problem, outside the courts. He then requested that once this matter is settled, that it be brought back to Commissioners' Court for consideration.

NO ACTION.
SEE "EXHIBIT W"

12/E

A motion was made by Commissioner Camarillo, seconded by Commissioner Arcaute, to approve the 1989 Urban County bill #4371 in the amount of \$6,607.06; the 1990 Urban County bill #4372 in the amount of \$11,663.11; the 1991 Urban County bills #4373 thru #4378 totaling \$14,830.18 and the 1992 Urban County bills #4379 thru #4386 totaling \$45,247.62. The total Urban County memorandum to be approved is \$78,347.97.

MOTION CARRIED.
SEE "EXHIBIT W"

ITEM 13. DEPARTMENT OF COMMUNITY AFFAIRS:
A. Authorization and approval of CY '93 Title II-B (SYETP) Plan

Frank Briones, Administrative Assistant, came before the Court, requesting approval of the Title II-B Plan. He stated that the State had allocated \$3,595,322.00, to the County's Department of Community Affairs. This amount along with the carry-over funds in the amount of \$940,605.00, would bring the total to \$4,535,927.00. Of these monies, 15% or \$680,389.00, would be used for administration and the remaining 85%, or \$3,855,538.00, would be used for training. The total amount reflected a \$20,000.00 cut in the funds, allocated by the State. This program would serve 2,142 applicants, for the Summer Youth Program. A motion was made by Commissioner Camarillo, seconded by Commissioner Arcaute, to approve the Title II-B Plan, as presented.

MOTION CARRIED.
SEE "EXHIBIT X"

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

Judge Ruiz welcomed Mr. Buck Schrala, who will now be reporter for The Monitor. He is replacing the previous reporter, Ward Tisdale.

He also mentioned that there will be a Workshop, on Thursday, March 4th, in reference to the jail and rural fire calls among other things.

There being no further business to come before the Court, a motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, 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 EXEMPT PROFESSIONAL SERVICE FROM BIDDING PROCEDURE - Prewitt & Assoc.

Vona Walker, Drainage Director, came before the Court requesting approval of a contract with Prewitt & Associates. This was an archeological firm, which has been doing work along the Hidalgo-Willacy drainage ditch. This is the final stage and the firm is submitting a projected budget. After discussion, a motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to authorize the exemption under professional services, from the bidding procedure, for Prewitt & Associates.

MOTION CARRIED.
SEE "EXHIBIT Y"

ITEM 2. AUTHORIZATION AND APPROVAL TO ENTER INTO CONTRACT WITH CAMERON COUNTY - Revision of previous Agreement dated December 12, 1985

Ms. Walker explained that this amendment allowed for the moving of the gauging station to the El Fueste Siphon, which Cameron County thinks is better, because it is a lot closer to the source, which will give a more accurate reading. A motion was then made by Commissioner

Sanchez, seconded by Commissioner Arcaute, to approve an amendment to the contract with Hidalgo and Cameron Counties, for revisions in the gauging system.

There being no further business to come before the Drainage District, a motion was made by Commissioner Camarillo, seconded by Commissioner Sanchez, that said meeting 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 Rosel _____
County Commissioner, Precinct #3

Leonard Camarillo _____
County Commissioner, Precinct #4

Dated this 2ND day of MARCH, 1993.

ATTEST:

WILLIAM R. LEO, COUNTY CLERK



By: Jennifer Castillo, Deputy