

Jenny



J. EDGAR RUIZ
HIDALGO COUNTY JUDGE

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Commissioners' Court will be held on MONDAY, JULY 11, 1994 at 9:30 A.M. in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

NOTICE TO THE PUBLIC

CONSENT AGENDA

The following items are of a routine or administrative nature. The Commissioners' Court has been furnished with background and support on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commissioner, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

1. Approval of Minutes - May 31, 1994
- June 07, 1994
2. Approval of Bills - County Auditor
3. Approval of Monthly Fee Reports:
 - A. Justice of the Peace:
 1. Rene O. Torres - \$ 19,531.10 - May
 2. Ruben Ramos - \$ 6,693.58 - June
 3. Speedy Jackson - \$ 5,467.00 - June
4. Planning Department:
 - A. Subdivisions:
 1. B & D Subdivision - Pct. 2
 2. Lost Pines Subdivision - Pct. 3
 3. Sparks & Townsend Plaza Subdivision - Pct. 3
 4. Gardenia Terrace No. 22 Subdivision - Pct. 4
5. Permits:
 - A. Military Highway Water Supply - Pct. 1
 - B. North Alamo Water Supply - Pct. 2 & 4
 - C. Southwestern Bell Telephone - Pct. 2 & 3
6. Internal Line Item Transfers:
 - A. County Clerk
 - B. Pct. #2 Administration
 - C. Pct. #2 Park

Dated this the 07th day of July, 1994

RUIZ

J. EDGAR RUIZ
HIDALGO COUNTY JUDGE

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1. Approval of Resolution to support & adopt the implementation of the Texas Coastal Management Program
2. Tax Assessor/Collector:
 - A. Request to advertise for purchase of 1994 Tax Statement & Tax Rolls
3. Health Department:
 - A. Approval of Maternal/Child Health Grant Amendment
4. J.D. Salinas, Project Coordinator:
 - A. Authorization to accept H.I.D.T.A. Grant CJD - Office of the Governor
 - B. Authorization to implement & appropriate the H.I.D.T.A. Grant
 - C. Discussion & possible action on ratifying User Agreement between County of Hidalgo and the Texas Department of Public Safety
 - D. Resolution declaring property surplus & appointing Special Commissioner
 - E. Report of sale of property; Order confirming sale of property & authorization to execute Special Commissioner's Deed
5. Discussion & action on appointment of Project Team for the construction of a new Detention Facility
6. Sheriff Department:
 - A. Budget Appropriation - Investigation Fund
7. Pct. #1:
 - A. Transfer surplus funds from Pct. 1 to General Fund - to purchase aerosol generator for mosquito control
8. Planning Department:
 - A. Subdivisions:
 1. C. R. Subdivision - Pct. 1
 - B. Preliminary Plat Approval:
 1. Rincon Del Valle Subdivision - Pct. 2
 2. Sioux Estates Unit No.2 - Pct. 2
 3. El Sol Subdivision Unit 3 - Pct. 3
9. Purchasing Department:
 - A. Request authorization to extend bid dates for the purchase of gasoline & diesel fueling system for County Wide Road & Bridge

R U I Z

J. EDGAR RUIZ
HIDALGO COUNTY JUDGE

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10. Urban County:
 - A. City of La Joya - Street Improvements bid award
 - B. Approval of Change Order No.1 - Good Valley Ranch - TCDP - No.702035
 - C. Approval of bills
11. Authorization to enter into Bridge Replacement Contract with Texas Department of Transportation - Mile 9 North

Dated this the 07th day of July, 1994



J. EDGAR RUIZ
HIDALGO COUNTY JUDGE

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DRAINAGE DISTRICT

1. Permit - City of Alamo

Dated this the 07th day of July, 1994

THE STATE OF TEXAS :

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 11TH day of JULY, 1994, after due notice having been given, there was begun and holden, a REGULAR 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. 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

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ITEM 1. APPROVAL OF MINUTES - May 31, 1994
- June 07, 1994

ITEM 2. APPROVAL OF BILLS - County Auditor
General Fund - #100690 - #100902 - \$220,293.01
Special Revenue Fund - # 99942 - #100177 - \$269,557.95
Trust and Agency Fund - # 4188 - # 4214 - \$574,012.95
Enterprise Fund - # 1964 - # 1974 - \$ 4,117.26
(SEE "EXHIBIT A")

ITEM 3. APPROVAL OF MONTHLY FEE REPORTS:
A. Justice of the Peace:
1. Rene O. Torres - \$19,531.10 - May
2. Ruben Ramos - \$ 6,693.58 - June
3. Speedy Jackson - \$ 5,467.00 - June
(SEE "EXHIBIT B")

ITEM 4. PLANNING DEPARTMENT:
A. Subdivisions:
1. B & D Subdivision - Pct. 2
2. Lost Pines Subdivision - Pct. 3
3. Sparks & Townsend Plaza Subdivision - Pct. 3
4. Gardenia Terrace No. 22 Subdivision - Pct. 4

4/A/1

B & D Subdivision is located approximately one mile east of Tower Road, on the south side of Carrole Road, City of Alamo, Precinct Two.
(SEE "EXHIBIT C")

4/A/2

Lost Pines Subdivision is located approximately 1/4 of

a mile south of F.M. 495, on the west side of Taylor Road, City of Missioner, Precinct Three.
(SEE "EXHIBIT C")

4/A/3

Sparks & Townsend Plaza Subdivision is located on the southwest corner of F.M. 495 and Taylor Road, City of Mission, Precinct Three.
(SEE "EXHIBIT C")

4/A/4

Gardenia Terrace No. 22 Subdivision is located on the corner of North 33rd Street and Falcon Avenue, City of McAllen, Precinct Four.
(SEE "EXHIBIT C")

ITEM 5. PERMITS:

- A. Military Highway Water Supply - Pct. 1
- B. North Alamo Water Supply - Pcts 2 & 4
- C. Southwestern Bell Telephone - Pcts. 2 & 3

5/A

In Precinct One, Military Highway Water Supply is requesting a permit for a four inch line to cross Mile 1 1/2 East, 1/10 of a mile north of Mile 3 North.
(SEE "EXHIBIT D")

5/B

In Precinct Two, North Alamo Water Supply is requesting a permit for two inch water lines to cross Morningside Road, approximately 3/8 of a mile north of Sioux Road and in Precinct Four they are requesting a permit for two inch lines to cross Tower Road approximately 330 feet south of Wisconsin Road; to cross Terry Road at Ingle Road and to cross Doolittle at its intersection with Rogers Road.
(SEE "EXHIBIT D")

5/C

In Precinct Two, Southwestern Bell Telephone is requesting a permit to lay a cable along South Stewart Road between Las Milpas Road and Anaya Road; and in Precinct Three they are requesting a permit to lay a cable along Tom Gill Road, approximately 2.3 miles north of U.S. Highway 83.
(SEE "EXHIBIT D")

ITEM 6. INTERNAL LINE ITEM TRANSFERS:

- A. County Clerk - \$2,700.00

- B. Pct. #2 Administration - #350.00
- C. Pct. #2 Park - \$1,000.00

(SEE "EXHIBIT E")

Judge Ruiz asked the Commissioners if they had any questions and/or comments on the Consent Agenda, there being none, a motion was made by Commissioner Arcaute and seconded by Commissioner Rosel, to approve the Consent Agenda, as presented.

MOTION CARRIED.
SEE "EXHIBITS A-E"

REGULAR AGENDA
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ITEM 1. APPROVAL OF RESOLUTION TO SUPPORT & ADOPT THE IMPLEMENTATION OF THE TEXAS COASTAL MANAGEMENT PROGRAM

The County Judge then announced that the first order of business was the approval of a resolution to support and adopt the implementation of the Texas Coastal Management Program. He added that this was a program being initiated by Texas Land Commissioner Gary Mauro and he went on to introduce Mr. Frank Mendez. Judge Ruiz continued by saying that this program was for continued support of the coast, in terms of its perservation and the economic benefits of it. Mr. Mendez then went on to explain how this program would help the coastal areas around the State. After further discussion, a motion was made by Commissioner Camarillo and seconded by Commissioners Rosel and Sanchez, to approve a resolution to support and adopt the implementation of the Texas Coastal Management Program, as presented.

MOTION CARRIED.
SEE "EXHIBIT F"

ITEM 2. TAX ASSESSOR/COLLECTOR:

- A. Request to advertise for purchase of 1994 Tax Statement & Tax Rolls

A motion was made by Commissioner Sanchez and seconded by Commissioner Arcaute, to approve the authorization to advertise for the purchase of 1994 tax statements and tax rolls; bid opening August 3rd, bid award August 8th.

MOTION CARRIED.
SEE "EXHIBIT G"

ITEM 3. HEALTH DEPARTMENT:

A. Approval of Maternal/Child Health Grant Amendment

Ofelia Espinoza, County Health Budget Director, came before the Court requesting approval of an amendment to the Maternal and Child Health Grant. The amendment is in the amount of \$150,000.00 and it is to be used for salaries and personnel. She is also requesting the setting of salaries for two primary care physicians, at \$110,000.00, one LVN at \$20,250.00, one medical assistant at \$15,600.00, and one clerk at \$13,200.00; all salaries on an annual basis. The term of this grant is from September 1st, 1993 through August 31st, 1994. The amendment would cover the salaries through the remainder of the year and the physicians who would be filling these slots are Dr. Hector Liscano and Dr. Felix Koo. A discussion then ensued, regarding the issue of medical liability insurance and if this would be a part of the grant and Ms. Espinoza responded that they would have to furnish that on their own. Judge Ruiz then recommended that she get the insurance information to the Commissioners, so that they can feel more at ease about having them working for the County. After a discussion, regarding where these physicians would be housed, as well as other concerns, a motion was made by Commissioner Sanchez and seconded by Commissioner Arcaute, to approve an amendment of \$150,000.00, to our Maternal/Child Health Grant, setting salaries for two primary care physicians, at an annual salary of \$110,000.00 each, one LVN position at an annual salary of \$20,250.00, one medical assistant at an annual salary of \$15,600.00 and one clerk at an annual salary of \$13,200.00; this amendment to be in effect beginning today and going through August 31st, 1994.

MOTION CARRIED.
SEE "EXHIBIT H"

ITEM 4. J.D. SALINAS, Project Coordinator:

- A. Authorization to accept H.I.D.T.A. Grant CJD - Office of the Governor
- B. Authorization to implement & appropriate the H.I.D.T.A. Grant
- C. Discussion & possible action on ratifying User Agreement between County of Hidalgo and the Texas Department of Public Safety
- D. Resolution declaring property surplus & appointing Special Commissioner
- E. Report of sale of property; Order confirming sale of property & authorization to execute Special Commissioner's

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Deed

4/A

J.D. Salinas explained that he was requesting acceptance of the fourth year of funding, for the Financial Disruption Task Force, under grant number HT-94-B03-07992. The grant is in the amount of \$374,960.00, and it would fund five investigators, one chief investigator, one legal secretary and one assistant District Attorney. He then stated that the Task Force has successfully completed ninety-one cases, in litigation. The local match is \$84,460.00 and this amount comes from the program income. A motion was made by Commissioner Rosel and seconded by Commissioner Sanchez, to accept the HIDTA Grant, in the amount of \$374,960.00.

MOTION CARRIED.
SEE "EXHIBIT I"

4/B

Mr. Salinas stated that this was for a second grant under the HIDTA, and it was grant number HT-91-B03-07997, in the amount of \$60,000.00. This grant would be for the purchase of three vehicles and an undercover video camera and recorder. Mr. Salinas stated that the purchase of vehicles is seen a more beneficial to the County, versus the leasing of same, in that the vehicles would remain with the County, if the grant was renewed. A motion was made by Commissioner Sanchez and seconded by Commissioner Rosel, to authorize and appropriate the \$60,000.00, under the Financial Disruption Task Force #07997.

MOTION CARRIED.
SEE "EXHIBIT I"

4/C

Mr. Salinas indicated that the Department of Public Safety was trying to provide a network for all drug Task forces, County wide. They would be providing the equipment and the access to the equipment. The user agreement was for the equipment itself and the use of said equipment. A motion was made by Commissioner Camarillo and seconded by Commissioner Rosel, to approve a user agreement for the relation to be established between the County of Hidalgo and the Department of Public Safety, for use of this equipment information, hardware and software, by the Task Force, under the HIDTA Grant.

MOTION CARRIED.
SEE "EXHIBIT I"

4/D

Mr. Salinas explained that this next item was for the authorization to declare property surplus. The property, in question, was a house that had been seized and awarded to the Financial Disruption Task Force and it was located at Lot 26, Block 4, Tierra Del Sol Subdivision Unit #1, in McAllen. He was also requesting that Ms. Vona Walker, be appointed Special Commissioner and authorize the auction of

said property on August 9th. After a discussion regarding whether or not the County was disposing of these confiscated properties properly, a motion was made by Commissioner Camarillo and seconded by Commissioner Arcaute, to approve a resolution declaring property surplus, which is land and building, and appointing Vona Walker as Special Commissioner, for this particular sale; and the sale will take place August 9th.

MOTION CARRIED.
SEE "EXHIBIT I"

4/E

Mr. Salinas stated that this was the report of sale from a previous auction, where Vona Walker had been appointed Special Commissioner. The said sale took place on July 7th, and it constituted three pieces of property. She explained that the highest bid on any of the properties was \$11,000.00, with the total sale being \$21,000.00, with the successful bidder being responsible for all liens, back taxes and IRS liens that have been placed on the properties. The successful bidder in this case was Eddie Castro. A motion was made by Commissioner Arcaute and seconded by Commissioner Rosel, to approve the report of sale and order confirming sale, to Eddie Castro, at \$7,500.00 for one tract, \$2,500.00 for the other tract and \$11,000.00 for the third track.

MOTION CARRIED.
SEE "EXHIBIT I"

THE FOLLOWING ITEM IS IN VERBATIM FORMAT

ITEM 5. DISCUSSION & ACTION ON APPOINTMENT OF PROJECT TEAM FOR THE CONSTRUCTION OF A NEW DETENTION FACILITY

JUDGE RUIZ All right, Commissioners...

COMM. ARCAUTE Excuse me.

JUDGE RUIZ ...discussion and action on appointment of project team for the construction of a new detention facility. As you know, we have been diligently discussing the Hidalgo County Detention Facility, ah, and the need because of overcrowding conditions in our, in our, in our County Jail, plainly said. We have had a committee, ah, duly incorporated as a non-profit corporation, I think, a couple of the members are here, Mr. Cook.

COMM. SANCHEZ Jimmy Steidinger.

JUDGE RUIZ Jimmy, Jimmy Steidinger, my eyes are leaving,

as well as my heart, so, (LAUGHTER), I, I think I can see you, Jimmy, now; ah, and they have, ah, actively been, been working towards meeting this, ah, goal. Approximately, three weeks ago they made a presentation, to Commissioners' Court, in terms of their selections, ah, and recommendations, as far as architects and construction manager, for the project, a Workshop was held here, in this meeting, meeting room, ah, after that, the following Tuesday, Commissioners' Court rejected the recommendations, of the Committee. To me, it sort of seems that, ah, our greatest difficulty, at this point in time, in terms of the project, is, is selection of architect, for some reason there's some, there's something magical about that particular process; and I can understand, because it, there is a need for, for, for someone that you feel comfortable with, as a committee or as a board or as Commissioners' Court and, and at this point Commissioners' Court and, and the Committee have not come into a, a fruitful agreement on any one particular, ah, recommendation. As you well know, there was a recommendation previously, it is my understanding that, or at least hope that the Committee has now rescinded the action of, of Spear/Gondach, which was a previous architect, who was selected; ah, and then they changed their minds and it, there was another, ah, ah, Munoz.., Kelly-Munoz recommended, and, with a construction manager of Fleur Daniels. I would like to recommend to Commissioners' Court that in light of what our problem is, which is the selection of architects, that we do a different approach. I watched and have watched with interest what the State of Texas has been doing in their bid, ah, construction of almost forty thousand beds, in the last couple of years; and they've used several projects, ah, processes and methods. Of one which is, has been declared successful and, ah, has, has derived very good bids, in fact, some of the best priced bids and has saved time, by the process of how they advertised, uhm, and that has been confirmed by Mr. Jack Krump, from the Jail Commission. The process I talk about is the process that was used in Willacy County, for the eight hundred beds that they're building out there. Basically, what the State of Texas, along with Cameron County did, is that they advertised for bids, under a design build. What "design build" means, is that the bidding

procedure is very general. General, in the sense, that, that you give some guidelines for a par., not plans and specs, not plans and specs, but a guideline as to how many beds, what type of beds, this type of things, some of the things that the Jail Standard Commissioners have to meet and the contractor actually hires an architect. The governing body does not and they jointly put a bid together design it, price it and bid it under the bidding procedure; Commissioners' Court and/or the governing body reviews the proposal, ah, and awards in that manner. The State of Texas has taken this, has taken it actually a step further, ah, they've almost, and almost all gone to turnkey, where the interim financing is financed by the architect/contractor. In a sense, what the State of Texas does is: build it, design it, build it, under low bid stats approved by the State of Texas, once you finish it, it meets jail standards, it meets all the standards that they have provided in the general specs, give me the keys and I'll give you a check; this type of situation. I don't know how far we want to take the process, but I think that by doing design build, we go over the hurdle, of the architect. What it does take is a project manager. Project Manager is the person that is familiar with jail standards, has previous experience, not only in architectural design, but construction management, will be consulting Commissioners' Court and the Sheriff in the process, from day one and will essence, in essence that particular person will take Commissioners' Court, the Sheriff's Office, by the hand and step by step go through the process until you award bid. Once the bid award is done, then that project manager, in essence, converts to construction manager and that particular firm does construction managing. It provides the oversight necessary for Commissioners' Court to be comfortable through actually do the checks and balance, that what the contractor and the architect said they were gonna build, is going to be built. Once that is done, then the project is complete. So, it's a different twist in the sense, that even though, we do have, in essence, a construction manager, project manager, in place, we are not in essence designing it, but we are actually trying to do general, saying, in our case, for example, we have always talked about one thousand beds, that a certain percentage female, a certain

percentage male, that some will be dormitory type, others would be maximum security, ah, that some are detached, ah, others are single cells, others are multiple cells, bed, etc., etc.. Those things obviously will be dictated not only by the Sheriff, but the Jail Commission and ourselves. Once we have that general spec, then it is bid out, the contractor hires, like I said, an architect and the process begins. It's a safe process, not only that, it saves time. In Willacy County, they are, I want, I'm using Willacy County as a, I'm not truly comparing apples with apples, I, I, I want to make sure that everybody understands this, okay, because, obviously the Willacy County facility is a long term confinement; ours is short-term. I mean, we don't, not necessarily or try to avoid housing of prisoners for longer, for a long period of time. Their's is a long period of time, their's are, are more dormitory, because of long period of time; ours are, are short-term, okay. So, it's a different type of design, there's no question about that, all right, but the process, itself, there's a lot of contractors and a lot of architects who are familiar with buildings, local jails or county detention facilities. So, what they do, they join forces and they work together and they probably set up prototype, if you will check architects, around this state and this country, they have some similarities all the way through, so they do have prototypes. So, in a sense, when that contractor and that architect join forces that advertisement is usually no more than sixty to ninety days. You compare that bid with a spec of an architect who's going to take maybe four to five months, and even six months to actually prepare plans and specs for advertising. So, the process shortens, in a sense. It is a different process, it is something that other counties are now doing, because the State has now perfected the particular issue of, of doing this design build process. What we would have to select for our protection, is project manager. That project manager, in my estimation, would cost this County, as far as, their fees, probably in the area of five to six percent, of construction cost, probably in the area. That would have to be negotiated, but it's around that cost. It is considerably less than what we've looked at, in the past. Considerably less than what we've looked at in the past. The

process is good, I think, we can, Commissioners' Court can achieve it. I think that what, where we are is that we as a Committee initiated a process early on, back two years ago, by setting up a non-profit corporation, ah, the five gentlemen of which two are here, who have gone through very lengthy time and investment, in this particular process, I know that. I've, I've, and, and, and they have been very helpful, in the process. We're sort of in lim., limbo in this point in time, ah, I think that the project can be, move forward if we do this process and I'd like to recommend it to Commissioners' Court. Let me entertain some questions, before I continue in terms of the process, maybe I can answer some questions.

COMM. ROSEL

Well, the thing that I'm thinking of, Judge, is the fact that, ah, when, ah, this Com., or the previous Commissioners' Court appointed this corporation, they were thinking along the lines of, ah, ah, of delegating the responsibility and the duties, because of the lack of the time that, that the County Commissioners had and have; and I think that, ah, you selected the, Commissioners' Court selected a group of men, who are businessmen, all of them that I know are business men and they're, ah, not only business men, they're successful business people and they're mature people and I think that they have the time to, to invest it and they've done it and they ha., and they have proved that they have the time to invest, because it's many hours at seven o'clock in the morning, they're already meeting for an hour or two or three and sometimes even longer than that. So I think that, ah, we have to take into consideration, because of that time invested, they're far ahead of us at this particular point; and I think to, ah, what we need to do, Judge, maybe, getting ahead of myself, but I think what we need to do and, is call workshop with these people and, between these two entities and explain to them what your plans are and, and explain to them why you feel that it'd be the best alternative and then at that particular time let them go back into a, a meeting and, and find out if, if they can adjust their plans to speed it up and/or, ah, agree with us, with, with this Commissioners' Court.

JUDGE RUIZ

Well, I, I agree, there is no question, I have nothing but praise but, for the corporation and

its members and I, I know they've, they have invested time and effort in the project; as requested by this Commissioners' Court and I don't want to downplay that in any way shape or fashion. Basically, its chicken and egg, it's very difficult for me to go talk to the Commissioners' Court to, to any corporation or anybody individual without any direction, from this Commissioners' Court, first of all, okay. This is not a consultation, it has to be a matter of action and, and that's why I bring this to the table, that, that this in itself would change the direction of this project, because if we are to, to select a project manager for the particular project, then at that point we have other choices to make. We have other choices like continuing with the corporation for the financing vehicle and give them that charge; go to the point of giving, let them, letting them accepting bids and also reviewing the bids and then making recommendations to this Commissioners' Court. So, there's many other decisions that need to be made, okay; there's the, there's a decision of certificates of obligation versus certificates of participation. So, so, the committee plays a role if we want it to play a role. I think that what I'm trying to achieve here, is a stalemate; the issue of architect, the issue of process; and I think that whether the Committee stays in corporation or whether stays as, as an advisory board, I think that if this individuals as Committee want to continue being involved in this particular project, hey, community input is tremendously good for this Commissioners' Court.

COMM. SANCHEZ

Judge, ah, this Committee, as, as you have stated and as Commissioner Rosel has stated has worked a long time, diligently. Of course, any project of this magnitude is bound to have different ups and downs. I really feel that, that this point being the fact that, that I came in, you know, after the initial Committee had been put together, I, I am not ready, in any way to take the responsibility that this Court charged the Committee with, in the beginning. I think that this is just one additional snag that we were bound to run into and I would like to keep the Committee intact, as a Committee, as a corporation, but I would like to charge them, ah, with coming to this Court very soon, either through a workshop, as ah, as Precinct Three,

has requested or through just a meeting and coming and making a recommendation to us soon. I still feel that all of these different decisions that have to be made, as you so ably outlined for us, ah, I think that those have to be decisions that the Committee has to look at first, come to us and make the recommendation, strong recommendations including the financing. At this point, I feel that the Committee has done the job and if they're running into a snag the last time, ah I really feel that they're ready to move on this thing.

ALTON COOK

That's right.

COMM. SANCHEZ

Ah, I would like to move that, if a, if a motion would be in order, that we keep the Committee intact and ask them to ah, to come back to us with the recommendations, on an architectural firms that we -----.

COMM. ROSEL

Well, I'll, I'll second that, I'll second that, but also I want to bring out two points; one is that we rejected previous action on their, their, ah, intent to do business with certain firms, we rejected all of that, the last time that we met and that I didn't think that we were rejecting them because we didn't feel that, ah, at that particular time, we didn't feel that we were in a position to accept or deny, to deny and I believe that Legal Counsel told us, because of questions involved, we might as well just reject them; but I think it didn't give us an opportunity, it did not give us an opportunity to sit down with the corporation and talk to them and discuss with them what our concerns are, were and are; and I think that that's why we as a group, we have got to tell these individuals, "look we feel more comfortable with an individual or firm who has done a number of business, or, or designs in the State of Texas", because we have to be responsible to the taxpayers, out there and we have to be able, we have to be able to, to confirm with them the selection of the best people or players involved in, in bringing that design and that structure together. So, I think that it's time that we bring these people to the table between the two entities and no players involved and we tell them how we feel and we would ask them to go back and see if they could, we would reconsider, and if they'll reconsider then let, bring it to

the table and see what we think about it at that time.

COMM. SANCHEZ

You want to do that next week?

COMM. ROSEL

I like your idea, Judge, I don't think that you're wrong, I think it'll work, I think it'll work, but, but I, at this particular time, I think that we need to get the other entity involved, at this particular junction.

COMM. CAMARILLO

Judge?

JUDGE RUIZ

Aren't we, aren't we talking about the same thing, your not, what it, what it, what it boils down to, Commissioners, it seems to me is that, that, ah, they've gone through a process of selecting architects and, and construction managers, ah it seemed to me that when we brought that to Commissioners' Court, the Court was not comfortable with that.

COMM. CAMARILLO

That is correct.

JUDGE RUIZ

Not neces.., not, not making a reflection on the professionalism of the firms, that were recommended to them, it was more fee driven, than anything else, ah, okay. I want, I want to make that clear.

COMM. ROSEL

But, but was there ever, excuse me, was there ever any recommendation as a whole to them, that's my question.

JUDGE RUIZ

Well, I, no; and, and my, and, and what I'm saying here today is, "what is the difference". If, if, if we select the project manager today and say "listen, this is the project manager, now run". I don't know if they are comfortable, I don't know, again I go back to the chicken and the egg, do you want to go in there and try to negotiate, or you want to say "listen, this is what we want". What I hear you saying is, "this is what we want", you're telling the Committee what to do, "this is what we want. Go", okay, I don't, no fairness, you know, what I'm saying is halfway, I'm saying there's a lot of steps, all right, it can break down at any point, it can break down into financing scheme, it can break down in the project manager, it can break down in the design, it can break down in the, the recommendation to, to, to award bid, it can

break down on a lot of places.

COMM. CAMARILLO

Well, let, let's not allow it to break down anymore, we, we've had a lot of delays. I'm a little confused, Judge, and I like also, I like what you're saying, ah, I feel that it's a step in the right direction although, I got a little confused when you said let's select a project team, but they will be involved. If we select a project team, how could they be involved?

JUDGE RUIZ

Well, what, what I'm talking about, right now, is a project manager, I'm talking, not talking about a team of financial advisors and all the, all the, there's a lot of players in the project, a tremendous, a lot of players on it, okay, those are the decisions that, that either us, if we change directions or us together, if we set up a difference process or them alone, if we want to stay away. I mean there's, there's three ways of doing it, okay, we do it all...

COMM. ARCAUTE

That was going to be my question. What would be the...

JUDGE RUIZ

...we do it together or they do it all.

COMM. SANCHEZ

I say that we let the Committee do everything, my only concern, when the Committee came to us was with the firm, cause I checked with the Jail Commission and had some concerns on that, other than that, I thought they were doing, and I know, they are doing a good job.

COMM. ROSEL

Well, Commissioner, not only that particular layer, but also we had some concern about the soft costs involved, one; that was another one...

COMM. SANCHEZ

So, I talked to...

COMM. ROSEL

... and the other one was on some type of previous action that they had not gone back to take care of, so those are some areas of concern that we had, that I think is necessary to bring them in and, and talk to them and tell them how we feel. Commissioner?

COMM. ARCAUTE

Well, we've gone through this lots of times, you know, we call for a workshop, they show up nobody speaks out. We each have a representative there. Why don't each one of us reach our re-

representative and tell them how we feel. It's, it's obvious how we feel, rather than to have a workshop.

COMM. SANCHEZ

I, I, I've talked, you know, I talked frequently with my representative.

JUDGE RUIZ

Again, we go back to the same thing, you know, we've got these members here. Basically, what I hear is, what I hear you saying here is each individual of you is going to take their, so-called, representative and you're going to tell them how you feel and what you want.

COMM. ARCAUTE

How we feel, yes.

JUDGE RUIZ

Well, why don't we do it.

COMM. ARCAUTE

Well, I thought we had.

JUDGE RUIZ

Let's do it. Let's, let's, ah, well, we did it, in, in previous, when we rejected the recommendation, without a doubt. Now, we're saying we want to recommend a firm to them.

COMM. ARCAUTE

I think, yes because now it's a different, it's a different situation, Judge, as compared to the time we...

JUDGE RUIZ

Yeah.

COMM. ARCAUTE

Well, and let me ask and just follow up on that question, what happens on this, ah, project team, does that mean, that now we become the Commissioners' Court, will be part of that team, ah, with the non-profit?

JUDGE RUIZ

Like I said, Commissioners, I think that at this point, what, what I'd like to recommend, to this Committee, is selection of the project manager; a very intricate part of the concept of which financial advisors underwriters, underwriter counsel, legal counsel, ah, bond counsel, ah, underwriter, all these things have, have, are decision things that, that someone has to make.

COMM. ARCAUTE

That's already settled with the non-profit, is it not?

JUDGE RUIZ

Well, they, they've worked with people, they have not made those recommendations to Commissioners' Court.

COMM. ARCAUTE

Right.

JUDGE RUIZ

Okay, my question is, we want to continue, do you want to continue that process, and, and and select together, let them select, us select and recommend to them, I mean, what is it that, that, that you want to do. Right now, what I feel is this, let us do away, we've already done away with the recommendation of their architect and construction manager, they said "we want this", we said, "no".

COMM. CAMARILLO

Have we?

JUDGE RUIZ

Yes, Commissioners...

COMM. ROSEL

Well, well, we, we, yeah, that's true, that we did, but we gave them no recommendation again.

JUDGE RUIZ

But we didn't give them a recommendation, what I bring to you here is, a recommendation. I bring to you a recommendation that you can give to them, if you wish and say "this particular firm, should be project manager, and this is the process".

COMM. ROSEL

Well, let me go back just a little bit, to the statement and I think we have presently, under contract two, ah, ah, players, and that's the financial advisor and the bond counsel. Two of them.

JUDGE RUIZ

I don't know if they're under contract.

COMM. ROSEL

Those two are already there.

COMM. ARCAUTE

The members of the Committee are here.

JUDGE RUIZ

I, I've never seen a contract.

COMM. ROSEL

They're there.

JUDGE RUIZ

I know they've worked with them, but unfortunately I, there hasn't been a contract.

COMM. ROSEL

Well, the financial manager, advisor, has already, ah, signed a contract, it's up there in Valde Guerra's office and also the bond counsel, has also signed a contract.

JUDGE RUIZ

You may be right.

COMM. ROSEL

I think those are the only two, right?

ALTON COOK

Well, they were, they were in the same status as the original architect and, and project managers. The original architect, architectural project manager contract was rescinded, ah, I don't think there's anything in, the, there's nothing in writing, but just the consent that the firm, until such time as the project was approved, ah, and the authority was granted to the, non-profit corporation.

JUDGE RUIZ

I don't think there's a contract. I may be wrong.

ALTON COOK

The thing, ah,...

COMM. ROSEL

We'll check on it.

JUDGE RUIZ

Go ahead, go ahead, Mr. Cook.

ALTON COOK

...I think the legal obligations, I don't believe that...

COMM. ROSEL

Are you speaking about a previous action?

ALTON COOK

I am, I, of course, am not the Committee Chairman, I am simply a member, but, it's my opinion that there's not a legal obligation on the part of the Committee, to either the bond counsel or the underwriter representative, ah, they were acting as a, in a consulting role, but they were selected as the best of the pre., presenters, to the Committee and the, there, there was an intention to do business with them once the, project received the approval of the non-profit corporation. Originally, we were acting under the assumption that we had the authority to do all, uhm, those things. But, uhm, I guess, we didn't, we didn't have that authority. Uhm, so that's, that's how we stand, that's how we stand with respect to the, the bond counsel and the, uhm...

COMM. ROSEL

Financial advisor.

ALTON COOK

Financial advisor.

JUDGE RUIZ

And I think, truthfully, I, I, ah, in attending some of their committee, that, that, their, their choice is, is, is a choice and I think that if, they have been selected by action, e-

ven though we have not gone into contract with them, but pretty much intend to, ah, I think, barring any, any problems with fees or any other things that may have come up in the process. I think that that was the intent of the committee from day one and, and I, and I think that was the relationship that was established with, with the two and three firms of engineers and, and constructions managers, that, they were selected there was not contract, but there was intent.

ALTON COOK

It just seems to me like the, the decision, the Commission Court, the Commissioners' Court has to make is whether or not, you want to delegate this authority to the non-profit...

JUDGE RUIZ

Or not.

ALTON COOK

...corporation or not. If you want to be involved in the construction and then, there, there, I see no role for us; ahm, if, if on the other hand you want the commit., the non-profit corporation to do, do the work and then, we have a very vital role, ah, the input we have from the architect and project managers is that Statewide the, the, the situation where you have a non-profit corporation constructing these jails, in lieu of the direct, ah, interference, if you will and management, by the Commissioners' Court, is, is the preferable way to go and there are several examples of this, one is, ah, north of Dallas, the other, ah, and an example of how the Commissioners' Court can screw it up, I guess, is in El Paso, so, uhm...

COMM. CAMARILLO

Judge?

JUDGE RUIZ

It'll break down, in any, in many facets, thank you, Mr. Cook.

COMM. CAMARILLO

Judge, ah, I...

JUDGE RUIZ

You see, Commissioners...

COMM. CAMARILLO

...I'm, I'm...

JUDGE RUIZ

...I think it's very clear, Commissioners, and I, I, I want to make sure that we all understand this.

COMM. CAMARILLO

Okay, and I appreciate, you, ah, being so pa-

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tient with us in, in explaining your, your, ah, ah, plan or your idea, behind the project team. Although I, I do feel that, that because of the fact that the corporation has put in so much time and so much intelligence, in this project, I feel they should continue, in some way, shape or form. There was, there was three architectural firms that, that were approached to you, or you selected them, of a whole bunch of, of people that, ah, showed interest in this project, ahm, there's two that you have talked about them quite a bit, ah, and then again you allowed to have the merger of two them and they were the ones that you recommended to this Commissioners' Court. I, I, I do not feel comfortable with that recommendation, ah, I feel that, ah, it is not the proper manner into which this, ah, project should be taken under. I, I feel very, very confident with the, ah, DeStefano firm, due to the fact that they have done so much work in our facility and due to the fact that they are the ones that have the most projects in the State of Texas, and they're very, very well familiar with the Jail Standards Commission, ah, ah, procedures; and being that we would like to recommend something to them, I would like to recommend to have them come to us and recommend this firm, to continue the project; and if that could be put in the form of a motion, I would like to do that, although I understand that there is a motion already on the floor.

COMM. ROSEL

Yeah, you got one motion.

COMM. SANCHEZ

I'll accept the friendly amendment.

COMM. ROSEL

Mr. Cook, what he just stated, what he just stated, do you regard that as interference or do you regard that as input?

ALTON COOK

Well, it sounds like a command performance to me.

(LAUGHTER)

COMM. CAMARILLO

It sounds like what sir?

ALTON COOK

A command performance, ah, you would like to see us do business with the DeStefano firm.

COMM. ROSEL

He's saying he feels more comfortable...

COMM. CAMARILLO

Absolutely.

ALTON COOK

Well...

COMM. ROSEL

...with faction "B" or whatever.

ALTON COOK

...ah, this is material that we've discussed exhaustively, uhm, the, the, it was the feeling of the Committee that the DeS., DeStefano firm could design a jail. The reason why, ah, the other firm was selected was that it had a more comprehensive approach, not only just designing the, the building, itself, but entering into alternative sentencing procedures and generally streamlining the, ah, the, ahm, sentencing procedures in Hidalgo County. In other words, it was more than just a question of designing a building, it was designing a, ahm, ah, a sentencing procedure and the aftermath.

COMM. CAMARILLO

They, they can do all of that.

ALTON COOK

Well, they may be, and maybe the thing to do is to get them to present, since they didn't present, present that aspect, in their presentation, maybe, the thing to do is to bring them back. Uhm, so, the, the, the dilemma I see is that, the, the Committee doesn't know what authority it has; uhm, we as a Committee were ready to go with an architect and a project manager back when the interest rates were significantly lower than they are right now, and I don't want to calculate the cost to Hidalgo County, as a result of all these delays; ah, but, the, the, it's, it's, it's substantial. Uhm, we have now gone back to the drawing board and secured additional architects and additional project managers, they're not the same architects and they're not the same project managers and we are ready to go and we're, have been ready to go for about a month, but again, we don't know what authority we have and until the Commissioners' Court says "you have authority or, or we want to disband it and do the project ourselves", until we know that, ah, we're sort of, ahm, stuck out there.

JUDGE RUIZ

I think you're totally correct, Mr., Mr. Cook. I think that it's, that the decision, you know, again, I go back to the issue of, we do it, they do it, or we do it jointly; I think that, that by the action that was taken previously, in

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terms of, in terms of our, our not, not, recom-
men.., not accepting the recommendations when
they were ready, in terms of, showed that this
Commissioners' Court, took a position saying,
"well, you worked on it so long, you've gone
through a process of selection, you've gone
through interviews and we weren't happy", at
least that's what, that's what the action the
Commissioners' Court took. That's why I'm com-
ing back to you all saying, "it's clear to me,...

COMM. SANCHEZ

Well...

JUDGE RUIZ

you know what, what you all have done", or what
we, and not what you all, what we as a group
have done. Now, do you want to give it back to
them, if so, give it back to them.

COMM. SANCHEZ

Okay.

JUDGE RUIZ

And not, don't tell them what to do, give it
back to them or do we do it; and they either
work with us, advisively or, or they work with
us on the other decisions. I think, I really
believe that still we may be able to, those are
the decisions that are going to have to come to
play to Commissioners' Court, we may be able to,
that this team and maybe as a corporation, still
incorporated, as a non-profit corporation, may
be able, to, to make decisions on the other
parts of the project team, also into the concept
of financing, which is very key, all right. The
only thing we're doing right now, is saying, we
want a process, in this magnitude, okay as a
project manager and we want to keep you incor-
porated. Now, once we take that action, Commis-
sioners, then we can sit on the table with them
and say "okay, Commissioners' Court wants this,
not in limbo, not maybe yes, I don't know, no,
no, this is what we want, do you want to make
the other decisions or do you not". Do we want
to make the commitment to let them make all
those decisions or do we not.

COMM. ARCAUTE

Does that relate to my question whether, in
this, in this project team, that you're recom-
mending, or that you have suggested, do we just
as well as they are, we are both on that same
team?

JUDGE RUIZ

Yes, and we're saying...

COMM. ARCAUTE We're all saying the same thing, but...

JUDGE RUIZ We're saying the same thing.

COMM. ARCAUTE ...that's not what it sounded like.

COMM. CAMARILLO Yeah.

JUDGE RUIZ Really, what, what I'm saying is this, I don't have a problem with DeStefano and Associates...

COMM. ARCAUTE I don't know how the group feels, I mean...

JUDGE RUIZ ...and that is, and that, and, and, and that will stand as a recommendation, Commissioner, all I'm saying is we make that action and we say, "this is the firm and this is the process", okay, then we go, or I or together go to the Committee and say listen, this is the, the decision of Commissioners' Court. This is the, not direction, not recommendation, this is THE decision; here it is. The other decisions to be made are these, do you want to make them now or do you want to disband, or do you take them back to Commissioners' Court for recommendations, alot of processes, but we've got, to..., we've got to get these people...

ALTON COOK The, the, the...

COMM. CAMARILLO What you're saying, by what you're saying it seems to me that, that we have failed to give these people direction.

JUDGE RUIZ No, no, no, we have not.

ALTON COOK Well, well, we don't, the thing about it is, you have to...

JUDGE RUIZ ...we have not failed. They have come to us, in the proper authority and they've recommended an architect and a construction manager, we said no.

ALTON COOK We have, we have twice done that.

JUDGE RUIZ And we said no.

ALTON COOK We have twice come up with architects and...

JUDGE RUIZ Waht do we want to do?

ALTON COOK ...we have twice come up with project managers.

COMM. ARCAUTE Twice.

ALTON COOK Uhm, twice, we're on our second interation.

COMM. ARCAUTE I only remember one.

ALTON COOK Well, we've, we have twice selected architects.

COMM. ARCAUTE ----- I don't remember, but does somebody else recall?

ALTON COOK Ahm, this, this, this Committee had been in existence, what, Jimmy, about...

JIMMY STEIDINGER Two years, about two years.

ALTON COOK Two and a half years.

COMM. CAMARILLO There has only been one recommendation to this Commissioners' Court.

ALTON COOK So, we, we have, but the question, the question to Commissioners' Court is whether or not you, you want the construction of the jail to be insulated from the political, the politics that have...

JUDGE RUIZ That is the decision.

ALTON COOK ...and, ah...

JUDGE RUIZ Right there.

ALTON COOK ...if, if, if you want it...

COMM. CAMARILLO Well, say, say that again.

ALTON COOK The question for the Commissioners' Court is whether or not you want the construction of the jail to be insulated from the politics of the, of the construction. Ah...

COMM. ROSEL So, there was interference, not even political.

JUDGE RUIZ That's right.

ALTON COOK And...

JUDGE RUIZ Clearly, (LAUGHTER) clearly.

ALTON COOK

So, ahm...

COMM. SANCHEZ

I still feel that the Committee should be kept intact, they come back to us now and I'm saying, my only concern, ah, Mr. Cook, ah, when you all came up with that recommendation was the firm and, and the fact that they had not built jails according to, to what the Committee had requested, okay, but...

JUDGE RUIZ

Commissioners...

COMM. SANCHEZ

...but...

JUDGE RUIZ

Go ahead.

COMM. SANCHEZ

...I, I felt that the Committee, you know, was beginning to move and was on track and a lot of these decisions, I really am interested in letting the Committee make them. You know, as Mr. Cook, so -----, put it, keep the politics out of it, I would like that. My only concern was that firm, you know and the joint merger that they had come together was not to my liking.

JUDGE RUIZ

Well, and that's...

COMM. SANCHEZ

And I said...

JUDGE RUIZ

...how much...

COMM. SANCHEZ

...when we talked about a workshop, so that we could express these concerns to them.

COMM. ARCAUTE

(INAUDIBLE)

JUDGE RUIZ

And we did.

JUDGE RUIZ

Listen...

ALTON COOK

The...

JUDGE RUIZ

...the non-profit corporation in its pure sense, the only time it comes to Commissioners' Court, is to negotiate a lease. You've got a project team, architect, financial advisor, under, the whole thing, they've gone through, they've gone through all the steps, they've gone through all the steps and say, and then they come to Commissioners' Court and say "Commissioners, we have, here, a project of a thousand beds, that cost \$25 million, that it is going to be designed,

it is going to be done, it has the approval of the Jail Commission and it will cost you, it will cost you, Commissioners' Court, "X" amount of dollars per day, that you are going to give us, so that we can pay our debt". See, it's either that or what Commissioner Sanchez is saying, "come back, and give us a recommendation, where we have an opportunity to say yes or not, again", well, wait a minute, it's either one or the other, Commissioners. You can't, either you let them have their autonomy and let them make their decisions, or we make it for them, or we make them and not tell them.

COMM. ARCAUTE

Okay, in, in, in light of that, Judge, can, can we at the point when their finished with all of their work, they come and say here it is, can we say, no we're not going to sign the lease.

JUDGE RUIZ

Yes.

ALTON COOK

Well, yes...

JUDGE RUIZ

What you're going to give them, it's, it's more agony than it is now, I mean...

ALTON COOK

You, you have that authority.

JUDGE RUIZ

They put in hundreds of hours.

COMM ARCAUTE

Well, I just want to understand what it's all about.

ALTON COOK

Technically we don't have, ah, I guess, we don't have any authority at all, except, as a committee to, ah, to interview, ah, the, the prospective architects and, and project managers, uhm, if you, if you want to limit your authority that you're going to grant to us, ah, it's, it's entirely I mean, you're the people that have to make the decisions, if you want to dismiss the Committee, this morning, that, that of course is a possibility, too.

COMM. SANCHEZ

Let me just say...

ALTON COOK

Because, all, all of the Committee members have plenty of things to do, other than work on jails.

COMM. CAMARILLO

If we express our concerns, then that's politics, so...

COMM. SANCHEZ So...

JUDGE RUIZ No, ah...

COMM. SANCHEZ I'll go back to what I said...

COMM. CAMARILLO Sure.

JUDGE RUIZ No, it's not.

COMM. SANCHEZ ...did you or did you not request, firms that had done jails in Texas?

ALTON COOK We, that was one of the stipulations, yes.

COMM. SANCHEZ My, my concern was the one that you had did not, so I called the Jail Commission and I expressed my concerns to you here at that workshop.

ALTON COOK Okay.

COMM. SANCHEZ Okay, that was the only thing, as far as that, the Committee can have the autonomy to go ahead and make these decisions, okay; and the other thing is we have called for a workshop per month, so we finally have one workshop, and it was not a workshop, it was a presentation, okay.

COMM. CAMARILLO That's right.

COMM. SANCHEZ What I am saying now, is that we retain the committee, and that we have a workshop and we talk about these concerns and you do it, okay, but we've had no opportunity to actually voice any of these concerns at that workshop, or at, at that presentation.

ALTON COOK We would be happy to assemble another workshop, if that's your instructions, ahm.

COMM. SANCHEZ It's your request, Mr. Cook, because...

ALTON COOK Our request.

COMM. SANCHEZ ...as I said, my only concern was that, the advertisement that was put out was not what we did.

COMM. ROSEL Since time is of the essence here, I think that we need if we're going to do this, which he has made a motion and we have, I have seconded, I think we need to do it like Friday, okay, so we

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can tell these gentlemen, how we feel once and for all. I mean, individually we talked about what we want these gentlemen to do, but formally as a, as a corp., as a...

COMM. SANCHEZ

Thursday morning.

COMM. ROSEL

...as a Commissioners' Court, we don't, we don't do it. So, I think that we need to do it and then let them decide as to whether they feel that they can work with us and if not then let them come back with a recommendation, for them to, ah, to turn over the project to us, or, or to tell us to stay out of their business or whatever. I think, under the resolution, that, that on which they were created, it said, it authorizes them to, to, to enter into a contract to, to build.

COMM. SANCHEZ

Do we meet Thursday.

COMM. ROSEL

With out contingent, with our...

JUDG RUIZ

Friday would be the earliest.

COMM. ROSEL

Friday.

JUDGE RUIZ

For a seventy-two hour notice. Commissioners...

COMM. ROSEL

Once again, Judge, I like your idea, I think it'll work, I think it's workable, now, in, I have no experience in that area and I think it would be an interesting project, but I think, ah, it's a good idea.

JUDGE RUIZ

Well, I just want to get over this stumbling block, of architect, I mean, it's such a minor project for a major, minor decision, for a major, major project. I mean, it really, really is, is and it's, and, and, and if you go back to the minutes, you know -----, problem.

ALTON COOK

Speaking, speaking...

JUDGE RUIZ

...no politics.

ALTON COOK

...for myself, only and I'm just speaking for myself I'm not pretending to speak for the committee, uhm, I, I felt very comfortable with DeStefano as an architect, but the problem and, if, if it's the Court's decision, that they want to go with DeStefano, as a, ah, architect,

great, let's let's just go on down the road, with DeStefano. The reason why I prefer the other architectural firm is "a", they do business nationally and therefore they bring alternative sentencing procedures into Hidalgo County that might be available in other states and number two, they just had a more comprehensive presentation. In other words they weren't concerned with just building a building, they were concerned with building a building plus all the other procedures, systems and, and requirements that flow out of running a jail, sentencing, ah, streamlining the process, but if, if it's, again speaking for myself, if it's, DeStefano is a very fine architectural firm and they had a very fine presentation; and so speaking for myself, I would not be opposed and would be willing to go with DeStefano, as long as you understand the reason they were sel., not selected is because they had a very limited presentation as opposed to the other one, which had a more comprehensive presentation.

COMM. CAMARILLO

Judge, would, would you be satisfied, that we had this workshop, on Friday, without any vendors, just Commissioners' Court and the committee, and make a decision right there and then.

JUDGE RUIZ

You can't make a decision on a workshop, but, but...

COMM. CAMARILLO

Well we make a decision, we'll bring it to Commissioners' Court the following week and we'll make, we'll make it the plan of action.

JUDGE RUIZ

Commissioner, I think that the only decision that needs to be made is, whether, you know, I just...

COMM. CAMARILLO

We're both, we're both speaking the same language...

JUDGE RUIZ

No, no we're not...

COMM. CAMARILLO

...and it's just, yes we are, in my opinion.

JUDGE RUIZ

What, what, it's either we're recommending them to them, a process, okay, or we're not. You see, you can't make a decision, in workshop, Commissioner, if, if we as a group of people, Commissioners and Judge, go to a workshop, all right, we as a group cannot tell them what to do. It's

illegal, you understand, what I'm saying. The workshop is really restrictive, in essence, the workshop is they talk and we more or less listen, like we did the last time.

COMM. CAMARILLO

Yeah, but you see the last time, they had a group that made a presentation, and even though they said it was just simply a presentation, the following day, we got praises for selecting them, for the project.

JUDGE RUIZ

Well, the, the issue is, what is the discussion we're going to have in the Workshop? What are we going to discuss?

COMM. ARCAUTE

I think we're at the point right now is, whether we take the project over or they continue doing it. We're gonna go back and forth...

JUDGE RUIZ

Pretty much.

COMM. ARCAUTE

...and I think that's the bottom line. I think the gentlemen already, I don't know...

JUDGE RUIZ

I'm trying to define the workshop, because it's very hard to go in there and discuss, you can't discuss architects, see, because, it's illegal, you can't discuss, you can discuss process...

COMM. ARCAUTE

Whatever, either one.

COMM. ROSEL

Why is it illegal, Judge?

JUDGE RUIZ

Under workshop status?

COMM. ROSEL

It's not specific.

JUDGE RUIZ

Because you can't take action.

COMM. ARCAUTE

Well, you can't take action, Judge, but you can deliver a message here...

JUDGE RUIZ

Well, we can deliver a message, obviously...

COMM. ARCAUTE

...find out what...

JUDGE RUIZ

...you can say individually, like Sam's saying, ah, like Commissioner Camarillo is saying, I want DeStefano and Associates.

COMM. ROSEL

I wrote a letter to you, Judge...

JUDGE RUIZ You don't want to do that, I'm not going to do that.

COMM. ROSEL I wrote a, I wrote a letter to you and I indicated that I've talked and I still think that a workshop is the, the place...

JUDGE RUIZ I don't have any problem with a workshop, I just really want to define what the workshop is, what we're going to discuss and make sure this Commis., Commissioners' Court stays out of trouble by not recommending something that hasn't taken Commissioners' Court action on.

COMM. SANCHEZ Let's just go ahead and have the workshop.

COMM. ROSEL Okay.

JUDGE RUIZ And that's why I was saying if we take this action, if we take this action today, then we call the Committee and say in the workshop, Commissioners' Court has decided that this has happened. Now, you run, or we run together, or I run, okay; but, but it's a very decisive action, you cannot go into the, into a workshop trying to make a decision on that, Commissioners, I mean, I wish I could tell you that, that, and, and if I go to you, Committee, as one person, without any directive from Commissioners' Court, it is merely a discussion, Mr. Cook. Like you are doing that right now, you're saying, "my personal view of this, is this" and that's it, the Committee hasn't taken any action on your personal view, it's just, we are having a discussion. You see where the problems lie; and, and that happens between two boards, and that's understandable. I truly think, I truly think that if you take the project and we make a decision today, end of project commission; because then what I'm doing is, what we would be doing is, we would just be throwing that ball back into your court, then you all have to make a decision; and in my opinion, if I were in your shoes, I would be thinking, "well, Commissioners' Court is telling us what to do. Do we want to accept it or not?"

ALTON COOK Well, you're saying that you would stipulate the project managing firm?

JUDGE RUIZ Right, yes.

ALTON COOK Like, ah,...

JUDGE RUIZ DeStafeno and Associates, what Camarillo is recommending.

ALTON COOK ...but they are an architectural firm, they're not project managers.

COMM. SANCHEZ That's true.

JUDGE RUIZ Oh, they'll accept project manager.

COMM. SANCHEZ No.

COMM. ROSEL No.

JUDGE RUIZ I'll assure you.

ALTON COOK I don't believe they will. What's your understanding of that, Jimmy.

COMM. SANCHEZ If we're going to do that, let's go ahead and recommend them, that they be the architect.

JIMMY STEIDINGER Fleur Daniel...

ALTON COOK Fleur Daniel is a project manager, construction manager type firm.

COMM. SANCHEZ Yeah, also architect.

COMM. CAMARILLO What do we have that we...

JUDGE RUIZ That is, again, that is, you know, a difference of opinion.

COMM. ARCAUTE Yeah.

JUDGE RUIZ I'm telling you that DeStefano and Associates will negotiate a contract for project manager, with this Commissioners' Court.

COMM. ROSEL I agree with you.

JUDGE RUIZ And that's a fact.

COMM. ARCAUTE And I know that they would do a better job than Fleur Daniels.

COMM. ROSEL I know they will.

JUDGE RUIZ Well.

ALTON COOK Well, ah, ah...

COMM. ARCAUTE That's my opinion.

JUDGE RUIZ Your opinion, good. (LAUGHTER) Okay.

COMM. ROSEL Well...

JUDGE RUIZ See, you see...

COMM. ROSEL I'm thinking about Fleur Daniel.

JUDGE RUIZ ...now, those, those are real serious things that you cannot talk to in the Workshop, Commissioner, it's, it's...

COMM. ROSEL Judge, again, once again, you stated here that we rejected any or, any players or any vendors by, ah, ah, recommended by the Corporation. That's what you stated, just a few minutes ago.

JUDGE RUIZ Huh-hum.

COMM. ROSEL So, essentially by our rejecting then we have none.

JUDGE RUIZ No, they have a commitment to them, we don't.

COMM. ROSEL There's no commit.., well...

JUDGE RUIZ They took action...

COMM. ROSEL ...ah, verbal commitment, oh, okay, yeah, that's true.

JUDGE RUIZ ...they, they, they made a motion and action and took vote to name, ah.., Vitteta and Kelly-Munoz, as their architects and Fleur Daniels as their construction managers. They haven't negotiated a contract, nothings signed, okay; but they have been named. That is intent. We have no intent, because we rejected the recommendation, of the Board.

COMM. ROSEL Were the three areas that...

COMM. CAMARILLO I don't think that we have recomm.., that we have rejected. We have never acted on it.

JUDGE RUIZ We took action rejecting the recommendation.

COMM. ROSEL Well, it was a recommendation by Legal Counsel,

based on the fact that there may be some previous problems, in action, taken before...

JUDGE RUIZ

We rejected the action.

COMM. ROSEL

...the Commissioners' Court.

JUDGE RUIZ

This Commissioners voted...

COMM. ROSEL

I mean, before the Corporation.

JUDGE RUIZ

...in favor, 5-0, to reject their recommendation.

COMM. ROSEL

In the, in the letter that I sent you, I asked you to call a workshop for the fact that we need to discuss the, the, the selection of an architect, number two, ah, exorbitant soft costs and number three, ah, to find out if they had corrected any previous action that, that may inhibit the project. Three areas that I thought, and I still think, that need to be cleared up.

JUDGE RUIZ

But those things, see Commissioner, in a workshop and, and, and I think you've expressed it perfectly, and, and it is a matter of opinion. You, in a workshop, you, as an individual, as County Commissioner, can say, "I am totally against the fees", Commissioner Sanchez as an individual can say, "I disagree with this, because they have no experience, and I've checked with the Jail Commission"; Commissioner Camarillo, as they say, will say, "I like DeStefano". I mean, but there is no action, you see they are individual decisions and comments, ah, that are being made and we will walk out of there, that workshop, with no decision. Mr. Cook is saying, "they are national concern, they have experience, in, not over design and design, but, process, how to work it", okay. That's what he's saying. So, you see, all, and they're all good comments, there's nothing wrong with, with expressing your opinion, but what I'm saying is, that there is no decision. They have to go back and make their own and we have to come back and make our own, or concur with theirs, if they want us to concur. I'm saying, "if you wanna take, get this project on the road, let's action"; and it is a process and this is the person who will do that process. Then we call a workshop and say, "Commissioners' Court has decided to and has named this particular firm and

has decided on this process; now, Committee, do you as a group, want to make decisions on the rest, do we de., do we continue, on this process or de we not". Then it's clear-cut, right now we're all...

COMM. ARCAUTE Judge, I thought you said earlier that...

COMM. CAMARILLO I feel that we have reversed the process.

COMM. ARCAUTE Yeah, it's gonna be either, either them or us.

JUDGE RUIZ Fine, if that's the decision we want to make let's make it.

COMM. ARCAUTE No, no, no, no. That's not the decision we're gonna make, it's the decision that was made when this non-profit was structured.

JUDGE RUIZ It has been made, yes.

COMM ARCAUTE Okay, so, it's not the decision that we're making, today, but...

COMM. SANCHEZ So, we just give them a vote of confidence and keep going.

JUDGE RUIZ If you want to give them a vote of confidence say, "listen, go!".

COMM. ARCAUTE So, actually what we would, should be doing, "hey, would you accept our recommendations, we want to be a part of your team", but not for us to name a team and they name them as a part of the team. That's a separate, ah...

JUDGE RUIZ That's exactly, that is totally exactly correct. Now, you and I are talking about the same thing. I, I agree with what you're saying. I think, I think that if we de., if we select, either project manager, construction manager, architect, and choose the proceess, okay, then, we do the project.

COMM. ARCAUTE Right.

JUDGE RUIZ And, if not, let them do their job.

COMM. ARCAUTE So, what are you saying, Judge, it's, you know, it's either we do it or they do it.

JUDGE RUIZ That's exactly right.

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COMM. ARCAUTE

We'll disband that corporation.

JUDGE RUIZ

That's right.

COMM. SANCHEZ

Well, the motion that I have on the table, says that we retain the Committee, which is in essence...

COMM. ARCAUTE

Well, then why don't we do that.

JUDGE RUIZ

Isn't that pretty clear.

COMM. ARCAUTE

If its' not gonna work. Let's not worry about this.

JUDGE RUIZ

It's not gonna work like, like, I, "yes, your, your autonomous, but you better tell me what you're doing".

COMM. SANCHEZ

My, my motion is to retain the Committee and that, in essence, gives them a vote of confidence and I approve that we get together on Friday and, and either instruct them or they come back and instruct us, but really, what Commissioner Arcaute just said, we need to give them a vote of confidence and let them do the project.

COMM. ARCAUTE

No, we have a choice to do that, or us taking it.

COMM. SANCHEZ

Well, that's, that's the choice. That's, that's what we're saying.

COMM. ARCAUTE

I don't know, I don't know how the non-profit, ah...

COMM. SANCHEZ

They'll come back on Friday and tell us.

COMM. ARCAUTE

...what kind of action or whether they met and...

JUDGE RUIZ

It's not close at all, we're very far.

COMM. ARCAUTE

...discuss the, ah, the decision that has been made, you know, and reject the...

ALTON COOK

The Committee has been meeting, for roughly, two years.

COMM. ARCAUTE

Have you met since we rejected your recommendation? I'm going, I'm gonna use plain language, okay, it's taking too long.

JUDGE RUIZ Mr. Cook?

ALTON COOK Ahm, I don't know when you rejected our rec., in fact, I wasn't not, I was not aware that you had con., rejected the, ah, recommendations.

COMM. ARCAUTE The Chairman of your Committee has not advised you that we took this action?

ALTON COOK No.

COMM. ARCAUTE He hasn't?

COMM. ROSEL Well, not him.

ALTON COOK So, I guess we haven't had a meeting, per say, ah, I guess the answer to your question is no we haven't had a meeting since you took your action.

JUDGE RUIZ So, in essence, you have not rescinded your...

COMM. ARCAUTE You may have and the Chairman didn't tell you.

ALTON COOK I'm sorry?

JUDGE RUIZ Did you have, did you...

COMM. ARCAUTE (INAUDIBLE)

JUDGE RUIZ ...have you rescinded the action on Gondach/Spear?

ALTON COOK Yes.

JUDGE RUIZ So, there was a meeting.

ALTON COOK But, that, that, that action took place, some-time ago.

JUDGE RUIZ No.

ALTON COOK No? We've been discussing it for, ah, it, that action took place when we started interviewing new architects, when we went through a, ah, ah, our second round of, of interviewing of architectural firms.

JUDGE RUIZ I requested, Hector Guerra and I met with, met with an attorney, so that proper language could be established, to reject your previous name, nomination of Gondach/Spear, as your architect.

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Since you, since your previous, since you, after that took action to put Kelly-Munoz and Vitteta.

ALTON COOK

Well, Committee voted on it, Judge.

JUDGE RUIZ

Yeah, you voted for Kelly-Munoz and Vitteta, I know that.

ALTON COOK

Is that your question? Did the Committee vote on it?

JUDGE RUIZ

No, my, was there action to rescind the previous action, of Gondach and Spear? That's where I think, we got this letter of, saying, you know, we, we, and, and saying, that they had been named previously that they had already done some work and that there was a commitment, even a negotiated contract and wasn't signed; so, we, we requested that, that, ah, there be a motion so, so that, so that there, there not be more legal entanglements, in the corporation, ah, for their previous action and then changing without, without action.

ALTON COOK

It's my opinion that the vote was taken, but, I would, ah...

JIMMY STEIDINGER

Yeah, it was taken, the only thing that we didn't do, so it wouldn't get in, any problem with them, and we wanted an attorney to draw up the proper paper, in proper writing, for that. That was all, but there was a motion, on it -----, but we never did, we hadn't had attorneys to do all the work for us.

ALTON COOK

The Committee voted on, on, on the question and, ahm, but, we don't have any money, we don't have any, ah, legal counsel to, to, ah, draw up those, ahm, that vote and that resolution and once that, once we have that then, ah, it would be, ah, in place. Ahm...

JUDGE RUIZ

Commissioner Sanchez, if you want...

COMM. ARCAUTE

(INAUDIBLE)

JUDGE RUIZ

I'm sorry, if, if we...

COMM. ARCAUTE

I was gonna refer to the rescinding of the...

JUDGE RUIZ

...if we, ah,...

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- COMM. ARCAUTE ...action, from the Committee.
- JUDGE RUIZ ...if, if, if we're going to give them a vote of confidence, what's the workshop for?
- COMM. SANCHEZ Well, Commissioner Rosel, seconded the motion based on the fact that he had requested a workshop to clarify three points that were important to him. Ahm, actually, my motion is that we retain the Committee, at this point, okay; and...
- JUDGE RUIZ That's not of issue.
- COMM. SANCHEZ ...well, no, it was part of the issue, because we were supposedly appointing a team, okay. I, I guess what I'm saying is, if, if the motion, if the action is to retain the Committee, as it is, okay, and ask them to continue the work, that in effect is -----, a new team; and that is a vote of confidence. The workshop is to address the question that Commissioner Rosel has.
- COMM. ROSEL Right, right.
- JUDGE RUIZ Well, that's what I'm saying, Commissioners...
- COMM. SANCHEZ See, and I really feel that we need to get together with these gentlemen in a workshop session, so that we can clear up some of these questions and things that they have done or haven't done and then really, if, if all the minds come together, we can clarify and identify exactly where we're, all are at. Once, we get on the same phase they can go with it, okay.
- JUDGE RUIZ Well, the thing is that...
- COMM. SANCHEZ You, you know you have certain concerns and you've made some very good points, ah, Commissioner Rosel, has also, you know, all of us; so, has Mr. Cook, but the thing is it's been at different times. Why can't we just not have one meeting together, get it all, everybody on the same place and let the Committee run off.
- COMM. ROSEL I think your, your motion should be more to, ah, call for a workshop so that we can discuss with the, ah, with the, ah, with the corporation, ah, their, ah, business, or their, ah, action up to, up to that particular day and also to discuss with them what ideas that we have for, ahm, for,

ah, speeding up the process, from this point.

COMM. SANCHEZ

Let's just say, just an open discussion where we can iron everything out, get on the page and go. It's taking too long already.

JUDGE RUIZ

So, what's your motion?

COMM. SANCHEZ

Motion is that we retain the Committee and that we hold a workshop, as soon as possible, ah,...

TRAVIS HEISTER

That's, that's not on the agenda -----, you can call for a workshop and go -----, but retain or not to retain the Committee, is not on the agenda, it's, it actually it would be a corporation...

COMM. ARCAUTE

We can't hear you, Travis, we got a pretty good idea of what you're saying.

COMM. ROSEL

Can't hear you.

JUDGE RUIZ

Basically, what Travis is saying is that, that the issue, the issue of, which I agree with him, the issue of the in, corporation is not on the agenda...

COMM. SANCHEZ

Okay.

JUDGE RUIZ

... okay.

COMM. SANCHEZ

Consequently what we do is just call for a workshop, that's it.

JUDGE RUIZ

You can call for a workshop; and that doesn't take, one...

COMM. SANCHEZ

Then if, my motion can't be made in the form that I presented it because it's not on the agenda, I'll...

TRAVIS HEISTER

Well, you can call for a workshop, with the Committee and discuss, this, this particular matter that's on the agenda, another day.

COMM. CAMARILLO

I, I like the, the, the points that the, that the Judge made, they're, they're very, very, ah, to the point, but I also like your comments and I also like the other comments that were made by this Commissioners' Court members and I, I feel that, that, ah, the, ah, workshop would be very beneficiary for, ah, the Committee, as well as,

for the Commissioners' Court. Ah, maybe at that time we'll come up with a project team...

JUDGE RUIZ

I, I, I...

COMM. SANCHEZ

Let's clarify my motion...

JUDGE RUIZ

Well, you can't.

COMM. ARCAUTE

Will you restate the motion.

JUDGE RUIZ

You see that's ----- the problem, I, I think that...

COMM. ARCAUTE

Just make a motion for a workshop, let's go, vamonos.

COMM. CAMARILLO

Vamonos.

JUDGE RUIZ

I think that at this point, Commissioners, if, if, if, if, if my recommendation is not going to be, to accept it then, then basically then it's a very clear cut issue, which can be placed on Commissioners' Court agenda, for the following Tuesday, even after the workshop, whether they do it or we do it.

COMM. CAMARILLO

That's right.

COMM. SANCHEZ

Well, the motion is that we hold a workshop on Friday, ah, with the Committee.

COMM. CAMARILLO

I go along with that, Judge.

COMM. SANCHEZ

And then we can set it on the agenda for the following Tuesday for action. Is there a second?

COMM. ROSEL

Ah, si, si.

COMM. SANCHEZ

Ah, si si?

JUDGE RUIZ

All right.

COMM. ARCAUTE

Action is for a workshop.

JUDGE RUIZ

Friday at...

COMM. ARCAUTE

Friday.

JUDGE RUIZ

Same time?

COMM. SANCHEZ

Early.

ALTON COOK Early, I guess. I, I'm going to be out of town, but, ah, I, I'm sure the other Committee members can meet. Ahm, I have to go to a wedding, in Boulder, Colorado.

JUDGE RUIZ I will be also out of town, so, you all can take care of it.

COMM. ARCAUTE Me, too, I'm out of town.

COMM. SANCHEZ Well, let's make it on Monday then.

JUDGE RUIZ Monday?

COMM. SANCHEZ Will you be back by Monday?

ALTON COOK I'll be, I'll be out of town Monday and Tuesday.

COMM. SANCHEZ ----- Monday morning. Will you be around, Jimmy?

JIMMY STEIDINGER Yea, I'll be around, you get all the rest of them.

COMM. CAMARILLO Yeah.

COMM. SANCHEZ Nine o'clock, Monday morning, gentlemen.

COMM. ARCAUTE Why don't we check with the, with the Committee, they may not be available, on a Monday.

COMM. SANCHEZ Can you do that?

COMM. ROSEL Let's just call for a workshop.

ALTON COOK This, this thing has been carried on by two, for over two years, I don't see the urgency, ahm...

COMM. SANCHEZ Monday morning, vamosos.

JUDGE RUIZ Well, let's, ah...

COMM. SANCHEZ Or we do it Friday, como quieras.

COMM. CAMARILLO Monday morning.

COMM. ARCAUTE Tentative.

COMM. ROSEL Monday'd be fine.

COMM. SANCHEZ Tu quieres estar aqui, no, Judge?

COMM. ARCAUTE Well, well, well, we know Jimmy is gonna be here, but how about the other three, you know...

JUDGE RUIZ To me it doesn't matter.

COMM. ARCAUTE ...maybe they got commitments, on Monday.

JUDGE RUIZ I, I know, I know what I want to do, so, I don't have to be in workshop. (LAUGHTER)

COMM. CAMARILLO Yes you do.

COMM. SANCHEZ Then let's do it on Friday.

JUDGE RUIZ No I don't and probably won't be in, anyway. Monday at nine o'clock, tentatively, we'll inform the Committee and you all, and, and let's see what, what, that can be done.

COMM. ARCAUTE ----- on Monday. Is the motion -----

JUDGE RUIZ Nine A.M., Monday morning, tentatively for a workshop.

COMM. ARCAUTE Do we need to vote on that?

JUDGE RUIZ No.

COMM. ARCAUTE So no action on this one?

JUDGE RUIZ No action.

ITEM 6. SHERIFF DEPARTMENT:

A. Budget appropriation - Investigation Fund

A motion was made by Commissioner Arcaute and seconded by Commissioner Rosel, to authorize the appropriation of \$627.94, to item #86, under the Sheriff's Investigation Fund.

MOTION CARRIED.
SEE "EXHIBIT J"

ITEM 7. PCT. #1:

A. Transfer surplus fnds from Pct. 1 to General Fund - to purchase aerosol generator for mosquito control

Commissioner Sanchez explained that the County Auditor would not allow him to pay for the generator, through the Road and Bridge, so he was requesting the transfer of \$5,345.00, from the Road and Bridge to the General Fund, under the Sanitation Department, in order to pay for this item. A motion was made by Commissioner Sanchez and seconded by Commissioner Rosel, to approve the transfer, as presented.

MOTION CARRIED.
SEE "EXHIBIT K"

ITEM 8. PLANNING DEPARTMENT:

A. Subdivisions:

- 1. C.R. Subdivision - Pct. 1

B. Preliminary Plat Approval:

- 1. Rincon Del Valle Subdivision - Pct. 2
- 2. Sioux Estates Unit No. 2 - Pct. 2
- 3. El Sol Subdivision Unit 3 - Pct. 3

8/A

A motion was made by Commissioner Sanchez and seconded by Commissioner Arcaute, to approve the plat of C.R. Subdivision which is located on the southwest corner of Midway Road and Mile 7 North Road, City of Donna, Precinct One.

MOTION CARRIED.
SEE "EXHIBIT L"

8/B/1

A motion was made by Commissioner Arcaute and seconded by Commissioner Camarillo, to give preliminary approval to the plat of Rincon Del Valle Subdivision, which is located approximately 363 feet north of Minnesota Road, on the east side of Tower Road, City of Alamo, Precinct Two. Preliminary plat approval is subject to the following:

- 1) the completion of all paving of the street(s) and meets with the Hidalgo County Subdivision Rules and Regulations

MOTION CARRIED.
SEE "EXHIBIT L"

8/B/2

A motion was made by Commissioner Sanchez and seconded by Commissioner Rosel, to give preliminary approval to the plat of Sioux Estates Unit No. 2, which is located approximately 437 feet north of Sioux Road, on the east side of Tower Road, City of Alamo, Precinct Two; with the condition that the drainage that comes from the curb and gutter street, towards the drainage ditch, to the north, be under ground and be sufficient to accept all the water, from the subdivision. Preliminary plat approval is also subject to the following:

- 1) the completion of all paving of the street(s) and installation of all street signs traffic control devices and testing of street(s) and the subdivision to comply with all the requirements of the County Subdivision Rules and Regulations.

MOTION CARRIED.
SEE "EXHIBIT L"

8/B/3

A motion was made by Commissioner Rosel and seconded by Commissioner Camarillo, to give preliminary approval to the plat of El Sol Subdivision Unit 3, which is located on 4 Mile Line and Trosper Road, City of Palmhurst, Precinct Three; the final approval will not be given until the drainage ditch is finalized and that no lots will be sold until the drainage project is completed or until final approval is given. The preliminary approval is also contingent on the following:

- 1) before final approval the drain dtch adjacent to this subdivision must be completed by the Irrigation District;
- 2) no building permit will be issued;
- 3) street testing, street signs and traffic control devices be installed;
- 4) need to pay \$7,459.20, to the Planning Department, for driveway culvert pipes for 42 lots.

MOTION CARRIED.
SEE "EXHIBIT L"

THE FOLLOWING ITEM IS IN VERBATIM FORMAT

ITEM 9. PURCHASING DEPARTMENT:

- A. Request authorization to extend bid dates for the purchase of gasoline & diesel fueling system for County Wide Road & Bridge

JUDGE RUIZ

Commissioners, I know there's been various discussions amongst Commissioners for this particular issue, ah, as far as I can tell there has been authorization to advertise for bids. There has been a, some recommendations, by some Commissioners, on, ah, on, on specs. Ahm, the Purchasing Agent, who is responsible for setting up plans and specifications for the Commissioners, has not completed her specs. She is working on them, at this point in time, and will come up with a generic set of plans and specs necessary to bid this particular item out. To do that, we need an extension of time, so that those specs

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can be, can be, ah, perfected, ah, I will assure the Commissioners' Court that, that they, in the, in the establishment of her duties of setting up those specs, that, ah, they will be generic, ah, that we will attempt, in the manner, ah, to not exclude any vendor. That we will try, that we will have a, within the request, a, that all bidders certify that their equipment, process, system, ah, is under the guidelines and approved and will pass the muster of the Environmental Protection Agency; ahm, and that it be a system that has accountability, ah, for all departments to use those fueling systems. So, because of that, we are act., asking for at least an extension of one week, to be able to, this thing should have been advertised this past Sunday...

MARY MALDONADO

Yes sir, it was.

JUDGE RUIZ

...to meet the deadline, Commissioners; and, and there was no specs.

COMM. ARCAUTE

We couldn't publish anything Sunday.

MARY MALDONADO

Yes, we published, yes sir.

COMM. ARCAUTE

I'm sorry, I can not hear you.

MARY MALDONADO

Yes, we did. It came out Sunday.

COMM. ARCAUTE

You published...

MARY MALDONADO

Yes sir.

COMM. ARCAUTE

Was it, did it come out in the paper, yesterday?

MARY MALDONADO

Yes, it did.

COMM. ARCAUTE

And you say what, Judge?

JUDGE RUIZ

But we don't have any specs. If a vendor comes in tomorrow...

MARY MALDONADO

Right, I don't have specs yet.

COMM. ARCAUTE

We handed in a set of specs with the cover sheet, that was going to be used for advertisement.

JUDGE RUIZ

Well, and I know and I think we accept that, as a recommendation, as far as the Purchasing A-

gent...

COMM. ARCAUTE They weren't approved by Commissioners' Court, Judge?

MARY MALDONADO The advertisement?

JUDGE RUIZ Well,...

COMM. ARCAUTE Plans and specs, they were submitted with the advertisement.

MARY MALDONADO Yes.

JUDGE RUIZ Well, what I'm, what I'm saying Commissioners, is that, I think that that's the duty of the Purchasing Department and not the duty of Commissioners' Court.

COMM. ROSEL I agree with you, I think that she should come up with a list of specs...

COMM. ARCAUTE Commissioners' Court can not, ah, tell our Purchasing Agent.

JUDGE RUIZ I think you can tell them, in gen., in, in general terms what you need. You need a fueling system, it has, it has to be accoun., accountable, for the people who use it; it should meet EPA regulations, it should be above-ground, ah, these type of things, but she sets the spec.

COMM. ARCAUTE Okay.

JUDGE RUIZ In my opinion...

COMM. ARCAUTE Can I have my copy of the specs, then...

MARY MALDONADO Yes sir.

COMM. ARCAUTE ...I don't want to recommend those.

JUDGE RUIZ ...and I think that we would...

COMM. ARCAUTE ...not mine, as a precinct, do you want, all want to do something else, but Precinct Two, would like to have that copy that was submitted by this Court...

JUDGE RUIZ ...I think you...

COMM. ARCAUTE ...and authorize to, to reject it or rescind the

action...

JUDGE RUIZ

...I think what...

COMM. ARCAUTE

...let's do it right, Judge.

JUDGE RUIZ

Well, Commissioner...

COMM. ARCAUTE

We, we keep getting into all these situations, because of that...

JUDGE RUIZ

Well, the thing is...

COMM. ARCAUTE

...and I'm not gonna be, ah, sit here and be...

JUDGE RUIZ

...I think that we achieve what each Commissioner wants to achieve, at this point in time...

COMM. ARCAUTE

No, we haven't.

JUDGE RUIZ

...if, if, if the bids that come in, are not what the Commissioners' Court want to buy, then it's the responsibility of Commissioners' Court to reject them and rebid.

COMM. SANCHEZ

Yeah, but...

COMM. ARCAUTE

Very well.

JUDGE RUIZ

It's not, it's not...

COMM. ARCAUTE

Very well. All right.

COMM. SANCHEZ

I don't even, you want another week?

COMM. ARCAUTE

Let's extend it, yeah, let's extend it.

JUDGE RUIZ

Yeah, we want it, and, and she will come up with some generic forms and we will advertise...

COMM. SANCHEZ

What you say, in addition to the ones that Commissioner Arcaute submitted or those are going to be taken into account and from there you get a generic set or, or how? Because, he did submit some...

COMM. ARCAUTE

The Court approved those.

COMM. SANCHEZ

...and they were approved by the Court...

COMM. ARCAUTE

You want to change those...

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COMM. SANCHEZ ...and we gave Commissioner Rosel an extra week to come up with additional specs.

JUDGE RUIZ I did, well, I think the specs were of issue, I think, that the authorization was to advertise for bids, I didn't see anywhere, where there was action taken to accept the specifications...

COMM. ROSEL Exactly.

JUDGE RUIZ ...Commissioner.

COMM. ROSEL You're right.

JUDGE RUIZ I know they were discussed, twice.

COMM. ARCAUTE Right.

JUDGE RUIZ But, I don't think that...

COMM. ARCAUTE Let me say this again, for the third time, what was published in the newspaper yesterday?

MARY MALDONADO Well, it was...

COMM. ARCAUTE What came out in the newspaper yesterday?

MARY MALDONADO The advertisement...

COMM. ARCAUTE Do you have copies of what came out in the...

MARY MALDONADO I don't have it with me, sir, it's upstairs.

COMM. ARCAUTE I'd like to see it.

JUDGE RUIZ You didn't give us...

COMM. ROSEL Did it have some -----

COMM. CAMARILLO No it didn't.

MARY MALDONADO No, it had, ah...

COMM. CAMARILLO It never had.

COMM. SANCHEZ Judge?

JUDGE RUIZ The specs, the specs will be handed when, when the vendor is interested, the specs will be handed to them and he or she may try to meet those specifications.

COMM. CAMARILLO It's too costly to publish all the...

COMM. ARCAUTE Absolutely, I'm just curious, to see what came out in print.

JUDGE RUIZ The print is, is, in a very generic issue, where the, Commissioners' Court is wanting to purchase a fueling system that has accountability, ah, in the process for all departments to use.

COMM. ARCAUTE Could you define it for my sake, ah, Judge, what you mean by generic?

JUDGE RUIZ Well, I think that it is, it is, I think the responsibility of the Purchasing Agent to, to make a general set of specs whereby...

COMM. ARCAUTE Just the word generic, Judge, would be...

JUDGE RUIZ ...whereby they, any person who is in that business can submit their bids. At that point in time, it is up to Commissioners' Court to accept and reject any and all bids whether it be low bid or something that's more acceptable to Commissioners' Court.

COMM. ARCAUTE Oh, I understand that, I've been here long enough to understand that. But that wasn't my question.

JUDGE RUIZ I, I...

COMM. ARCAUTE You're not going to answer the question...

JUDGE RUIZ ...gen..., gen..., generic, what generic means is for everybody to bid.

COMM. ARCAUTE Is that what it means?

COMM. SANCHEZ Actually...

COMM. ARCAUTE Is that what it means?

COMM. SANCHEZ ...in, in medical terms, generic versus a brand name, ah, is basically a product that will do the same as the other one, without having a brand name.

JUDGE RUIZ Medically, I presume you're right. (LAUGHTER)

COMM. SANCHEZ So, here what he's saying is, you submitted a set of specs and they want another set of specs,

for tanks that will do the same thing, but, won't cost as much.

COMM. ARCAUTE

No, no, I understand, I mean, I just want to make sure that, all of this goes on record, you know, 'cause I don't want to, you know, three months from now, I know what's happened before, you know, that's the reason I'm bringing this point, to ask that every word, everything that is being said here. I just want that record to show, where I come from, okay.

JUDGE RUIZ

I think...

COMM. ARCAUTE

Or where this Court really, to maintain it's...

JUDGE RUIZ

I think Commissioners' Court is always in the drivers seat, Commissioners, okay...

COMM. SANCHEZ

We don't have a problem with another week, Judge.

COMM. ARCAUTE

(INAUDIBLE)

COMM. SANCHEZ

Do you want that as a motion?

JUDGE RUIZ

And, and, and basically whatever comes in as specs, I think that each individual Commissioner has a right to accept any bid.

COMM. ARCAUTE

We know that, Judge.

JUDGE RUIZ

And I, and, and because of that I think that, that's why the, the specs that, that the Purchasing Agent, ah, should, should recommend, to this Commissioners' Court, is something, is, is something that it, that will be, give an opportunity for everyone to bid. You cannot, it cannot be restrictive. I can't tell you it's illegal, but I'm saying for, for the sake of Commissioners' Court to have all the options open, the most generic specs are the best, okay, and I think that once we get those bids, then the Commissioners' Court, each individually can say, Commissioner Rosel, "I like this brand name and it's, what it does and this is what it costs and this is what I want".

COMM. SANCHEZ

I think may.., maybe, that...

JUDGE RUIZ

If you've got the money, you buy.

COMM. SANCHEZ

I think the word that might be more applicable is just, a general set of specs that anybody can bid on rather than a generic set of specs.

COMM. ROSEL

I agree with you, Judge, I think that this is better a course of, of action than, than previously recommended...

COMM. SANCHEZ

You need one more week.

COMM. ROSEL

...by my, or, by me or by an other Commissioner, here. Ah, so I'm going to make a motion that we, ah, extend the bid dates, ah, for the purchase of gasoline and diesel fueling system, County wide and, and, ah, County wide Road and Bridge.

COMM. SANCHEZ

The motion is in...

JUDGE RUIZ

----- request another week, on extension. Is there amotion to that effect.

COMM. ROSEL

I so move.

COMM. SANCHEZ

To give it another week, so move.

COMM. ROSEL

Second.

JUDGE RUIZ

Purchasing Agent, another week, we extend that date, the date that you got previously one more week, so...

MARY MALDONADO

Yes sir.

JUDGE RUIZ

...so, you can appropriately give any person who wants to come in and, and provide a bid, proper set of specs.

MARY MALDONADO

That is fine.

JUDGE RUIZ

There's a motion and a second to extend another week of the bidding procedure, for the purchase of the fueling system, being gasoline and diesel, or both, for County Wide Road and Bridge. All in favor, signify by saying aye.

COMMISSIONERS

Aye.

JUDGE RUIZ
(SEE "EXHIBIT M")

All opposed same sign. Motion carries.

ITEM 10. URBAN COUNTY:

- A. City of La Joya - Street Improvements bid award
- B. Approval of Change Order No. 1 - Good Valley Ranch - TCDF - No. 702035
- C. Approval of bills

10/A

Raul Lozano informed the Court that the City of La Joya is requesting approval of a contract with Sascon, Inc., for street improvements, to Coyote Drive. The contract is for \$69,140.80, which is the low bid. A motion was made by Commissioner Rosel and seconded by Commissioner Camarillo to approve the low bid submitted by Sascon, Inc. for street improvements, in the City of La Joya.

MOTION CARRIED.
SEE "EXHIBIT N"

10/B

Mr. Lozano also stated that they were requesting approval of a change order number one, which was a decrease of \$782.00, on Good Valley Ranch. This change order was under the Colonia Project. A motion was made by Commissioner Rosel and seconded by Commissioner Camarillo, to approve a change order decreasing the contract that we have by \$782.00, on the contract with D & V Construction Company, out of Alamo.

MOTION CARRIED.
SEE "EXHIBIT N"

10/C

A motion was made by Commissioner Sanchez and seconded by Commissioner Arcaute, to approve the 1991 Urban County bill #6331 in the amount of \$3,036.00; the 1992 Urban County bills #6332 and #6333 totaling \$12,349.27; the 1993 Urban County bills #6334 thru #6342 totaling \$48,089.45; the Colonia 1A Program bills #6343 thru #6344 totaling \$6,999.99; the Colonia II Program bill #6345 totaling \$12,684.00 and the HOME Program bills #6346 thru #6349 totaling \$14,017.00. The total Urban County Memorandum to be approved is \$97,175.71.

MOTION CARRIED.
SEE "EXHIBIT N"

ITEM 11. AUTHORIZATION TO ENTER INTO BRIDGE REPLACEMENT CONTRACT WITH TEXAS DEPARTMENT OF TRANSPORTATION - Mile 9 North

Vona Walker explained that the Weslaco School District was constructing a new school on Mile 6 West and Mile 9 North and this particular canal crossing qualified for an off-system bridge replacement by the Highway Department. Due to safety factor involved, being that the

school would be opening during the coming school year, the Highway Department had moved the letting of this contract up from August of 1996 to December of 1994. They had met with Commissioner Sanchez and he had expressed a concern on the cost of the project and the Texas Department of Transportation stated that they could not decrease the cost of the project, because of the factors that were involved. The estimated cost to the County would be \$75,574.42, which constituted 20% of the project cost. This project cost could be paid in two installments, one in the amount of \$4,944.12, within thirty days and the balance of \$70,630.00 due forty-five days, before they let the construction contract. She was at this time requesting that the total cost be paid at this time, being that the construction would begin in December. After some favorable comments, from Commissioner Sanchez, he made a motion, which was seconded by Commissioner Arcaute, to enter into a bridge replacement contract with the Department of Transportation, for Mile 9 North, accepting its budget.

MOTION CARRIED.
SEE "EXHIBIT O"

There being no further business to come before the Court, a motion was made by Commissioner Camarillo and 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. PERMIT - City of Alamo

A motion was made by Commissioner Arcaute and seconded by Commissioner Sanchez, to approve a request for permit, by the City of Alamo, for the Rincon Del Valle Subdivision, which calls for a twenty-four inch pipe and also for the Sioux Estates Subdivision Unit No. 2, which calls for an eighteen inch pipe.

MOTION CARRIED.
SEE "EXHIBIT P"

(07/11/94)

0166-15-097

There being no further business to come before the Drainage District, a motion was made by Commissioner Arcaute and seconded by Commissioner Camarillo, that said meeting be hereby adjourned.

MOTION CARRIED.

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 _____
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 11TH day of JULY, 1994.

ATTEST:

WILLIAM R. LEO, County Clerk
Hidalgo County, Texas

By: _____
Jennifer Castillo, Deputy

