

THE STATE OF TEXAS :

0152 PAGE 325

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 13TH day of
SEPTEMBER, 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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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 BILLS - County Auditor
General Fund - #92319 - #92506 - \$436,099.26
Special Revenue Fund - #90392 - #90621 - \$388,166.81
Enterprise Fund - # 1590 - # 1598 - \$ 23,910.31
(SEE "EXHIBIT A")

ITEM 2. APPROVAL OF MONTHLY FEE REPORTS:

A. District Attorney Processing - August

I. Receipts:

- A. Total restitution collected this month - \$57,758.63
- B. Total Processing fees collected/month - \$10,124.14
- C. Total merchant fees collected/month - \$5,960.00
- D. Total overpayments, due as refunds/month - \$17.34

II. Disbursements:

- A. Total restitution disbursed this month - \$57,758.63
- B. Total processing fees disbursed to Co. Treasurer - \$10,124.14
- C. Total merchant fees disbursed this month - \$5,960.00
- D. Total refunds for overpayments disbursed this month - \$17.34
- E. Total interest earned on checking account for this amount - \$-0-
- F. Total reissue checks disbursed this month - \$-0-
- G. Money received from adult probation office toward processing fees and paid directly to Hidalgo County Treasurer - \$195.00

B. Anzaldua' Park - \$12,948.00 - August

C. Justices of the Peace:

- 1. Ismael Ochoa - \$8,255.91 - July
- 2. Esperidion Jackson - \$3,238.50 - July
- 3. Ruben Ramos - \$7,472.00 - August

(SEE "EXHIBIT B")

ITEM 3. PLANNING DEPARTMENT:

A. Casa De Esperanza Subdivision Unit #2 - Pct. #1

B. Locksley Subdivision Phase I Subdivision - Pct. #4

(SEE "EXHIBIT C")

ITEM 4. VOTING MACHINES:

A. Donna ISD - WA Junior High Student Council - 1 machine

(SEE "EXHIBIT D")

ITEM 5. COURT REPORTERS FEES:

A. Shirley Ralston - \$3,000.00

(09/13/93)

0152-327

B. Magdalena Hinojosa - \$310.00
(SEE "EXHIBIT E")

ITEM 6. INTERNAL LINE ITEM TRANSFERS:
A. Pct. #2 - Paved/Unpaved - \$600.00
Parks - \$2,200.00
B. County Clerk - \$1,000.00
C. County Clerk (Records Management) - \$4,500.00
D. Library System - \$136.60
E. County Court at Law #4 - \$400.00
F. Purchasing - \$5,445.00
G. Health Department (CoPay) - \$1,500.00
H. Health Department (Sanitation) - \$128.00
I. Pct. #1 - Paved/Unpaved - \$9,635.00
(SEE "EXHIBIT F")

ITEM 7. PERMITS:
A. Military Highway Supply - Pct. #1
B. Southwestern Bell - Pct. #3
C. Pat A. McClellan - Pct. #4

7/A
Military Highway Supply is requesting a permit to lay a six inch (6") water line on the east side of Midway Road, beginning north of Mile 6 North and going south to the south side of Mile 5 1/2 North, in Precinct One.
(SEE "EXHIBIT G")

7/B
Southwestern Bell is requesting a permit to lay a cable along Bentsen Palm Drive, beginning 2501 feet south of Mile 1 and going south 48 feet, in Precinct Three.
(SEE "EXHIBIT G")

7/C
Pat A. McClellan is requesting a permit to lay a two inch water line along the south side of Chapa Road, beginning at U.S. 281 and going east approximately 2 1/2 miles, in Precinct Four.
(SEE "EXHIBIT G")

Judge Ruiz informed the Court that he would like to make a correction on the Consent Agenda, with regards to the approval of bills, Item 1. He was recommending approval of all bills with the exclusion of any and all payments that are being made to Emilio Rodriguez, Jr., of Emilio Rodriguez Law Firm. He then asked the Commissioners if they had any questions and/or comments on the remainder of the items, there being none, a motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to approve the Consent Agenda, as presented, with the exclusion of any and all payments to Mr. Emilio Rodriguez, Jr.

MOTION CARRIED.
SEE "EXHIBITS A-G"

REGULAR AGENDA
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ITEM 1. DISCUSSION ON JUSTICE OF THE PEACE, RUBEN RAMOS

Judge Ruiz asked Mr. Pete Leal, Veterans' Service Officer, to please escort Justice of the Peace Ruben Ramos to the podium. He then introduced Mr. Jim Shawn, of the Rio Grande Valley Wing of the Confederate Air Force, who made a brief presentation in recognition of Judge Ramos, with the assistance of Mr. Leal and Mr. Mauro Reyna, Director of the local chapter of the Harley Davidson Motorcycle Owners Group (HMOG). These gentlemen presented Judge Ramos with a service award, and after a few words from Judge Ramos, no action was taken on this item.

NO ACTION.

ITEM 2. ACCEPTANCE OF 1992 ANNUAL FINANCIAL REPORT

Richard Cortez came before the Court to present the 1992 annual financial report. After a brief discussion, a motion was made by Commissioner Arcaute, seconded by Commissioner Rosel, to accept the 1992 annual financial report, ending December 31st, 1992.

MOTION CARRIED.

ITEM 3. HEALTH DEPARTMENT:

A. Approval of Early Childhood Intervention Contract

Dr. Charles Wilson, County Health Director, came before the Court requesting approval of his early childhood grant, in the amount of \$60,898.00. He stated that this grant basically allowed them to hire a social worker and a clerk, to identify infants, at birth, that are at a high risk for physical, emotional and psychological problems. A motion was made by Commissioner Camarillo, seconded by Commissioner Arcaute, to approve a contractual agreement between the State of Texas and the County of Hidalgo, through its Health Department, for Early Childhood Intervention Program; budget being \$60,898.00.

MOTION CARRIED.
SEE "EXHIBIT H"

ITEM 4. COUNTY TREASURER:

- A. Authorization and approval to hire temporary employee and set salary
- B. Line Item Transfer

4/A

Judge Ruiz informed the Court that the County Treasurer was requesting a temporary full-time employee, at a salary of \$4.25 per hour, for no more than three months. Commissioner Camarillo stated that he would concur with the request provided that this temporary employee will not be hired on a permanent basis. A motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to authorize and approve the Treasurer to hire a temporary employee in a slot that is held by a permanent employee, until that individual comes back; setting salary at \$4.25 per hour.

MOTION CARRIED.
SEE "EXHIBIT I"

4/B

Judge Ruiz explained that the line item transfer was for \$5,951.00 for the temporary employee's salary and also \$150.00 for water. A motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to approve the line item transfer, as presented.

MOTION CARRIED.
SEE "EXHIBIT I"

ITEM 6. PLANNING DEPARTMENT:
A. Los Corrales De Leal Acres Subdivision - Pct. #4

NO ACTION.
SEE "EXHIBIT K"

ITEM 7. PCT. #3:
A. Authorization to advertise for Penitas landfill Liner
B. Authorization and approval to increase salary-Paved/Unpaved

7/A

A motion was made by Commissioner Rosel, seconded by Commissioner Camarillo, to authorize the advertising for bids for the liner to be installed in the new cell at the Penitas Landfill; bid opening October 6, bid award October 11.

MOTION CARRIED.
SEE "EXHIBIT L"

7/B

Commissioner Rosel stated that he wanted to increase the salary of an employee under Paved/Unpaved Roads. The increase would come from surplus 03 monies to slot #4 and it would be an increase in the annual salary by \$676.00. A motion was made by Commissioner Rosel, seconded by Commissioner Sanchez, to authorize a salary increase for slot #4, within Precinct Three's Road and Bridge account.

MOTION CARRIED.
SEE "EXHIBIT L"

ITEM 8. URBAN COUNTY:
A. City of Alton - Budget Amendment Yr. B-92-UC-48-0501
B. Pct. #4 - Professional Services Contract - Pavillion 03E-93P4-00
C. Pct. #4 - Neighborhood Facility Yr. 4 UCP Contract Award - Water Line Improvements
D. Approval of Contract 702035, Texas Community Development Program
E. Approval of bills

8/A

Anthony Covacevich, Urban County Director, informed the Court that the City of Alton was asking for a budget amendment for Year B-92, taking \$140,000.00 from the Water and Sewer Facilities and putting it into Flood Drain Facilities. After a question by Commissioner Rosel, regarding their land acquisition line item, a motion was made by him, seconded by Commissioner Camarillo, to approve the budget amendment in Year 5 Urban County budget for the City of Alton.

MOTION CARRIED.

SEE "EXHIBIT M"

8/B

Mr. Covacevich stated that under professional services Precinct Four was requesting to enter into a contract with Morales-Best Hinojosa Architectural Firm, in the amount of \$4,000.00, for the Sam Houston School pavillion. A motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to approve a contractual agreement between Morales-Best-Hinojosa Architectural Firm and the County of Hidalgo, for the pavillion project in McAllen.

MOTION CARRIED.
SEE "EXHIBIT M"

8/C

Mr. Covacevich explained that they went out for quotations for a water line extension, under the parking lot, at the Precinct Four Health Clinic and the contract amount is \$1,304.00. The contract will be with R. Benavidez. After a brief discussion, a motion was made by Commissioner Camarillo, seconded by Commissioner Rosel, to approve a contract with R. Benavidez Contractor, for water line improvements at our Precinct Four Health Clinic; contract is \$1,304.00.

MOTION CARRIED.
SEE "EXHIBIT M"

8/D

Mr. Covacevich informed the Commissioners' Court that he was requesting approval of contract #702035 with the Texas Community Development Program. This was a contract that was awarded back in May of 1993 and the contract had just been received back from the State. The amount of the grant is for \$440,615.00 and it will provide water and/or sewer facilities to the colonias of Angela, Sing, Victoria Belen, Good Valley Ranch, St. Louis Groves and H.M.E. He continued by saying that there will be with matching funds totaling \$91,926.00 of which \$20,000.00 is being matched by the County of Hidalgo, with \$5,000.00 coming out of each County Precinct. There are also matching funds from the following: the City of Pharr is committing \$63,501.00, the City of Donna is committing \$1,819.00 and the City of Weslaco is committing \$6,606.00. A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to approve contract grant award #702035, from the Department of Housing and Community Affairs, it's for \$440,615.00 for water and sewer improvements in the rural communities of Angela, Sing, Victoria Belen,, Good Valley Ranch, St. Louis Groves and H.M.E.

MOTION CARRIED.
SEE "EXHIBIT M"

8/E

A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to approve the CDES bill #5108 in the amount of \$46.63; the 1991 Urban County bill #5109 in the amount of \$1,373.23; the 1992 Urban County bills #5110 thru #5116 totaling \$94,897.36; the 1993 Urban County bill #5117 in the amount of \$728.88; the Colonia I-A Fund bill #5118 in the amount of \$905.14; the Colonia I-B Program bill #5119 in the amount of \$404.01 and the HOME Program bill #5120 in the amount of \$648.55. The total Urban County memorandum to be approved is \$99,003.80.

MOTION CARRIED.
SEE "EXHIBIT M"

Mr. Covacevich then announced that a public hearing would be held in Monte Alto, concerning the Colonia Fund application process.

(09/13/93)

ITEM 9. SHERIFF'S DEPARTMENT:

- A. Discussion and possible action on duties & responsibilities of Fire Marshall

NO ACTION.
SEE "EXHIBIT N"

ITEM 5. ECONOMIC DEVELOPMENT - J.D. Salinas:

- A. Approval of interlocal agreement between the City of McAllen and Hidalgo County for matching of Drug Impact Court

Anthony Covacevich informed the Commissioners' Court that this was for a match for the Drug Impact Court in the amount of \$52,584.00 by the City of McAllen. The interlocal agreement begins June 1st, 1993 and ends May 31st, 1994. A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to approve an interlocal agreement between the City of McAllen and the County of Hidalgo, for their match funds for the Drug Impact Court.

MOTION CARRIED.
SEE "EXHIBIT J"

ITEM 10. 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. Pending litigation involving BFI

The County Judge and Commissioners went into Executive Session accompanied by Mr. Jim Darling.

NO ACTION.

THE FOLLOWING ITEM IS IN VERBATIM FORMAT

ITEM 11. OPEN SESSION:

- A. Discussion and possible action on pending litigation involving BFI

COUNTY JUDGE

I hereby call this meeting back, back to order and we are now in Open Session. Ah, ladies and gentlemen, we have discussed the a proposed settlement on the litigation involving BFI and their request for a drainage district permit, in the Donna area. We have reviewed the, the, the proposed settlement, we have authorized our legal counsel, Kate and Jim to, to review, again, some changes on the agreement with BFI attorneys and also that they take an opportunity to discuss with some of the individuals that are represented here, as intervenors, inclusive North Alamo Water Supply. We asked, is Dr. Boren still here? Doctor and Jimmy Stalinger and maybe Ofelia if they could possibly sit down with our attorneys and discuss what we're thinking about at this point in time. Just as a point of information, so that you could further

involve, inform your, your, your, your constituents and other people. So, at this point I'm going to ask that Commissioners' Court, to recess this Commissioners' Court meeting under the Executive Session and we'll be back at eleven o'clock, so we'll give it fifteen, twenty minutes for these things to, to happen, to meet with BFI attorneys and to meet with the public, then we will come back and, and again go into Executive Session.

COMM. ROSEL

At approximately eleven o'clock?

COUNTY JUDGE

At eleven o'clock, so, so we've got about fifteen minutes, Jim, you, you're, we, we can use this, this room here, whatever is necessary. We'll be back. Thank you.

I hereby call this meeting back to order as you know we are in item 10 under Executive Session, we recessed Executive Session and discussed litigation involving BFI. Just in mind, we are going back into Executive Session and please bear with us, just a minute, as you know we, we're discussing various proposals, various ideas and, and I think we've had an opportunity to meet with legal counsel, with BFI and of course, some of, some of the people that are represented here, ah, -----, so please bear with us, just a minute, we'll be right back.

I hereby call back to order, in Open Session, thank you very much for, for your patience. Muchas gracias por su pacencia. We have reviewed the settlement and compromise agreement, ah, offered by BFI in, in, in lieu of trying to reach a drainage district permit for their operation, north of Donna. There has been various discussions, obviously additions and deletions in the negotiations. We were glad that, that we've, we made a part of our discussion and our changes and deletions and additions part of the community. We appreciate that very much, and I'd like to thank all of them, for being here and being patient and being a part of these negotiations. In lieu of that, ah, I think we have, we have possibly and a settlement in, in, in the making and we request a motion, Commissioner Sanchez, if, if you would please, sort of, give your overview and, and we'd request a motion from this Commissioners' Court.

COMM. SANCHEZ

Well, Judge, we, of course, have all been very concerned with the, with an agreement reached that would, ah, serve the benefit of all concerned. Specifically, those citizens that depend on that area for drinking water and as you know it has taken quite a while for the Commissioners' Court to, to discuss the situation, in detail. At this point, based on the ensuing discussions, between and amongst the County, BFI and the Citizens Against Landfill Abuse, I will give, I make a motion to approve the settlement agreement, as presented to the Commissioners' Court, and contingent on the changes and additions, as presented and discussed in Executive Session. Furthermore, that the settle-

ment agreement, once completed and signed by the County Judge, include the issuance of the requested drainage permit.

COUNTY JUDGE Thank you, Commissioner. Is there a second to that motion?

COMM. ARCAUTE Second.

COUNTY JUDGE There is a motion and a second, all in favor, discussion, I'm sorry.

COMM. ROSEL Is this the recommendation that you're giving also?

COUNTY JUDGE Yes sir.

COMM. ROSEL You're also recommending that?

COUNTY JUDGE It is my recommendation that the settlement compromise agreement, be approved and, and recommended to the community, with authority of signature, so that we can get the correct working in this particular settlement.

COMM. ROSEL Okay.

COMM. SANCHEZ --- our best, our interests have always been, Commissioner, to protect those best interests of the people in the area. Specifically, since, those in that area of drinking water; and I think that, that has been addressed.

COUNTY JUDGE There is a second, any other discussion? All in favor signify by saying aye.

COMMISSIONERS Aye.

COUNTY JUDGE All opposed same sign. Motion carries.

COMM. ROSEL Was that three votes, was that three votes or four votes, Judge?

COUNTY JUDGE I'm sorry, let me, let me take a vote. All in favor signify by saying aye.

COMM. SANCHEZ Aye.

COMM. ARCAUTE Aye.

COMM. ROSEL Aye.

COMM. CAMARILLO I abstain, Judge.

COUNTY JUDGE I vote in favor also. There is one abstention, Mr. Leonard Camarillo. Ladies and gentlemen, the motion carries.

(SEE "EXHIBIT O")

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.

DRAINAGE DISTRICT

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

ITEM 1. 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. Pending litigation involving BFI

NO ACTION.

ITEM 2. OPEN SESSION:

- A. Discussion and possible action on pending litigation involving BFI

Based on the discussions that had been held between the County, BFI and the Citizens Against Landfill Abuse, a motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to approve, the settlement, as presented and discussed in Executive Session and once that settlement is completed and signed by the County Judge, that they approve the issuance of the requested drainage permit.

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

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

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 13TH day of SEPTEMBER, 1993.

ATTEST:

WILLIAM R. LEO, County Clerk
Hidalgo County, Texas



By: Jennifer Castillo
Jennifer Castillo, Deputy