

THE STATE OF TEXAS :

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 4TH day of
MAY, 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:

The County Judge began by announcing that H.B 1673 which was a solid waste bill, should be in the legislature this week, for consideration. He also stated that there would be no workshops this week and that the deadline for applications for Executive Director of the Office of Training and Employment is May 7th. The Judge went on by saying that there would be an Urban County meeting on Thursday and the discussion would be in regards to the allocation for 1994-95; the meeting would be held in the second floor conference room of the Administration Building.

CONSENT AGENDA

ITEM 1. APPROVAL OF MINUTES - April 20, 1993

ITEM 2. APPROVAL OF BILLS - County Auditor
General Fund - #88792 - #88948 - \$1,195,112.46
Special Revenue Fund - #86498 - #86657 - \$ 885,289.47
Trust and Agency Fund - # 3452 - # 3473 - \$ 296,198.91
Enterprise Fund - # 1462 - # 1471 - \$ 9,352.07
(SEE "EXHIBIT A")

ITEM 3. APPROVAL OF ATTORNEYS FEES IN THE AMOUNT OF \$75,663.50
(SEE "EXHIBIT B")

ITEM 4. APPROVAL OF COURT REPORTERS FEES:
A. Mark A. Kvapil - \$151.00
B. Francisco B. Moreno - \$219.00
(SEE "EXHIBIT C")

ITEM 5. APPROVAL OF MONTHLY FEE REPORTS:
A. Sheriff's Department - \$133,045.61 - March
B. Justice of the Peace:
1. Rene O. Torres - \$9,964.49 - March
C. Constables:
1. Horacio Aguirre - \$ 0.00 - March
2. Gilberto Alaniz - \$ 300.99 - March
3. Luis Zamora - \$1,365.00 - March
4. Rumaldo Cerda, Jr. - \$ 450.00 - March
5. Eduardo Bazan - \$ 0.00 - March
(SEE "EXHIBIT D")

ITEM 6. TAX ASSESSOR/COLLECTOR:
A. Tax Refund:
1. Westbrooke Hospitality Corporation - \$577.63
(SEE "EXHIBIT E")

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- ITEM 7. INTERNAL LINE ITEM TRANSFERS:
- A. J.P. Pct. 3, Pl. 1 (Arnaldo Corpus) - \$500.00
 - B. Constables - \$357.00
 - C. Pct. #2 - Park - \$10,000.00
 - D. Pct. #3 - Administration - \$331.00
 - Paved/Unpaved - \$1,200.00
 - E. Pct. #4 - Lateral Roads - \$15,000.00
 - F. Health Department - \$2,000.00
 - G. Health Department (Sanitation) - \$100.00
 - H. Financial Disruption Task Force - \$1,819.42
 - I. Juvenile Probation Department (TJPC-A-108-93) - \$2,000.00
- (SEE "EXHIBIT F")

- ITEM 8. PLANNING DEPARTMENT:
- A. Subdivisions:
 - 1. Amended Plat of Los Arboles Mobile Home Subdivision
Phase I - Pct. #2
- (SEE "EXHIBIT G")

- ITEM 9. PERMITS:
- A. North Alamo Water Supply - Pcts. #1 & #4
 - B. Southwestern Bell Telephone - Pct. #2
 - C. Rio Grande Valley Gas Company - Pct. #4
- (SEE "EXHIBIT H")

Judge Ruiz gave a brief explanation of the items on the Consent Agenda. There being no questions and/or comments, a motion was made by Commissioner Arcaute, seconded by Commissioner Camarillo, to approve the Consent Agenda, as presented.

MOTION CARRIED.
SEE "EXHIBITS A-H"

REGULAR AGENDA

MOVED TO ITEMS 15 AND 16, BY CONSENSUS.

- ITEM 15. EXECUTIVE SESSION:
- A. Commissioners' Court may go into Executive Session pursuant to Article 6252-17, Section 2g, V.T.C.S., to discuss the following matter:
 - 1. Discussion of pending litigation - BFI vs. Hidalgo County, et al

The County Judge explained that this was concerning a permit that had previously been requested by BFI, which was denied by the Drainage District. The BFI then proceeded to file a litigation suit in District Court, at which time the District Judge ruled that they [BFI] had not exhausted all their relief, in terms of procedures for this particular permit. The District Judge then stated that they would have to go back to Commissioners' Court, because the Commissioners' Court has the authority and responsibility to be able to reverse any decision for the Drainage District, so BFI has now taken that option. Due to the fact that it is in litigation, Commissioners' Court will now go into Executive Session to discuss this matter.

Judge Ruiz and County Commissioners went into Executive Session

accompanied by Mr. Jim Darling, who is representing the County in this case.

NO ACTION.

ITEM 16. OPEN SESSION: (IN VERBATIM FORMAT)
A. Consideration of appeal of decision of Hidalgo County
Drainage District #1/BFI Drainage Permit

JUDGE RUIZ

I hereby call this session back to order, ladies and gentlemen, thank you very much for your patience. As you know the, the request, we have a pending request from Browning Ferris, BFI, to, I think, that they, Commissioners' Court reverse and/or approve, accept the decision that was made by Drainage District, sometime back, in terms of a drainage permit, into the Donna Irrigation District, and that eventually ends up into the County's Drainage District system. Ladies and gentlemen, we sit as a, and before I take any motions or any action, I'd like to explain the position of Commissioners' Court, as I understand it, to the best of my ability. We sit as a review board, in a sense you may call us a court of appeals, because Drainage District is a separate entity that has a body. Now, in this case, the awkwardness is that the, the trustees of the Drainage District and the Commissioners' Court are one in the same; in the past, when it was made a decision and now. There are different faces, when this decision was made, Commissioner Salinas was Commissioner in Precinct Three and Commissioner Cavaazos was in Precinct One; so, even though we do sit as one at the same, one in the same board, the same faces there are different faces. Now, in the sense of being an appeal or appellate court, in a sense, we are, we are guided by the Substantial Evidence Rule. What that means to the best of my ability, is saying that we are reviewing the decision of Drainage District No. One. We are reviewing the information that was presented and given to us at that time. Now, they were, there were three different hearings, of which, I think, two were tabled and then there was final decision made by Drainage District to actually deny the request for the permit by BFI. So, the Substantial Evidence Rule dictates that we will, we have reviewed the, the, the information that was submitted, in the past, and, and to find out if Drainage District actually made a correct decision or erred in their decision. Understand, I want totally people to understand that we do not approve landfills. This governing body and Drainage District does not approve landfills. We don't review how landfills are operated; we do not review where landfills go, okay. We review drainage permits; we do them by policy, that is set by Drainage District and indirectly we do them by our subdivision regulations, through the permitting platting process; those two processes, okay. Es muy importante decirles que la Comision del Condado no tiene responsabilidad

ni autoridad de aprobar lugares de dompe de basura. En, en, en palabras, no tenemos la responsabilidad o autorizacion de escoger sitios para estos tipos de dompes. Nuestra autoridad es desague; que tipo y que cantidad de agua entra a nuestro sistemas. Lo peor de este, esta, este pedido que tiene BFI es la cual, que el diche, la cual va entrar el agua, verdad no es diche de nosotros, no es un diche que nosotros mantenemos, no es diche que nosotros compramos, no es diche que nosotros hicimos. Es un canal que el dueno es Donna Irrigation District, otra mesa directiva, separada y aparte, de nosotros. Desafortunadamente, el Donna Irrigation District aprobo el pedido de BFI. Ahora ese diche, esa agua, tres, cuatro millas despues llega a un diche de nosotros. Understand that we, again, do not approve landfills nor do we approve sites for landfills; operation and maintenance and otherwise, that is the, the responsibility of the State of Texas through its Health Department and not through its Water Commission. What we're looking at is the issue of drainage; now drainage policies exist and either we do, we set, we make decisions based on drainage policy and/or subdivision regulations, which have a policy statement of drainage within the site. To complicate the issue even further, ladies and gentlemen, the immediate drain of the requested permit by BFI, goes into a ditch that does not belong to us, it is a canal that wasn't built by us, it is a canal is not maintained by us, it is a canal that is not owned by us; it is owned by Donna Irrigation District. Three or four miles later, that ditch drains into our drainage ditch, okay. Now, we understand in all the discussions that we've had in the past, publicly and in this Commissioners' Court, is that, and I'm speaking on behalf of Commissioners' Court, because I've gotten authority to, that we have all made a public or, or statement either here or elsewhere, that we are not satisfied with the, the selection of site by BFI; I think that is public knowledge. All of you know quite well that we are not comfortable with the site, we are not comfortable with it being close to a reservoir, we are not comfortable that it be close to residential areas, we are not comfortable that it is going to a highly agricultural, highly productive land, we are not even more so, we are not comfortable that you're not comfortable, with this site, okay. But, we have to consider various things because we are responsible for the County of Hidalgo and all its people and I want you to understand that. Somos responsables por decisiones de todo el Condado de Hidalgo, cada Comisionado aqui inclusive, su servidor, ha hecho comentarios publicos que no estamos de acuerdo con el sitio de BFI, no estamos de acuerdo con el tipo de operacion, no estamos de acuerdo con el Estado de Texas que haiga ortorgado ese permiso, pero nada de esas cosas son la responsabilidad de esta Comision. La unica decision que tenemos que hacer, a este punto, es la cual el desague de esa, cuando llueve, el desague que entra al diche, que nos es nosotros, que actual-

mente llega a tres, cuatro millas despues, si hay. Esa es la decision, que tiene esta Comision que hacer. Desafortunadamente, como les digo, el Donna Irrigation District, aprobo el permiso, de desague; por que razon, no sabemos, pero su, la Mesa Directiva aprobo. Normalmente, cuando ustedes o cualquier persona del Condado de Hidalgo trae una, un, una subdivision, de solares, si ha el, el un distrito de riego, como Donna Irrigation District, aprueba, entonces nosotros aprobamos haci antepaso, sin preguntar. Eso establece, consistencia en nuestro sistema. Normally, during the platting process, if, if an irrigation district approves a subdivision of some sense, we don't question their authority or responsibility, it is taken for granted that they have reviewed the application of that particular development and have decided that it is safe and proper for all their district, that drainage should go into that ditch. Now, we have a decision to make, Commissioners, under the Substantial Evidence Rule, you have in some sense, reviewed as much information as possible through our submittals and, of course, through our discussions in Executive Session. We have, we are in a position to either reverse the decision of Drainage District and order it, as a Commissioners' Court to give the permit, or uphold the decision, based on the information that was given to us under the Substantial Evidence Rule. I will ask for a decision and a motion for further discussion, either in favor or against.

COMM. ARCAUTE

Judge, I make a motion that we reverse the decision, of Drainage District No. One and to approve the discharge application and issue to Browning Ferris, Inc., a permit for discharging storm water into Hidalgo County Drainage District No. One system, pursuant to the discharge application.

JUDGE RUIZ

Commissioners, you heard the motion, in summary there is an action to actually reverse the decision of Drainage District No. One, based on Substantial Evidence Rule, and that they be ordered that they get a, a, that they relay a permit to Drainage District, to BFI. Is there a second? Is there a second? Is there a second? I will second the motion for the sake of discussion. There is a mo., second, we have a motion and a second to award, to reverse a decision of Drainage District No. One and order the immediate permitting of drainage from the BFI site. Discussion?

COMM. ROSEL

Has BFI met all of the requirements?

JUDGE RUIZ

Commissioners, we have a, we have submitted to you, in your packets the, the, the, Melden and Hunt, our consulting engineers, to the Drainage District, their letter that was dated May 4th, 1989 and now upgraded to May 3rd, 1999, as a cover letter, basically stating to this Commissioners' Court and to Drainage District, that all the rules and regulations in terms of drainage have been met by BFI. Les explico que, que

los ingenieros del, del Drainage District No. One, la firma de Melden & Hunt, el dia cuatro de Mayo, del 1989, le dijo a la Comision, y al Distrito, que todo los, las reglas necesarias este, que estan establecidas por el distrito, estan confirmadas, por el permiso que somitio BFI. Actualmente, en los ojos y la opinion del ingeniero, no hay por que razon, este dis..., esta Comision debe de rehechasar el permiso, en los ojos de, del ingeniero y la opinion del profesional. Tomamos la abundancia que ocupamos otra firma de Houston, la compania Turner, Collie y Braden, Incorporated, el ingeniero Allan Poutak, tambien. Reviso la decision de Melden & Hunt, diciendo tambien y confirmando que todas las leyes que estan establecidas este, en, en el, el Distrito, estan aprobadas por el permiso de Drainage District No. One. Commissioners, in your packets, I will translate just to make sure everybody understands, is that...

COMM. CAMARILLO

I'd like to say something, Judge.

JUDGE RUIZ

...there was a, yes sir, there is a letter dated May 4th, 1989 submitted to Commissioners' Court back then and of course, a cover letter from May 3rd, 1993. By the State's, from Melden & Hunt, Inc., who are, are designated engineers for the Drainage District that the BFI permit is and does meet all the standards of Drainage District No. One. We further hired and employed the firm of Turner, Collie & Braden, Inc., of Houston, where we hired Mr. Allan Poutak, as project ma., director, requesting him to review the policies of Drainage District and our subdivision regulations and review the decision of Melden & Hunt, and, and it states in their letter that, "all the rules and regulations of Drainage District have been met. That the runoff, from the proposed landfill site and the road has very minor impact, in terms of drainage, on to the Donna Irrigation District," and further into our irrigation district, of the County of Hidalgo. I may want to state at this point in time, that there is a recommendation for Turner, Collie & Braden, that there is a new statement and a new law, in the State of Texas, a national law, that says that storm water pollution prevention plan has to be submitted, to the U.S. Environmental Protection Agency and to the Ir..., to the Drainage District, also. So, in, in response to your question, two engineers, separate and apart, their opinions is that BFI meets all the Drainage District requirements under the policies and the subdivision regulations, Commissioner.

COMM. SANCHEZ

Judge, if I may...

JUDGE RUIZ

One at a time, sir. Yes sir, go ahead.

COMM. SANCHEZ

We are sitting here, as an appeals...

COMM. CAMARILLO

I asked you first, Judge.

COMM. SANCHEZ

I defer, go ahead.

JUDGE RUIZ

Go ahead, Commissioner Camarillo.

COMM. CAMARILLO

Judge, you gave us a long explanation as to why we're here and I appreciate that very much and in your explanation you state the fact that BFI is going to discharge their waters into ----- drainage, not through our drainage ditch, not to a ditch that we built with County funds, not to a ditch we are responsible for, but to a ditch that is built and maintained and operated by the Donna Irrigation District. To me, this tells me alot, why should I break a ruling on this thing when these waters are not going to go into our drain ditch, at, at the point of, of site. You also made a statement to the fact, that we are responsible for the whole County, which I assume that you mean that any liabilities, any costs prior, because of our decision we have to bear that. Can it go a step farther, Judge, I feel a moral responsibility for all these people here, and I feel that our decisions should also take in account the moral responsibilities that we have, not only the financial responsibilities; and I think that we made a decision, sometime back and I would like to stick, stick with that decision.

(APPLAUSE)

JUDGE RUIZ

Commissioner Sanchez.

COMM. SANCHEZ

Judge, my, my point was simply that we're sitting here, as an, as an appeals court, so called, to review, whether there was substantial evidence, the last time that this permit was brought up. At which time the permit was denied and everthing that I have seen, from the engineers and all these letters that I have, now providing us information, everything deals with 1989, '88, '87, '80, which indicates to me that everybody's saying, they complied based on the information that we submitted back then; and if the information that was submitted back then is all here and the permit was denied, I submit that there was substantial evidence to deny the permit. Consequently, I would say that nothing has changed and the permit could still be denied.

JUDGE RUIZ

Thank you, Commissioner.

COMM. SANCHEZ

This is what I have here.

(APPLAUSE)

Furthermore, and I think you made the statement that, that all of us are opposed to the site, and I think that I, I should just state that. Three hundred yards from the water reservoir, in my personal opinion, is, is just not enough. That, that landfill is well taken of, it might be, in my opinion, it still presents a threat to the people of that area and I will submit that substantial evidence was present for the permit to be denied.

JUDGE RUIZ

I wish, I wish this Commissioners' Court, la-

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dies and gentlemen, had the opportunity to review the operations of the landfill, to review the site, to review all the issues necessary to approve the, the, the BFI permit. It does not have the responsibility nor does it have an authority. Si nosotros, en mi opinion, tuvieramos la oportunidad, la autorizacion legal de poder decir que revisar los permisos de BFI en terminos de operacion, en terminos de seleccionar el sitio, yo les aseguro, que no hubiera problema en esta Comision, votar en contra de esos permisos. No tenemos esa responsabilidad, la unica responsabilidad, es como dice el Comisionado Camarillo, una, una responsabilidad moral, a nuestra comunidad para seguir en la batalla de parar esas personas que hagan ese per..., ese, ese, esa, ese dompe en ese, en ese sitio, verdad. Y si se pudiera, quisieramos, y no, no cambiamos posicion en terminos de, de estar en contra, del sitio, en contra del, del lugar, es que hay un proceso legal que se llama el Distrito de Desague, y esa es la unica autoridad. I think that if BFI were to submit their permit application to this Commissioners' Court it would probably be rejected, but the problem is that we have only one sole responsibility, and that's drainage, and that's drainage into a, into a ditch that doesn't belong to us; and to, to insert environmental site procedure, maintenance, into this process, I think, would, would be of great concern in the legal aspect if we were to go to court at some point in time. So, consequently...

COMM. SANCHEZ

My position is simply that, based on what I have here, with all these dates, nothing has changed.

JUDGE RUIZ

Okay.

COMM. ROSEL

So, so what we're do..., what we're asked to do we're asked to rule that the Drainage District acted unreasonable, unreasonably in denying the permit?

JUDGE RUIZ

(INAUDIBLE)

COMM. ROSEL

And, and as a result of doing so, we reverse the decision.

JUDGE RUIZ

Yes.

COMM. ROSEL

So, what we got to do is find out if they acted unreasonably? Did they...

COMM. ARCAUTE

I don't the word, the word is not unreasonable, I think it's the wrong choice of the word.

COMM. SANCHEZ

I think it's substantial evidence.

COMM. ROSEL

Substantial evidence.

COMM. ARCAUTE

The decision was made based on the, the information that was available, which hasn't changed and I agree with the Commissioner...

COMM. ROSEL

So...

COMM. SANCHEZ

Hasn't changed...

COMM. ARCAUTE

...that as long as we talk in the agreement... let me say something then; and, again, it comes back to the same thing, at the time that the Drainage District considered this, this, this issue, the, we didn't have any, any regulations or anything that will say that you cannot deliver polluted waters into the Drainage District No. One system and we still don't; and that's the reason that we have no, no, no substantial evidence to deny this permit.

COM. ROSEL

In your opinion?

COMM. ARCAUTE

Until we do have those things in place, then we can say, "Hey, we'll deny the permit", but since we don't, we don't have a leg to stand on. That's, that's what I'm basing my decision, if it was different, I agree with the Judge and all of us, are of the same, of the same opinion, I'd vote against it, too. I'd vote against the, the landfill, the drainage permit and everything, but based on what we have, that is the only decision that we can, we can render and that's to allow the permit to be issued.

COMM. SANCHEZ

Nothing has changed, based on this?

JUDGE RUIZ

Okay, is there any other discussion? Let's call for the question. Let's vote on the question, all in favor of the question, signify by saying aye.

COMMISSIONERS

Aye.

JUDGE RUIZ

I'll vote in favor of aye, of the question for aye. The motion is, and there is a second, to reverse the decision of Drainage District No. One and order Drainage District No. One, as a body, to immediately approve the permit for drainage by BFI.

COMM. SANCHEZ

Could you repeat the, the motion is to reverse it and approve it?

JUDGE RUIZ

Yes.

COMM. ROSEL

To reverse the decision and approve the permit.

JUDGE RUIZ

Okay, all in favor signify by saying aye.

COMM. ARCAUTE

Aye.

JUDGE RUIZ

One vote?

COMM. ARCAUTE

That's the motion to reverse, right?

JUDGE RUIZ

Motion to reverse.

COMM. ARCAUTE

I thought we had voted on it already.

COMM. SANCHEZ

But it's to reverse and approve, or just to reverse.

JUDGE RUIZ

To reverse and...

COMM. ARCAUTE To reverse the action and order Drainage District No. One to approve it, I left the word order Drainage District...

JUDGE RUIZ Do we all...

COMM. SANCHEZ Understand.

JUDGE RUIZ ...understand the decision, the, the motion? Do you want to take a voice vote, or do you want...; Precinct One how do you vote?

COMM. SANCHEZ I vote against.

JUDGE RUIZ Precinct Two?

COMM. ARCAUTE For.

JUDGE RUIZ Precinct Three?

COMM. ROSEL Against.

JUDGE RUIZ Precinct Four.

COMM. CAMARILLO Against.

JUDGE RUIZ Motion dies.

(APPLAUSE)

Is there a motion to uphold the decision of Drainage District No. One?

COMM. SANCHEZ I move that we uphold the decision, as it was taken, by the Drainage District, at that time.

COMM. CAMARILLO Second.

JUDGE RUIZ Motion and second, all in favor..., discussion.

COMM. ROSEL I feel that, I feel at this particular time that I think that it is necessary for us to uphold the decision that the Drainage District made, because I feel that there is probably, in my opinion, not enough evidence there to say that they did action, without substantial evidence.

JUDGE RUIZ Okay.

COMM. ROSEL That's the only reason, that I'm doing this.

COMM. SANCHEZ Does the motion, actually require it, being that we just upheld the decision?

JUDGE RUIZ I'd feel a lot more comfortable.

COMM. SANCHEZ Okay.

JUDGE RUIZ Motion and second, all in favor signify by saying aye.

COMMS. SANCHEZ, ROSEL AND CAMARILLO Aye.

JUDGE RUIZ All opposed same sign.

COMM. ARCAUTE

Aye.

JUDGE RUIZ
(SEE "EXHIBIT W")

I vote in favor, motion carries, thank you.

RETURNED TO REGULAR ORDER OF AGENDA.

ITEM 1. PRESENTATION OF REVENUE SHARING CHECK FROM THE U.S. FISH AND WILDLIFE SERVICE

NO ACTION.
SEE "EXHIBIT I"

ITEM 2. COUNTY CLERK:

A. Canvassing of Election Returns - Special Election

Judge Ruiz read the results of the Special Election that was held on Saturday, May 1st, 1993. He stated that there were 25,127 votes cast on election day and 12,268 votes cast during early voting, for a total of 37,395 votes. He stated that of the twenty-four candidates that were on the ballot for the Unexpired Term of the U.S. Senator, Bob Krueger and Kay Baily Hutchison were the top vote getters with 17,667 votes and 8,129 votes, respectively. The totals for the amendments were as follows:

Proposition No. 1 (For)	- 22,375
(Against)	- 9,714
Proposition No. 2 (For)	- 15,620
(Against)	- 13,267
Proposition No. 3 (For)	- 18,965
(Against)	- 10,131

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

MOTION CARRIED.
SEE "EXHIBIT J"

ITEM 5. DISTRICT CLERK:

- A. Approval of overtime budget
- B. Approval of setting salary
- C. Approval of budget amendment

Pauline Gonzalez, District Clerk, and Mary Lou Codina came before the Court to present their overtime budget, to the help alleviate some of the backlog in some of the civil cases, in her office. Mary Lou Codina explained that the overtime would entail four JTPA participants who would be supervised by her and another supervisor. The rates of overtime, for the supervisors, would be \$18.08 and \$18.03 per hour, for a total overtime budget of \$7,534.56, which included fringes. As per the presentation, the supervisors would be working twenty hours a week, for approximately nine weeks. After a discussion, a motion was made by Commissioner Rosel, seconded by Commissioner Sanchez, to approve and authorize overtime, in the District Clerk's Office, at the rates of overtime of \$18.08 and \$18.03; and approve the budget along with its fringes, by amending it to the tune of \$7,534.56.

MOTION CARRIED.
SEE "EXHIBIT M"

(05/04/93)

ITEM 6. SHERIFF'S DEPARTMENT:

- A. Authorization and approval to appropriate monies from General Fund into Account #3-010-421-100

Judge Ruiz explained that these were proceeds that were recovered from auction. A total of \$4,535.00 and an amount of, less the auctioneer's percentage, \$4,081.50, was to be appropriated into the Sheriff's General Fund account. A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to authorize the appropriation of the monies that were awarded by public auction, of which, budgeted that \$453.50 would be going to Watson Auction Service, \$3,081.50 be transferred to motor vehicle repair parts and supplies and \$1,000.00 be transferred to advertising.

MOTION CARRIED.
SEE "EXHIBIT N"

ITEM 7. 139TH DISTRICT COURT:

- A. Authorization to amend court cost line-item

The County Judge stated that District Judge Longoria had submitted a letter requesting that there be an amendment to his budget, increasing the court cost line item, by \$7,000.00. The reason for this was that his Court, due to personal illness, was bringing in Visiting Judges to help with his docket. Judge Ruiz mention that this item had previously been tabled, because the Commissioners' Court wanted the Board of Judges to act on it first. The Judge stated that he did not anticipate any other Judge requesting this high an amount, but he felt that the predominant feeling, of the Board of Judges, was that most of them would come back to Commissioners' Court for some type of increase in court costs. He was at this time recommending that the 139th's budget be amended by \$7,000.00. Commissioner Sanchez then had a question regarding where the budget amendment would come from and Judge Ruiz answered that it would come from the General Fund. Commissioner Rosel then felt that if the Commissioners' Court was going to approve this request then they should open the door to further requests of this nature. Judge Ruiz then commented that this was an exception, due to illness, but he felt that there were other alternatives that nobody was willingly to accept. He added that normally, in other counties, when a Judge is ill, or cannot handle the docket, the slack is taken up by the other Judges. Commissioner Rosel then felt that they, "should make a motion denying the request, based on the fact that the Commissioners' Court needs to have more cooperation between the District Judges, in helping each other, especially under these circumstances." A discussion then ensued regarding the setting of a precedence to which Commissioner Arcaute replied that they are not necessarily setting precedence, they are merely handling each case or request individually. Steve Austin, the County Auditor then added that he was present at the Board of Judges meeting, at which time he presented them with a tabulation of the current balances, for the District Courts, as of April 22nd. He stated further that as per his records, all the District Court had low available balances, in their court costs line items. After further discussion, a motion was made by Commissioner Rosel, seconded by Commissioner Sanchez to DENY the request, by the 139th District Court, based on the fact that, number one, the County cannot afford it and, number two, that the Board of Judges needs to understand that there needs to be more cooperation between and among the Judges, especially in a situation where one Judge is ill and cannot attend to his docket.

MOTION CARRIED. (COMMISSIONER ARCAUTE ABSTAINED.)
SEE "EXHIBIT O"

(05/04/93)

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ITEM 8. APPROVAL OF BUDGET AMENDMENT AND AUTHORIZE APPROPRIATION OF PAYMENT FOR EMERGENCY PURCHASE OF COMPUTER EQUIPMENT AT THE SHERIFF'S OFFICE

A motion was made by Commissioner Arcaute, seconded by Commissioner Rosel, to approve a budget and authorize the appropriation of said money for the purchases totaling \$40,623.85.

MOTION CARRIED.
SEE "EXHIBIT P"

ITEM 9. PRECINCT. #2:

A. Authorization and approval to reclassify position

A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to authorize and approve a reclassification of a position, in Precinct Two Road and Bridge, from a maintenance to a driver position.

MOTION CARRIED.
SEE "EXHIBIT Q"

ITEM 10. PCT. #3:

A. Authorization and approval to transfer Park Pct. #3 unappropriated funds into the General Fund - Ambulance Services payment

B. Request to advertise:

A. Paving of 2 Mile Line from Moorefield Rd. to Schuerbach Road (Approximately 1/2 Mile)

10/A

After a discussion, a motion was made by Commissioner Rosel, seconded by Commissioner Sanchez, to approve the transfer of \$8,708.26, out of Park Precinct Three unappropriated funds into the General Fund for payment of ambulance service.

MOTION CARRIED.
SEE "EXHIBIT R"

10/B

A motion was made by Commissioner Rosel, seconded by Commissioner Arcaute, to authorize the advertising for bids for the paving of 2 Mile Line from Moorefield Road to Schuerbach Road; bid opening May 26, bid award June 1st.

MOTION CARRIED.
SEE "EXHIBIT R"

ITEM 11. PURCHASING DEPARTMENT:

A. Award Bids:

1. Anzaldua's Park Security - Pct. #3

A motion was made by Commissioner Rosel, seconded by Commissioner Arcaute, to award bid to Quintanilla Security Service, for security at Anzaldua's Park, in Precinct Three; the contract is for one year.

MOTION CARRIED.

SEE "EXHIBIT S"

ITEM 12. PLANNING DEPARTMENT:

A. Subdivisions:

- 1. Hacienda Chica Subdivision No. 2 - Pct. #1
- 2. Basham Subdivision No. 31 - Pct. #3
- 3. Karisma Subdivision - Pct. #3
- 4. Manuel F. Villarreal Subdivision - Pct. #3

B. Replat:

- 1. Replat of Ruby Subdivision - Pct. #3

C. Final Plat Approval:

- 1. 3 Diamond Subdivision Unit No. 2 - Pct. #3

D. Letter of Credit Extension Approval:

- 1. Hacienda El Provenir Resubdivision, Phase I - Pct. #1

12/A/1

A motion was made by Commissioner Sanchez, seconded by Commissioner Camarillo, to approve the plat of Hacienda Chica Subdivision No. 2, which is located approximately 660 feet west of Mile 6 1/2 West on the south side of Mile 5 North, Precinct One.

MOTION CARRIED.
SEE "EXHIBIT T"

12/A/2

A motion was made by Commissioner Rosel, seconded by Commissioner Arcaute, to approve the plat of Basham Subdivision No. 31, which is located on the southeast corner of the 4 Mile Line and Doffing Road, in Precinct Three.

MOTION CARRIED.
SEE "EXHIBIT T"

12/A/3

A motion was made by Commissioner Rosel, seconded by Commissioner Camarillo, to approve the plat of Karisma Subdivision, which is located approximately 132 feet north of the 7 Mile Line on the east side of North 39th St., in McAllen, in Precinct Three.

MOTION CARRIED.
SEE "EXHIBIT T"

12/A/4

A motion was made by Commissioner Rosel, seconded by Commissioner Camarillo, to approve the plat of Manuel F. Villarreal Subdivision, which is located approximately 1/2 mile north of the 6 Mile Line on the east side of Conway road, in Precinct Three.

MOTION CARRIED.
SEE "EXHIBIT T"

12/B

Emilio Garcia, Chief Planner, came before the Court to present a proposed replat of Ruby Subdivision. The amendment was due to an acknowledgement, by the developer, that the subdivision be semi-private. After a discussion, regarding who would be responsible for the maintenance of the streets, a motion was made by Commissioner Rosel seconded by Commissioner Camarillo, to DENY the request to replat Ruby Subdivision, in Precinct Three, as presented.

MOTION CARRIED.

12/C

A motion was made by Commissioner Sanchez, seconded by

Commissioner Camarillo, to give final plat approval to 3 Diamond Subdivision Unit No. 2, which is located one mile north of F.M. 2221 on the east side of La Homa Road, in the rural area of the County, in Precinct Three.

MOTION CARRIED.
SEE "EXHIBIT T"

12/D

A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to approve an extension of a letter of credit for \$36,242.00, six months period, Hacienda El Porvenir Resubdivision.

MOTION CARRIED.

ITEM 13. APPROVAL OF APPLICATION FOR PAYMENT #1 FROM RTD ASSOCIATES CORPORATION - EL PARAISO CONTRACT (TWDB #483-595)

Anthony Covacevich came before the Court requesting payment #1 on a contract that was previously approved by both the Water Development Board and the Commissioners' Court. The payment request is for \$15,895.25. A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to approve application for payment #1 totaling \$15,896.25, to RTD & Associates.

MOTION CARRIED.
SEE "EXHIBIT U"

ITEM 14. URBAN COUNTY:

- A. City of La Joya - Change Order #3 PFI - Parks, Recreational Facilities - Year 5, Solis & Chapa Construction Company
- B. Pct. #4 Year 5 - Street Paving Contract Award
- C. City of Mercedes - Change Orders #1 & #2 PFI - Street Improvements, Year 5, Mission Paving, Inc.
- D. City of Mercedes - Street Improvements Bid Award, Yr. 4 Mission Paving Company, Inc.
- E. Construction awards for the Colonia Fund 1A, TCDP Contract No. 701015--Seminary Estates, Palm Lake Subdivision
- F. Construction awards for the Colonia Fund 1B, TCDP Contract No. 701135--H.M.E. Subdivision (Water), Tom Weekley Subdivision (Sewer), El Charro Subdivision (Sewer)
- G. First National Bank Line of Credit Resolution Colonia Fund Program
- H. Permission to advertise for two (2) vans County Wide Year 5 Urban County
- I. Approval of bills

14/A

A motion was made by Commissioner Rosel, seconded by Commissioner Camarillo, to approve change order #3, totaling \$4,625.00 increasing the contract with Solis & Chapa Construction up to an amount of \$214,241.00.

MOTION CARRIED.
SEE "EXHIBIT V"

14/B

A motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to award bid to Mission Paving Co., as the second low bidder, but most advantageous that met all the requirements, the total contract is \$83,850.00.

(05/04/93)

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MOTION CARRIED.
SEE "EXHIBIT V"

14/C

Anthony Covacevich, Urban County Director, came before the Court requesting approval of change order #2. He explained that there was a change order #1, but it was awash. A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to approve a change order totaling \$48,000.00, increasing the contract to Mission Paving by \$48,000.00; contract goes up to \$263,724.20.

MOTION CARRIED.
SEE "EXHIBIT V"

14/D

A motion was made by Commissioner Sanchez, seconded by Commissioner Camarillo, to award low bid to Mission Paving Company, totaling \$141,239.10, for street improvements, City of Mercedes, County of Hidalgo.

MOTION CARRIED.
SEE "EXHIBIT V"

14/E&F

Anthony Covacevich, Urban County Director, came before the Court requesting approval of the low bids for the Colonia 1A and 1B water improvements projects. He stated that under Colonia Fund 1A, there were four total bidders, but at this time he was recommending the low bids, as follows: D & V Construction, being the low bid for Seminary Estates, Palm Lake Subdivision and County Village No. 2; and J.M. Construction was the low bid for Tierra Maria Subdivision. Under Colonia 1B, J.M. Construction was the low bidder for H.M.E. Subdivision, Tom Weekley Subdivision and El Charro Subdivision. A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to approve the bids, as presented; they are listed D & V [Construction] having three contracts and J.M. Construction Company having four contracts; this includes the bid amounts, as all low bidders.

MOTION CARRIED.
SEE "EXHIBIT V"

14/G

A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to approve a credit line, with First National Bank, for a program for the Colonia Fund and resolution attached; the credit line is for \$300,000.00, for a period not to exceed two years.

MOTION CARRIED.
SEE "EXHIBIT V"

14/H

A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to authorize the advertising for bids for the purchase of a cargo van, for the Library System and a passenger van for the Veterans' Affairs Department; bid opening May 26, bid award June 1.

MOTION CARRIED.
SEE "EXHIBIT V"

14/I

A motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to approve the 1991 Urban County bills #4639 thru #4649 totaling \$49,960.08; the 1992 Urban County bills #4650 thru #4653 totaling \$18,087.90; the 1992 Emergency Shelter Grant bill #4654 in the amount of \$139.00 and the HOME Fund bills #4655 and #4656 totaling \$12,915.85. The total Urban County memorandum to be approved is \$81,102.83.

MOTION CARRIED.
SEE "EXHIBIT V"

ADD. 1. BUDGET AMENDMENT:
A. Enterprise Fund - Landfill

Commissioner Camarillo explained that this request was due to the fact that there were bills that had been accumulating, due to new equipment purchases and other factors. After a brief discussion, a motion was made by Commissioner Camarillo, seconded by Commissioner Sanchez, to authorize a budget amendment of \$28,720.00, as presented.

MOTION CARRIED.
SEE "EXHIBIT X"

ITEM 3. ADULT PROBATION:
A. Approval of 1993 Performance Rewards Budget - Youth Village
B. Approval of County Budget - Youth Village

Joe Lopez, Adult Probation Director, explained that this was in regards to the girls' wing at the Youth Village. After a discussion, a motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to approve a budget for \$64,800.00 that comes from the revenue generated by the housing of female participants and the other totals \$142,500.00 that comes from 1993 Performance Rewards; setting salaries the Assistant Program Director at \$26,000.00, Social Worker \$22,000.00 Senior Child Care Worker at \$13,000.00, Child Care Worker \$12,000.00 and a receptionist at \$11,500.00; salaries to be pro-rated at a nine month period, to fit the budget that is being approved.

MOTION CARRIED.
SEE "EXHIBIT K"

ITEM 4. JUVENILE PROBATION DEPARTMENT:
A. Authorization and approval of Budget Transfer in the amount of \$25,000.00 - TJPC-93-Challenge Grant

A motion was made by Commissioner Rosel, seconded by Commissioner Arcaute, to authorize and approve a budget transfer in the amount of \$25,000.00, from the Juvenile Probation Department budget to the Challenge Grant.

MOTION CARRIED.
SEE "EXHIBIT L"

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

MOTION CARRIED.

(05/04/93)

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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. PERMIT - City of Donna

A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to approve a request for permit by the City of Donna, for El Chaparral Subdivision, as presented.

MOTION CARRIED.
SEE "EXHIBIT Y"

ITEM 2. RECONSIDERATION OF REQUEST FOR DRAINAGE PERMIT - BFI

NO ACTION.

There being no further business to come before the Drainage District, the meeting was hereby adjourned.

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 4TH day of MAY, 1993.

ATTEST:

WILLIAM R. LEO, County Clerk
Hidalgo County, Texas



By: Jennifer Castillo _____
Jennifer Castillo, Deputy