

THE STATE OF TEXAS :

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 25TH day of JULY, 1995, after due notice having been given, there was begun and holden, a SPECIAL MEETING of the Commissioners' Court and the Drainage District, 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. Guadalupe "Lupe" Garces
County Commissioner, Precinct #4

WHEREUPON, the following proceedings

were had, to-wit:

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JULY 25, 1995

Commissioner Arcaute called this Commissioner's Court Meeting to order where the following items were had to wit:

CONSENT AGENDA

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- ITEM 1. APPROVAL OF BILLS - COUNTY AUDITOR
 - GENERAL FUND - # 111699 - # 111932 - \$1,786,641.19
 - SPECIAL REVENUE FUND- # 112100 - # 112337 - \$ 312,290.11
 - ENTERPRISE FUND - # 2340 - # 2357 - \$ 3,752.40

(SEE EXHIBIT A)

- ITEM 2. APPROVAL OF MONTHLY FEE REPORTS:
 - A. DISTRICT CLERK - \$133,978.67 - JUNE
 - B. COUNTY CLERK PART 1 - \$96,478.75 - JUNE
 - C. COUNTY CLERK PART 2 - \$115,844.36 - JUNE

(SEE EXHIBIT B)

- ITEM 3. INTERNAL LINE ITEM TRANSFERS:
 - A. WIC
 - B. SHERIFF'S INVESTIGATION FUND
 - C. YOUTH VILLAGE
 - D. BUILDINGS AND GROUNDS
 - E. COUNTY AUDITOR
 - F. COUNTY CLERK
 - G. REPRODUCTION (PRINTING DEPARTMENT)
 - H. SHERIFF'S DEPARTMENT
 - I. DETENTION CENTER (JAIL)

(SEE EXHIBIT C)

- ITEM 4. PERMITS:
 - A. NORTH ALAMO WATER SUPPLY - PCT. 1, 2, & 3
 - B. LA JOYA WATER SUPPLY - PCT. 3

(SEE EXHIBIT D)

Commissioner Arcaute stated that there was a deletion on the Consent Agenda. The deletion was on Item 3D afterwhich, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the Consent Agenda with the deletion of 3D.

MOTION CARRIED
(SEE EXHIBITS A-D)

REGULAR AGENDA

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- ITEM 1. APPROVAL OF RESOLUTION RECOGNIZING THE 3RD SATURDAY OF OCTOBER AS "DIA DEL RIO" - LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL

Commissioner Sanchez stated that this was an attempt to create a good rapport on both sides of the river. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to accept the resolution as presented to name the 3rd Saturday in October as Dia Del Rio for 1995.

MOTION CARRIED
(SEE EXHIBIT E)

ITEM 2. TAX ASSESSOR/COLLECTOR:

A. TAX REFUND:

1. Ernest Cantu - \$731.86
2. Leonel Marroquin - \$731.86

A motion was made by Commissioner Sanchez and seconded by Commissioner Rosel to accept the request for a tax refund based on the adjustment approved by the Appraisal District.

MOTION CARRIED
(SEE EXHIBIT F)

ITEM 3. SIGNATURE OF INTERLOCAL AGREEMENT WITH HIDALGO COUNTY FOR THE MUNICIPAL SOLID WASTE DISPOSAL GRANT

Dick Dickinson opened by stating that they were asking for the contract with the Texas Natural Resource Conservation Commission for the Solid Waste Enforcement Grant be approved. He stated that he had spoken with Mr. Glendon Epplor of the Commission and they had found some snags. One was delinquent reports which has been taken care of. The County was given 30 days to pay some fees incurred by the reports in the amount of \$275. He also stated that the amount that had already been appropriated was \$38,082 which left a balance of \$62,168 and that this was a matching grant of \$50,000 by the state. The amount left to receive the match from the State was \$12,168. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to submit the application and to approve the budget amendment and authorizing Commissioner Rosel as the signator on the application.

MOTION CARRIED
(SEE EXHIBIT G)

ITEM 4. APPROVAL OF ELECTION JUDGES & POLLING PLACES FOR THE NOVEMBER 7, 1995 AMENDMENT ELECTION

Noe Perez opened by stating that he had submitted a schedule for the early voting for the November 7 consitutional amendments. The voting locations and the schedule of the times that it will be open were among the items submitted for approval. A motion was made by Commissioner Garces and was seconded by Commissioner Sanchez to approve the Election Judges and polling places for the November 7, 1995 amendment election.

MOTION CARRIED
(SEE EXHIBIT H)

ITEM 5. APPROVAL OF BUDGET AMENDMENT - 206TH DISTRICT COURT

Mrs. Etnire stated that this was for parts on the Court Reporter Computer on the second floor which is owned by the County. She stated that Judge Evins felt that it would be cheaper to repair it rather than to buy one. The amount of the amendment is \$1,493.73. It would be from the General Fund into Judge Evins court. A motion was made by Commissioner Rosel and seconded by Commissioner Garces for the budget amendment for the 206th District Court in the amount of \$1,493.73.

MOTION CARRIED
(SEE EXHIBIT I)

ITEM 6. ADULT PROBATION DEPARTMENT:

A. RESTITUTION CENTER AND BOOT CAMP - BUDGET AMENDMENTS APPROVED BY CJAD

Joe Lopez stated that they were asked to inspect the building to comply with ADA standards. The total for the restitution center only was \$4,930 which was granted by CJAD and now the budget for the center needed to be increased by \$4,930 to comply with the standards. A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to accept the request by Mr. Lopez for amending his budget as approved by CJAD for the Restitution Center for the purpose of complying with ADA requirements.

MOTION CARRIED
(SEE EXHIBIT J)

Mr. Lopez stated that he was increasing the Boot Camp budget by \$38,554. He stated that he had previously been to Court with the Supervision Budget and informed the Court that they had received \$56,000 in Supplemental Supervision Funding. At that point \$13,336 of that money was to go to the Boot Camp. This budget at this time is being increased by a total of \$38,554. Some of this money is from the carryover under estimation. The total underestimation of the carry over was \$25,218. A motion was then made by Commissioner Sanchez and seconded by Commissioner Garces to accept the amendment for the improvements to the Boot Camp.

MOTION CARRIED
(SEE EXHIBIT J)

ITEM 7. HUMAN SERVICES:

- A. CONSIDERATION TO MAKE LOCAL FUNDS AVAILABLE TO THE TEXAS HEALTH HUMAN SERVICES COMMISSION (MATCHING FUNDS AGREEMENT) TO MATCH FEDERAL MEDICAID DOLLARS
- B. BUDGET AMENDMENT FOR THE INDIGENT HEALTH CARE EXPENDITURES

Commissioner's Court moved on to the next item due to Mr. De La Vina being late.

ITEM 8. PCT. #1:

- A. CONSIDERATION OF TAX ABATEMENT AGREEMENT FOR THE PREPARED FOODS DIVISION OF H & H FOODS - MERCEDES

Mr. Dire opened by stating that H & H foods was requesting execution on a Tax Abatement Agreement. He stated that back in 1988 the City of Mercedes along with the County began to consider an Enterprise Zone to help with the Economy. He stated that back then H & H foods would be a corner stone in this plan with expansions in the City and County's Economy. Mr. Dire also stated that the County had passed two resolutions. 1 was for the adoption of the guidelines governing Tax Abatement Agreements and also a resolution approving the Abatement of Taxes which stated the County Commissioner's Court authorized the County Judge to sign on behalf of the County in the agreement entered into by the City of Mercedes in conformity with the two reso-

lutions. Commissioner Rosel then asked what kind of Economic Impact could be expected from this investment by the firm. Commissioner Sanchez expressed his enthusiasm towards H & H Foods. Mr. Jaquez then addressed the Court. He stated this was only on the Prepared foods Division which 1/3 of the overall plant. This was based on the equipment and the building for this Division. \$2,100,000 was spent on the construction of the building. The abatement would be \$34,196 for the five years and the tax for the life of the building would be \$230,824. Ruben Hinojosa, President of H & H Foods, stated that this expansion would create approximately 100 new jobs. He also mentioned that this would allow them to supply prepared foods for several states. Mr. Hinojosa stated that the chronology of events was in December of 1992, they had applied for the expansion. This expansion was given by TDOC in February of 1993 and one week later, the construction commenced. He stated that the process has been followed in an orderly manner and meeting all the criteria, they were able to get the resolution from the City of Mercedes. The agreement with the County says that they would not give the abatement unless the City of Mercedes also makes that commitment prior to the County. Mr. Steve Crain then stated that he recommended that this item be tabled due to the fact that the regulations regarding abatements have been amended since the last abatement was granted to H & H. Mr. Hinojosa and Mr. Crain made some comments concerning the agreement and the resolution and again Mr. Crain reiterated the fact that he feels this item should be tabled for further review and gather all the factors and iron out all the minute details. Mr. Dire mentioned the fact that the Appraisal District had given H & H until August in order for the abatement to be valid for 1995. Mr. Dire then went on to make some comments concerning the value of land with the expansion as opposed to the value of just the land and how the abatement works with regards as to when it is dated. Mr. Covacevich addressed the Court and expressed his concerns as to whether or not abatements can be granted after the expansions are completed since they are usually granted before the project occurs. The reason that they are granted before the expansions in Mr. Covacevich's opinion, is to entice a business to a certain area. He went on to state that there was no agreement signed prior the start of the expansion, therefore it was not a question of merit but of procedure. Mr. Crain also voiced his concerns in regards to the date the municipal agreement was signed and felt he also wanted to address those issues. After further comments from Mr. Dire, Commissioner Arcaute stated that they wish to leave this item for now and have it brought back for action later in this meeting. The Commission then moved on to the next item.

ITEM 7. HUMAN SERVICES:

- A. CONSIDERATION TO MAKE LOCAL FUNDS AVAILABLE TO THE TEXAS HEALTH HUMAN SERVICES COMMISSION (MATCHING FUNDS AGREEMENT) TO MATCH FEDERAL MEDICAID DOLLARS
- B. BUDGET AMENDMENT FOR THE INDIGENT HEALTH CARE EXPENDITURES

7A

Mr. De la Vina opened by stating that if they chose to go into a matching funds agreement the amount needed would be 1.5 million. He recommended that no action be taken due to the fact that there are still some unanswered questions and also they have gotten an extension until August 11. He recommended a workshop around the 3rd or 4th of August. Upon further comments from the Commissioners and Mr. De La Vina, a workshop was set up for August 3, 1995 and brought back to Commissioner's

Court for formal action August 8, 1995.

NO ACTION

7B

Mr. De la Vina stated that he also wanted to table this item because he wanted to get with Steve Austin and find out exactly where they stand. They have until August 31st on this issue to get an 80-20 match. He stated that they are not yet at 10% because the rise of the 10% and also because they are shorthanded in his office.

NO ACTION

ITEM 9. PCT. #3:

- A. RESOLUTION SETTING SPEED LIMIT ON BRUSHLINE RD. BETWEEN THE 4 AND 5 MILE LINE

Commissioner Rosel stated that they had a number of calls calling for some traffic control on this road. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to reduce the speed limit from the current limit down to 35mph.

MOTION CARRIED
(SEE EXHIBIT M)

ITEM 10. PURCHASING DEPARTMENT:

- A. AWARD BID:
 - 1. Crushed-Caliche East of Abram - Pct. 3
- B. ACCEPTANCE OF PROPOSAL FOR CONSTRUCTION MONITOR
- C. SELECTION OF PUBLIC DEFENDER FOR MENTALLY ILL/MENTALLY RETARDED PERSONS ACCUSED OF CRIMES
- D. REQUEST TO ADVERTISE
 - 1. Reinforced concrete pipe, polyethylene pipe, & heavy wall concrete culverts - Hidalgo County
- E. AMENDMENT TO THE HIDALGO COUNTY PURCHASING POLICY

10A

Mary Maldonado stated that there were two bids. One was from Valley Caliche Products for 1.85 a ton and Reland Stone Products for 2.35 a ton. She recommended Valley Caliche Products. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to award bid to Valley Caliche Products in the amount of 1.85 a ton.

MOTION CARRIED
(SEE EXHIBIT N)

10B

Ms. Maldonado stated that the four proposals received were from Kadell Construction, Sweezy Construction, TriCorp. Construction and Nova Commercial Group. A motion was made by Commissioner Garces to accept the proposals that were submitted for Construction Monitor for the New Detention Facility. The motion was seconded by Commissioner Sanchez.

MOTION CARRIED
(SEE EXHIBIT N)

10C

Mary Maldonado stated that she wanted to reject all bids and readvertise because she felt that if they readvertised, then there would be more responses. Mr. Dickinson then stated that one of the reasons they were asking to reject was due to the fact that there were still some legal questions as to the specs. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to reject and re-advertise. Bid opening August 16 and bid award August 22. Mr. Guerra then addressed the Court and stated that there might be a conflict of interest in this appointment due to the fact that there was pending litigation against Mr. Guerra in Federal Court. He also stated that as it stands now when anyone is in jail for a certain amount of time, they get an attorney automatically appointed to them. This could be a problem because these individuals may get two attorneys appointed to them. He suggested that this item be postponed from 4 to 6 weeks. Steve Crain then addressed the Court and stated that he felt that there was a sense of urgency to resolve this matter due to the matters in Federal Court. After further comments the motion was put to a vote and all voted in favor. Bid opening August 16 and bid award August 25 as previously mentioned.

MOTION CARRIED
(SEE EXHIBIT N)

10D

Mary Maldonado stated that she wanted to advertise for all of these at the same time. She stated that the sizes were 12, 15, 18, 24, 30 and 36. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve the request to advertise for bids on Reinforced concrete pipes, Polyethylene pipes and heavy wall concrete culverts. Bid opening August 16 and bid award August 22.

MOTION CARRIED
(SEE EXHIBIT N)

10E

NO ACTION
(SEE EXHIBIT N)

ITEM 11. PLANNING DEPARTMENT:

- A. DISCUSSION & CONSIDERATION OF SOLID WASTE FEES - REFUNDS
- B. VARIANCE REQUEST:
 - 1. ARMANDO MEDINA
 - 2. SANDRA IMEL-BOWMAN

11A

Mr. Garcia stated that he had a phone call from the Auditor's Office. The conversation was in regards to the solid waste fees collected since the adoption of the policy of collecting fees for solid waste. He stated that he wanted some guidance as to what to do concerning the fees already collected because of the memo sent by the Judge to delay the implementation of the policy for 30 days and those 30 days are about up. Commissioner Rosel felt since they were to postpone the implementation for 30 days and fees were still collected, the monies should be refunded. Mr. Garcia stated the number of permits issued was 24 and the amount of \$1,551.55 was collected. At this time, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to refund the monies that were charged on the solid waste fees

beginning June 26 thru June 28, 1995.

MOTION CARRIED
(SEE EXHIBIT O)

11B1

Mr. Garcia stated that Mr. Medina wanted to divide a tract of land into a family partition. The tract of land is approximately 11 acres. The problem is that the land abuts HWY 107. He also alluded to the fact that there was a canal that ran east and west and a mini overpass needed to be built in order to have the egress on the property and also there was a small right of way running in the same direction that he wants to use as an easement for the same reason, which is for an egress. Mr. Garcia stated that he had spoken to the City of Edinburg and they had no objections should the variance be granted. After further comments, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the variance.

MOTION CARRIED
(SEE EXHIBIT O)

11B2

Mr. Garcia opened by stating that this was a hardship case due to a family member passing away. This tract of land is 5 acres in which her mom lives on a homestead on this tract. He stated that Mrs. Bowman wanted to place a mobil home next to the homestead. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to grant the varinace to Mrs. Bowman.

MOTION CARRIED
(SEE EXHIBIT O)

AT THIS TIME THE COMMISSION CAME BACK TO ITEM 8 REGARDING THE TAX ABATEMENT AGREEMENT FOR H & H FOODS.

Mr. Crain opened by stating that they had met with Mr. Dire and they had contacted the Attorney General's Office and spoke with a lawyer. The lawyer agreed with the Mr. Crain and Mr. Covacevich. There are some impediments to granting the abatement as far as backdating the documents and also with regards to the construction having already been completed. He felt that their intentions are comendable but their was a misunderstanding. He also felt the the County's hands were tied with regards to granting the abatement. Mr. Dire addressed the Court and stated that he felt that the law was written in such a way that the abatement could still be granted and pleaded with the Court that they do grant the abatement as requested. Commissioner Arcaute felt that they should follow the advice of legal counsel. Mr. Crain, after being asked by Commissioner Sanchez if these discrepencies could be worked out, stated that he did not feel they could be because of the fact that the tax rates from Jan. 1 of 94 and Jan. 1 of 95 were different and also the added value of 94 which is not being added in 1995. After a few more brief comments, Commissioner Arcaute stated that there be no action on Item 8.

ITEM 12. URBAN COUNTY:

A. CITY OF DONNA - HOME HOUSING REHABILITATION PROGRAM -
CONSTRUCTION CONTRACT AWARD

(07/25/95)

8

Mr. Covacevich stated that there was only one bidder and it was J.D. Villarreal Construction Company in the amount of \$32,579 for the rehab of 3 homes in Donna. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the low bid to J.D. Villarreal Construction.

MOTION CARRIED
(SEE EXHIBIT P)

ITEM 13. COMMUNITY SERVICE AGENCY:
A. APPROVAL OF TEFAP RENEWAL CONTRACT FY 95-96

Maribel Navarro stated that this was a commodities contract with Texas Department of Human Services and it was going on its 11th year. It was to commence October 1 thru September of the following year. She also stated that she did not know if this contract would actually be funded. This is \$12,224 contract and for the past 4 years been operating on half of that amount. After a few more comments, a motion was made by Commissioner Garces and was seconded by Commissioner Sanchez to accept the TEFAP contract for Fiscal 95-96 and recommend Commissioner Rosel to sign off on the paperwork.

MOTION CARRIED
(SEE EXHIBIT Q)

ITEM 14. OFFICE OF EMPLOYMENT AND TRAINING:
A. TDOC CORRECTIVE MEASURES PROGRESS REPORT

J.D. Salinas opened by stating that this was in response to the correspondence submitted back on June 16, 1995. He stated that TDOC was still reviewing problems 1 and 2. Problems 3,4,5b and 6 have been taken care of. Problems 1,2,5A and 7 are still unresolved. He went on to state that the paperwork for item 5A is ready to be submitted and he will be doing so later on this week. Mr. Salinas stated that his biggest problem is #1 due to the fact that there are several financial items and it is currently being reviewed by TDOC. The other items appear to be right on track with the time lines. After further comments, Commissioner Arcaute stated no action.

NO ACTION
(SEE EXHIBIT R)

ITEM 15. EXECUTIVE SESSION:

COMMISSIONER'S COURT MAY GO INTO EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.074 TO DISCUSS THE FOLLOWING MATTER:

A. CONSIDER AND APPROVE APPOINTMENT OF INTERIM EXECUTIVE DIRECTOR

At this time Commissioner's Court went into Executive Session.

ITEM 16. OPEN SESSION:
A. CONSIDER AND APPROVE APPOINTMENT OF INTERIM EXECUTIVE DIRECTOR

Commissioner Rosel opened by stating that there were some capable people within the department and also with people not from the department. He then stated that he recommended Joseph Mendiola for the position of Interim Executive Director for the Office of Employment and Training effective immediately and so moved to that effect and was seconded by Commissioner Garces. Commissioner Rosel stated that this was until such time as the work force development is signed and delivered and also implemented into the local OET program.

MOTION CARRIED
(NO EXHIBIT AVAILABLE)

There being no further business to come before the Commissioner's Court, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to adjourn.

MOTION CARRIED

DRAINAGE DISTRICT
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Commissioner Arcaute called this Drainage District Board meeting to order where the following items were had to wit:

ITEM 1. REQUEST TO ADVERTISE:
A. TIRES

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to authorize the advertisement for tires. August 16 to open and bid award August 22.

MOTION CARRIED
(SEE EXHIBIT N)

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

THERE BEING NO FURTHER BUSINESS TO COME

'BEFORE SAID COURT, the meetings of the Commissioners' Court and the Drainage District were hereby adjourned.

J. Edgar Ruiz Absent (Suspended)
 County Judge

Samuel Sanchez _____
 County Commissioner, Precinct #1

Lalo Arcaute _____
 County Commissioner, Precinct #2

Juan Rosel _____
 County Commissioner, Precinct #3

Guadalupe "Lupe" Garces _____
 County Commissioner, Precinct #4

Dated this 25TH day of JULY, 1995.

ATTEST:

JOSE ELOY PULIDO, County Clerk
 Hidalgo County, Texas



By: Aaron Betancourt
 AARON BETANCOURT, Deputy