

RUIZ

J. EDGAR RUIZ
HIDALGO COUNTY JUDGE

Tenny

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, NOVEMBER 01, 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being discussed separately unless requested by a Commissioner, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 - September 28, 1994
2. Approval of Bills - County Auditor
3. Approval of Attorneys' Fees - \$ 152,279.57
4. Approval of Monthly Fee Reports:
 - A. County Clerk - Part I - \$ 85,448.92 - September
 - B. County Clerk - Part II - \$ 103,182.47 - "
 - C. Sheriff Department - \$ 78,079.05 - "
5. Planning Department:
 - A. Subdivisions:
 1. Materiales Cantu Subdivision - Pct. 2
 2. Medcath Subdivision - Pct. 2
 3. Lot 1A & 2A Lauren Subdivision - Pct. 4
 4. Songbird Subdivision - Pct. 4
6. Permits:
 - A. Texas Independent Exploration Co. - Pct. 2
 - B. Sharyland Water Supply Corp. - Pct. 3
 - C. Valley Telephone Coop. - Pct. 3
 - D. North Alamo Water Supply - Pct. 4

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7. Internal Line Item Transfers:
 - A. Detention Center
 - B. Sheriff Department
 - C. J.P. Pct. 4, Pl.1 - Pete Leal
 - D. Youth Village
 - E. Juvenile Probation Department (010-423-610)
 - F. Juvenile Probation Department (010-423-300)
 - G. Adult Probation Department
 - H. Pct. 2 - parks
 - I. County Judge

Dated this the 27th day of October, 1994.

RUIZ

J. EDGAR RUIZ
HIDALGO COUNTY JUDGE
NOTICE

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, NOVEMBER 01, 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:

1. Tax Assessor/Collector:
 - A. Tax Refund:
 1. Alberto Kreimerman - \$ 812.43
2. Juvenile Probation Department:
 - A. Acceptance of 1995 Grant - \$ 259,331.00
3. Adjust budget - Worker's Compensation
4. J.P. Pct. #3, Pl.1:
 - A. Appropriation & adjustment of funds
5. Health Department:
 - A. Authorization to eliminate one (1) position - Grants/Program Coordinator
 - B. Authorization to create three (3) positions
 - C. Set salaries for three (3) positions
6. Sheriff Department:
 - A. Authorization to amend previous action on the bid for the purchase of bullet proof vests
7. Approval of Court Reporter's Fees:
 - A. Shirley A. Ralston - \$ 2,406.00
8. Budget Amendments:
 - A. Court Reporter's Fees - \$ 4,000.00
 - B. 93rd District Court - \$ 1,275.00
 - C. Vital Statistics - \$ 1,800.00
9. Pct #4:
 - A. Resolution authorizing 2-way stop Intersection
10. J.D. Salinas, Project Coordinator:
 - A. Rescind order Item #7c on Commissioners' Court Agenda - June 21, 1994 & item #14b on Commissioners' Court Agenda - October 25, 1994 - One (1) 1989 Ford pickup VIN #1FTEE15Y2KKA97105
 - B. Authorization to enter into an Agreement between Tropical Texas MH/MR & Hidalgo County (Sheriff's Department)

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11. Purchasing Department:
 - A. Action to rescind motion to cancel & reinstate Fuel Contract
 - B. Authorization to exempt fuel from bidding process
 - C. Award bids:
 1. One (1) 1995 Van - Adult Probation Department
 2. Paving of Diamond L Subdivision - Pct. 3
 3. Gasoline & diesel - Hidalgo County
 - D. Authorization to purchase tires through the State of Texas Contract

12. Urban County:
 - A. City of Weslaco - HOME - Construction Contract Award
 - B. HOME - "First-time Homebuyer Contract Agreements & Letter of Commitment"
 - C. Approval of bills

13. Community Service Agency:
 - A. Approval of the following:
 1. MTP Transportation Subcontractor Amendment
 2. CEAP Contract 94-95

Dated this the 27th day of October, 1994

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HIDALGO COUNTY JUDGE

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ADDENDUM

1. Authorization to allow County to pickup debris from Private Property associated with October 25th & 26th storm
2. Waiver of Certificate of Compliance for homes damaged from the October 25th & 26th Storm

Dated this the 28th day of October, 1994

R U I Z

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HIDALGO COUNTY JUDGE

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ADDENDUM

1. Pct. #1:
 - A. Approval for Technical Assistance for reactivating Wastewater Permit for Delta Lake Park & authorization to remit payment

Dated this the 31st day of October, 1994.

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HIDALGO COUNTY JUDGE
NOTICE

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1. Executive Session:

Commissioners' Court may go into Executive Session pursuant to Chapter 551, Texas Government Code, Sections 551.071, 551.072 & 551.074 to discuss the following matter:

- A. Engrar, N.V. & Manfar, N.V. vs. Hidalgo County Appraisal District (Ramifications of case to Hidalgo County)
- B. Rescind the Agreement with Edinburg Hospital Authority, Rescind Release & Rescind Agreement with City of Edinburg regarding Old Grandview Hospital Property
- C. New Agreement with Edinburg Hospital Authority, New Release, & New Agreement with City of Edinburg regarding Old Grandview Hospital Property

2. Open Session:

- A. Engrar, N.V. & Manfar, N.V. vs. Hidalgo County Appraisal District (Ramifications of case to Hidalgo County)
- B. Rescind the Agreement with Edinburg Hospital Authority, Rescind Release & Rescind Agreement with City of Edinburg regarding Old Grandview Hospital Property
- C. New Agreement with Edinburg Hospital Authority, New Release, & New Agreement with City of Edinburg regarding Old Grandview Hospital Property

Dated this the 27th day of October, 1994

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HIDALGO COUNTY JUDGE
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DRAINAGE DISTRICT

1. Permit - U.S. Corps of Engineers

Dated this the 27th day of October, 1994

THE STATE OF TEXAS :

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 1ST day of NOVEMBER, 1994, after due notice having been given, there was begun and holden, a SPECIAL MEETING of the Commissioners' Court and the Drainage District, in the Commissioners' Courtroom of the Administration Building in the City of Edinburg, Hidalgo County, Texas with the following members of said Court present and participating:

Hon. J. Edgar Ruiz
County Judge

Hon. Samuel Sanchez
County Commissioner, Precinct #1

Hon. Lalo Arcaute
County Commissioner, Precinct #2

Hon. Juan Rosel
County Commissioner, Precinct #3

Hon. Leonard Camarillo
County Commissioner, Precinct #4

WHEREUPON, the following proceedings

were had, to-wit:

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NOVEMBER 1, 1994

In the absence of the County Judge, the Honorable Abelardo "Lalo" Arcaute, County Commissioner for Precinct Two, called the Commissioners' Court meeting to order whereupon the following proceedings were had, to-wit:

CONSENT AGENDA
 =====

ITEM 1. APPROVAL OF MINUTES - September 28, 1994

ITEM 2. APPROVAL OF BILLS - County Auditor

General Fund	- #103838	- #103974	- \$1,410,017.67
Special Revenue Fund	- #103604	- #103811	- \$ 874,098.64
Debt Service Fund	- # 942	- # 943	- \$ 12,616.58
Trust and Agency Fund	- # 4395		- \$ 24,998.56
Enterprise Fund	- # 2088	- # 2096	- \$ 4,942.18

(SEE "EXHIBIT A")

ITEM 3. APPROVAL OF ATTORNEYS' FEES - \$152,279.57
 (SEE "EXHIBIT B")

ITEM 4. APPROVAL OF MONTHLY FEE REPORTS:

A. County Clerk Part I	- \$ 85,448.92	- September
B. County Clerk Part II	- \$103,182.47	- "
C. Sheriff Department	- \$ 78,079.05	- "

(SEE "EXHIBIT C")

ITEM 5. PLANNING DEPARTMENT:

- A. Subdivisions:
1. Materiales Cantu Subdivision - Pct. 2
 2. Medcath Subdivision - Pct. 2
 3. Lot 1A & 2A Lauren Subdivision - Pct. 4
 4. Songbird Subdivision - Pct. 4

5/A/1

Materiales Cantu Subdivision is located 1470 feet south

from F.M. 3072, on the east side of U.S. Highway 281, City of Pharr, Precinct Two.
(SEE "EXHIBIT D")

5/A/2

Medcath Subdivision is located on the south side of Ridge Road and just west of McColl Road, City of McAllen, Precinct Two.
(SEE "EXHIBIT D")

5/A/3

Lot 1A & 2A Lauren Subdivision is located on the southwest corner of Upas Avenue and North 23rd Street, City of McAllen, Precinct Four.
(SEE "EXHIBIT D")

5/A/4

Songbird Subdivision is located on the northeast corner of North 10th Street and Robin Avenue, City of McAllen, Precinct Four.
(SEE "EXHIBIT D")

ITEM 6. PERMITS:

- A. Texas Independent Exploration Co. - Pct. 2
- B. Sharyland Water Supply Corp. - Pct. 3
- C. Valley Telephone Coop. - Pct. #3
- D. North Alamo Water Supply - Pct. 4

6/A

In Precinct Two, Texas Independent Exploration Company is requesting a permit for a three and a half inch steel gas line to go along Highline Road, beginning east of Stewart Road and ending east of Morningside Road (approximately 7/8 of a mile).
(SEE "EXHIBIT E")

6/B

In Precinct Three, Sharyland Water Supply Corporation is requesting a permit for a one inch water line to cross Shary Road at the 7 1/2 Mile Line.
(SEE "EXHIBIT E")

6/C

In Precinct Three, Valley Telephone Cooperative is requesting a permit to bury a cable along an extension of F.M. 681, south of F.M. 490.
(SEE "EXHIBIT E")

6/D

In Precinct Four, North Alamo Water Supply is requesting a permit for two inch lines to cross Anderson Road, 500 feet east of Val Verde Road and a road crossing in Hargill.

(SEE "EXHIBIT E")

- ITEM 7. INTERNAL LINE ITEM TRANSFERS:
 - A. Detention Center - \$28,750.00
 - B. Sheriff Department - \$10,600.00
 - C. J.P. Pct. 4, Pl. 1 - Pete Leal - \$193.22
 - D. Youth Village - \$76,750.00
 - E. Juvenile Probation Department (010-423-610) - \$11,600.00
 - F. Juvenile Probation Department (010-423-300) - \$15.00
 - G. Adult Probation Department - \$820.00
 - H. Pct. 2 - Parks - \$1,000.00
 - I. County Judge - \$606.38

(SEE "EXHIBIT F")

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

MOTION CARRIED.
SEE "EXHIBITS A-F"

REGULAR AGENDA
=====

- ITEM 1. TAX ASSESSOR/COLLECTOR:
 - A. Tax Refund:
 - 1. Alberto Kreimerman - \$812.43

A motion was made by Commissioner Sanchez and seconded by Commissioner Camarillo, to authorize a tax refund, of \$812.43, to Alberto Kreimerman, as requested by the Tax Office.

MOTION CARRIED.
SEE "EXHIBIT G"

- ITEM 2. JUVENILE PROBATION DEPARTMENT:
 - A. Acceptance of 1995 Grant - \$259,331.00

Buddy Silva, Juvenile Probation Director, came before the Court

requesting acceptance of the 1995 grant, totaling \$259,331.00. He mentioned that no match was required and these were basically emergency funds that were being provided, for residential services. A motion was made by Commissioner Rosel and seconded by Commissioner Camarillo, to accept the 1995 grant, for the Juvenile Probation Department, as presented.

MOTION CARRIED.
SEE "EXHIBIT H"

ITEM 3. ADJUST BUDGET - Workers' Compensation

Commissioner Arcaute informed the Court that there had been some adjustments made in the workers' compensation fund and in their packs, the Commissioners had a list which specified the remaining balance in each particular department. He mentioned that the County Judge was recommending that the balances of the departments in the General Fund, which totaled to \$366,092.25, be returned to the General Fund fund balance. Under the Road and Bridge Fund, the recommendation was for the Administration and County Shop balances, be transferred into the Road and Bridge County Wide Fund and that the County Precincts keep their balances in line item #11, to be transferred at a later date, as they see fit. Mrs. Loura Etnire then stated that she had a question with regards to the District Attorney's Bad Check balance and it was recommended that they remain as they are. With respect to the County Clerk's Records Management, Voters Registration, Law Library and Youth Village balances, these would all go to the surplus account. Under the Park Fund, the balances would be dispersed as in the Road and Bridge Fund. Commissioner Sanchez then stated for the record, that this money was a result "primarily of the fact, that we minimized the number of claims to workerman's comp, throughout the year", and Mrs. Etnire responded that it was correct, with the addition of a 20% discount. A motion was then made by Commissioner Camarillo and seconded by Commissioner Rosel, that all the monies under the Workers' Compensation, Item 11, will return to the General Fund, which totals \$366,092.25; all the monies under line item #11, under Precincts 1, 2, 3 and Four, Road and Bridge Fund will stay in those particular Precincts, as well as the Park Fund, under the Precincts; the District Attorneys' Bad Check account which is \$521.00 will go back to the bad chec account, the County Clerk Records Management, Voters Registration, Law Library and Youth Village will stay in those individual accounts; Administration and County Shop Road and Bridge will go to Road and Bridge County Wide.

MOTION CARRIED.
SEE "EXHIBIT I"

- ITEM 4. J.P. PCT. #3, PL. 1:
A. Appropriation & adjustment of funds

Commissioner Sanchez questioned the transfer of monies into the 03 category, and Commissioner Arcaute mentioned that this was a special circumstance, whereby Judge Corpus need the monies in 03 to compensate an employee who had resigned, and reimburse for vacation pay. A motion was made by Commissioner Rosel and seconded by Commissioner Camarillo, to accept the appropriation and adjustment, of \$1,201.00, for J.P. Precinct Three, Place One.

MOTION CARRIED.
SEE "EXHIBIT J"

- ITEM 5. HEALTH DEPARTMENT:
A. Authorization to eliminate one (1) position - Grants/Program Coordinator
B. Authorization to create three (3) positions
C. Set salaries for three (3) positions

Dr. Omar Garza, Health Director, came before the Court requesting the elimination of a grants/program coordinator position, which had been created previously. Apparently, the reason for the request was due to it not being allowed under the grant, as it was being requested by a County Health Department and not a coalition, as was understood by the State Health Department. He continued by saying that he was presently in the process of forming a coalition, in conjunction with the Texas A & M University Nutrition group, BARCA and several others, in order to try to make this area eligible for not only these funds, but for other funds. Dr. Garza continued by saying that he had been looking for other ways to repair the motor home, which has been completed, and he was looking for other funds to put this vehicle out on the road. The only alternative that he could find was to eliminate this position. Commissioner Sanchez then reiterated that the request at this time was that the grant that we thought we had, funded three positions, but as it was not approved, he was needing to eliminate this position in order to create the three positions that were needed, to man the mobile clinic. It was then reported that as of August 31st, the Health Department had \$32,859.00 in unexpended funds and this with the salary from the eliminated position would give the department a total of \$62,000.00 at the end of the fiscal year. The proposed salaries for the mobile clinic total to \$69,457.00, which they intend to break down to ten months, which will expire at the end of the 1995 fiscal year. These funds will be coming from the Bureau of Women and Children fund. A motion was then made by Commissioner Sanchez and seconded by Commissioner Camarillo, to authorize the Health Department to eliminate the Grants/Program Coordinator position, and that the \$30,000.00 be used to create three positions, that will fund the mobile health program and that we go ahead and set salaries for the three positions at \$34,000.00 for an

RN, \$22,257.00 for an LVN and \$13,200.00 for a clerk/driver and that the positions be for ten months.

MOTION CARRIED.
SEE "EXHIBIT K"

ITEM 6. SHERIFF DEPARTMENT:

- A. Authorization to amend previous action on the bid for the purchase of bullet proof vests

Dick Dickinson, Chief of Administration, explained that for the bullet proof vests, two vests had been sent in a samples, by the same manufacturer and bid on by two of their vendors. He continued by saying that there had been a misinterpretation with regards to which vest was which and the vest, that was low bid at \$541.76, did not meet the specs. He was asking that they accept the bid for \$564.52, as the low bid of the vest that meets the specifications and this would entail an increase in the appropriation of \$1,707.00. He said that this money he already had in the appropriate line item, so no action was actually needed for this. A motion was then made by Commissioner Camarillo and seconded by Commissioner Sanchez, to amend previous action taken by this Commissioners' Court, with regards to the awarding of the bid for the purchase of bullet proof vests, as requested.

MOTION CARRIED.
SEE "EXHIBIT L"

ITEM 7. APPROVAL OF COURT REPORTERS' FEES:

- A. Shirley A. Ralston - \$2,406.00

A motion was made by Commissioner Rosel and seconded by Commissioner Sanchez, to approve court reporters' fees to Shirley A. Ralston, in the amount of \$2,406.00, as presented.

MOTION CARRIED.
SEE "EXHIBIT M"

ITEM 8. BUDGET AMENDMENTS:

- A. Court Reporters' Fees - \$4,000.00
- B. 93rd District Court - \$1,275.00
- C. Vital Statistics - \$1,800.00

(11/01/94)

7

A motion was made by Commissioner Sanchez and seconded by Commissioner Rosel, to authorize a budget amendment of \$4,000.00, for Court Reporters' Fees, as presented.

MOTION CARRIED.
SEE "EXHIBIT N"

8/B

A motion was made by Commissioner Sanchez and seconded by Commissioner Camarillo, to approve a budget amendment of \$1,275.00, for liability insurance, under the 93rd District Court, as presented.

MOTION CARRIED.
SEE "EXHIBIT N"

8/C

A motion was made by Commissioner Sanchez and seconded by Commissioner Rosel, to authorize a budget amendment of \$1,800.00, for vital statistics, under Aid to Other Governments.

MOTION CARRIED.
SEE "EXHIBIT N"

ITEM 9. PCT. #4:

A. Resolution authorizing 2-way stop intersection

Commissioner Camarillo indicated that he was requesting approval to relocate some signs that were presently placed east and west on the intersection of Mile 17 Road and "M" Road and place them north and south on this same intersection. For this latter request he was requesting that a resolution be approved. He then made a motion to this effect, which was seconded by Commissioner Sanchez and it carried unanimously.

MOTION CARRIED.
SEE "EXHIBIT O"

ITEM 10. J.D. SALINAS, Project Coordinator:

- A. Rescind order Item #7C on Commissioners' Court Agenda - June 21, 1994 & item 14B on Commissioners' Court Agenda - October 25, 1994 - One (1) 1989 Ford pickup VIN #FTEE15Y2 KKA97105
- B. Authorization to enter into an Agreement between Tropical Texas MH/MR & Hidalgo County (Sheriff's Department)

10/A

J.D. Salinas came before the Court and stated that last

week he was in Court, requesting that some action be rescinded, on a vehicle that would be used for undercover. He mentioned that the item number that he had requested be rescinded was not correct, on last week's agenda, and at the County Auditor's request he was requesting that this item be rescinded correctly. The correct item to be rescinded is item 7C, of the June 21st agenda and not item #4, as was previously noted. A motion was made by Commissioner Sanchez and seconded by Commissioner Rosel, to rescind action taken on item 14B of the October 25, 1994 Commissioners' Court agenda.

MOTION CARRIED.
SEE "EXHIBIT P"

A motion was then made by Commissioner Sanchez and seconded by Commissioner Rosel, to also rescind action taken under item 7C of the June 21, 1994 Commissioners' Court agenda, to declare said vehicle surplus.

MOTION CARRIED.
SEE "EXHIBIT P"

10/B

Mr. Salinas then indicated this item had been brought to Commissioners' Court previously and they had continued to negotiate the terms, with regards to the number of deputies that would be assigned under this contract. He continued by saying that after negotiations the terms were for only two deputies, with MH/MR paying \$30,000.00 per year, with the contract commencing September 1st, 1994 and ending August 31st, 1995. He added that MH/MR has also agreed to provide a vehicle, as well as insurance, for that vehicle. Commissioner Rosel then asked him if this service was only being provided for this County and Mr. Salinas responded that it was, with occasional trips to Cameron, at the direction of MH/MR. A motion was then made by Commissioner Camarillo and seconded by Commissioner Rosel, to enter into agreement with Tropical Texas MH/MR, as presented.

MOTION CARRIED.
SEE "EXHIBIT P"

ITEM 11. PURCHASING DEPARTMENT:

- A. Action to rescind motion to cancel & reinstate Fuel Contract
- B. Authorization to exempt fuel from bidding process
- C. Award bids:
 - 1. One (1) 1995 Van - Adult Probation Department
 - 2. Paving of Diamond L Subdivision - Pct. 3
 - 3. Gasoline & diesel - Hidalgo County
- D. Authorization to purchase tires through the State of Texas Contract

11/A

Commissioner Arcaute mentioned that this was a request to rescind the motion cancelling the contract with GoldStar Fuel and reinstate said contract. Commissioner Sanchez then stated that he felt that this item was only on the agenda, for consideration, after Mr. Rodriguez contacted the various departments. Commissioner Camarillo then stated that the only problem that he had with the previous contractor, was the pumps, which were installed yesterday. Commissioner Rosel then added that that may have taken care of his problem, but it did take care of the problems being had by the other departments, but he did feel that the action to rescind, should be taken. Commissioner Arcaute then said that the original specs did not specify on where the fueling locations should be located and Travis Heister responded to this by saying that the vendor was not meeting specs, in that he was not supplying the fuel to either the precincts or the departments and this was one of the requirements of the specifications and Commissioner Sanchez concurred. Commissioner Sanchez then added that the new specifications were more specific, with respect to the storage and the fueling locations and even with the new bids, the previous contractor was still not meeting the specs. Commissioner Rosel then brought up the issue of serviceability and he felt that if the vendor was not providing the service then the County should consider this when awarding any bid. Commissioner Sanchez continued his argument, by saying that he did not feel that if they remain with the present provider, that they will get the service that they should be getting. Commissioner Rosel then made a motion to reject the rescindment of the action to cancel the contract and upon further clarification from Legal Counsel, who stated that if this was the case then no action was needed.

The discussion then continued with the issue of the service, being provided by the present contractor, with Commissioner Sanchez bringing up some of the concerns that they had, such as the provision of tanks. Commissioner Sanchez then asked Commissioner Sanchez if he could allow his foreman to make some comments with regards to this problem and his foreman stated that he had asked Mr. Rodriguez, the contractor when they would be delivering the tanks to the Precinct and that Mr. Rodriguez had said that the bid did not specify a certain size and at this time he was still awaiting delivery of said tanks. Mr. Rodriguez then stated that this problem would be taken care of within the next couple of weeks and Commissioner Sanchez then asked him that what would he do for fuel in the meantime. He then continued by addressing other problems that he has had with this contractor and he was wondering if the same problems would occur if he was awarded the bid again, as he was the low bidder again. Commissioner Rosel again stressed that, as per Legal Counsel, Mr. Rodriguez's company was not meeting the specifications and this was why the contract was cancelled. Commissioner Arcaute then stated that he would like to reinstate the contract, as he felt that this action was done prematurely and this was seconded by Commissioner Camarillo. Upon a vote the motion was moot, as Commissioners Arcaute and Camarillo voted in favor of the motion and Commissioners Rosel and Sanchez voted against the motion.

NO ACTION.

11/B

Mary Maldonado, the Purchasing Agent, was requesting the exemption of the purchase of fuel from the bidding procedure, from October 15th, until a new contract is awarded. A motion was made by Commissioner Sanchez and seconded by Commissioner Rosel, to this effect, and it carried unanimously.

MOTION CARRIED.

11/C/1

Ms. Maldonado reported that she had received four bids for the purchase of a 1995 van for the Adult Probation Department. The bids received were from Tip-O-Tex, at a bid price of \$14,444.08; Weslaco Motors, at a bid price of \$16,736.18; Weslaco Ford-Mercury at a bid of \$17,635.61 and Bert Ogden Motors at a bid price of \$14,086.00. She was at this time recommending that the bid be awarded to the low bidder be it Bert Ogden Motors. A motion was made by Commissioner Rosel and seconded by Commissioner Camarillo, to award the bid to Bert Ogden Motors for the purchase of a 1995 passenger van, at a bid price of \$14,086.00, with a trade-in.

MOTION CARRIED.
SEE "EXHIBIT Q"

11/C/2

Ms. Maldonado also indicated that she had received one bid for the paving of Diamond L Subdivision, this being from Mission Paving Company at a bid price of \$2.30 per square yard, or \$5,635.00 total cost. Her recommendation was for the sole bidder. A motion was made by Commissioner Rosel and seconded by Commissioner Camarillo, to accept the bid of Mission Paving in the amount of \$5,635.00.

MOTION CARRIED.
SEE "EXHIBIT Q"

11/C/3

Ms. Maldonado then reported that she had received three bids for the purchase of fuel, these being from Discount Oils, Lubricants & Fuels, Inc.; Border Petroleum and Gold Star Petroleum, Inc. She was at this time recommending that the bid be awarded to Discount Oils, Lubricants & Fuels, Inc., as the low bidder meeting all specifications. A question arose as to why Gold Star had not met specs and the response was that the specification had indicated that a fueling location be located within the City of Edinburg, which Gold Star did not provide for. Commissioner Arcaute then argued that he felt that they should go with the low bid, as should be done and Travis Heister, the Legal Counsel, stated that the rules are to go with the lowest bidder that meets the specifications. After a lengthy discussion regarding the meeting of the specification by the low bidder, a motion was made by Commissioner Sanchez and seconded by Commissioner Rosel, to award the bid to Discount

Oils, Lubricants and Fuels, Inc., for the purchase of gasoline and diesel fuel, as the lowest bid that meets the specifications.

MOTION CARRIED. (COMMISSIONER CAMARILLO VOTED AGAINST THE MOTION.)
SEE "EXHIBIT Q"

11/D

Ms. Maldonado informed the Court that, at the request of this Court, she had done some research on the purchase of tires through the State bid and she was at this time recommending that this County authorize for the purchase of tires, through this contract. She mentioned that the contract indicated the purchase of tires, from fifteen vendors in this County and the prices were also much better than then ones she had acquired. A motion was then made by Commissioner Camarillo and seconded by Commissioner Rosel, to authorize the purchase of tires through the State of Texas contract.

MOTION CARRIED.
SEE "EXHIBIT Q"

ITEM 12. URBAN COUNTY:

- A. City of Weslaco - HOME - Construction Contract Award
- B. HOME - "First-Time Homebuyer" Contract Agreement & Letter of Commitment
- C. Approval of bills

12/A

Anthony Covacevich, Urban County Director, informed the Court and under the HOME Housing Rehab Program, for the City of Weslaco, they had gone out for bids for five dwelling bids. He added that they had received a sole bid from Lerma Construction, at a bid of \$53,000.00. A motion was made by Commissioner Sanchez and seconded by Commissioner Sanchez and seconded by Commissioner Rosel, to award to Lerma Construction, at a bid price of \$53,000.00, for the City of Weslaco's Housing Rehab Program.

MOTION CARRIED.
SEE "EXHIBIT R"

12/B

Mr. Covacevich then stated that he had six applications for approval under the HOME First-time Homebuyer program, these being from Juan Morales, Maria del Carmen Cantu, Heriberto Sandoval, Noemi Zapata, Ramona Zarzoza and Mauro Rucoba. A letter of commitment is also being requested from Farmers Home Administration, for these applicants. A motion was made by Commissioner Rosel and seconded by Commissioner Sanchez, to approve the First-time Homebuyer Program contract agreements and the letters of commitment, as presented.

MOTION CARRIED.
SEE "EXHIBIT R"

12/C

A motion was made by Commissioner Sanchez and seconded by Commissioner Rosel, to approve the 1992 Urban County bills #6901 and #6902 totaling \$7,913.45; the 1993 Urban County bills #6903 thru #6913 totaling \$42,097.14; the 1994 Urban County bills #6914 thru #6917 totaling \$152,163.07; the Colonia II Program bill #6918 in the amount of \$33,234.06; the 1992 HOME Program bills #6919 thru #6921 totaling \$13,428.70 and the CASA Program bills #6922 and 6923 totaling \$519.52. The total Urban County memorandum to be approved is \$249,355.94.

MOTION CARRIED.
SEE "EXHIBIT R"

ITEM 13. COMMUNITY SERVICE AGENCY:

A. Approval of the following:

1. MTP Transportation Subcontractor Contract & Amendment
2. CEAP Contract 94-95

13/A/1

Maribel Navarro-Saenz, Executive Director, came before the Court requesting approval of the medical transportation contracts. She mentioned that she had four amendments, each for eleven months and they were basically contract renewals with Valley Transit, Brownsville Urban Special Systems and Rio Grande Valley Transit d/b/a Airport Taxi. She also had a new contract for Hidalgo County, with El Recreo Adult Day Care Center. She was then advised by Legal Counsel that she could not request approval of this new contract, at this time, as it was not specified on the agenda. She then stated that she would then request approval of contract extensions, at the same rates, with the companys as stated, for a period of eleven months. A motion was made by Commissioner Sanchez and seconded by Commissioners Rosel and Camarillo, to approve the MTP transportation subcontractor contractors and amemdments as presented.

MOTION CARRIED.
SEE "EXHIBIT S"

13/A/2

Ms. Saenz then proceeded to explained that this next item was in reference to the Comprehensive Energy Assistance Program (CEAP) and as the appropriation for the 1995 year has not come in to the State office as of yet, they are reallocating the unexpended funds, so as to begin services. She continued by saying that currently they had about \$12,299.00 available, with the anticipated 1995 funds, for this program being \$1,228,808.00. A motion was made by Commissioner Sanchez and seconded by Commissioner Camarillo, to approve the CEAP

contract, as presented.

MOTION CARRIED.
SEE "EXHIBIT S"

ADD. 1. PCT. #1:

A. Approval for Technical Assistance for reactivating Wastewater permit for Delta Lake Park & authorization to remit payment

Commissioner Sanchez informed the Court that his office had been working to reactivate the wastewater permit for Delta Lake Park and he was bringing a request for payment of services, to Court for approval. The amount is for \$1,000.00, to be paid to Mr. Jaime E. Garza, as well as authorization to pay the State approximately \$2,000.00 in fees. He then made a motion to this effect, which was seconded by Commissioner Rosel and it carried unanimously.

MOTION CARRIED.
SEE "EXHIBIT T"

ADD. 2. AUTHORIZATION TO ALLOW COUNTY TO PICKUP DEBRIS FROM PRIVATE PROPERTY ASSOCIATED WITH OCTOBER 25TH & 26TH STORM

Anthony Covacevich stated that this was basically for damage that had occurred in Alton and he was requesting authorization to allow county personnel to remove debris. The personnel in question are from Precinct Three and Drainage District. Travis Heister, the County Legal Counsel, then stated that he did not feel that the County had the authority to enter private property and Commissioner Rosel stated that there were some instances where palm trees that were planted on the County's right of way, had fallen into private property and he was requesting authorization for this type of problem. Travis Heister then stated that he did not have a problem if, in fact, it was this type of problem, but the County did not have authority to just go in and assist the public and he stressed that they be sure that the debris to be removed was on County property. After further discussion, the Mr. Heister stated that no action was necessary if the debris to be removed was from County right-of-way and had blown into private property and also private property that had blown on to County right-on-way.

NO ACTION.
SEE "EXHIBIT U"

ADD. 3. WAIVER OF CERTIFICATE OF COMPLIANCE FOR HOMES DAMAGED FROM THE OCTOBER 25TH & 26TH STORM

Anthony Covacevich informed the Court that the waiver of the certificate of compliance was being requested in situations where they were expecting to receive some monies from HUD, for the reconstruction and/or rehab work on homes, that had non-complying septic tanks systems. This was mainly for homes that were damaged during the storm, and as most of those had been built before the subdivision regulations, they did not want to have any problems with the repair and reconnection of electrical power, to some of these homes. A motion was then made by Commissioner Sanchez and seconded by Commissioner Rosel, to authorize the waiver of the certificated of compliance, as requested by Mr. Covacevich.

MOTION CARRIED.
SEE "EXHIBIT V"

ADD. 4. EXECUTIVE SESSION:

- A. Commissioners' Court may go into Executive Session pursuant to Chapter 551, Texas Government Code, Sections 551.071, 551.072 & 551.074, to discuss the following matter:
 - 1. Engrar, N.V. & Manfar, N.V. vs. Hidalgo County Appraisal District (Ramifications of case to Hidalgo County)
 - 2. Rescind the Agreement with Edinburg Hospital Authority, Rescind Release & Rescind Agreement with City of Edinburg regarding Old Grandview Hospital Property
 - 3. New Agreement with Edinburg Hospital Authority, New Release & New Agreement with City of Edinburg regarding Old Grandview Hospital Property

The Commissioners went into Executive Session accompanied by Travis Heister, the County Legal Counsel, Ciro Trevino, Tax Assessor/Collector, Armando Barrera and Lucy Canales.

NO ACTION.

ADD. 5. OPEN SESSION:

- A. Engrar, N.V. & Manfar, N.V. vs. Hidalgo County Appraisal District (Ramifications of case to Hidalgo County)
- B. Rescind the Agreement with Edinburg Hospital Authority, Rescind Release & Rescind Agreement with City of Edinburg regarding Old Grandview Hospital Property
- C. New Agreement with Edinburg Hospital Authority, New Release & New Agreement with City of Edinburg regarding Old Grandview Hospital Property

Add. 5/A

Lucy Canales briefed the Court on this item by saying that on January 5, of this year, the Supreme Court of Texas ruled that none resident aliens are entitled to open space land valuation. The effect that this ruling requires tax refunds to tax payers who have protested and appealed the denial of the open space land appraisal to be based solely on sections 21.56 (3) of the Property Tax Code. She added that discussed in Executive Session was that there were two taxpayers, who had applied for refunds on the same property as a result of the Supreme Court ruling. She mentioned that the request at this time was for direction from the Hidalgo County Commissioners' Court, as to the negotiations of this pending lawsuit, with regards to tax years 1986, 1987 and 1992. She then added that with respect to these tax years, the owner, being Engrar & Manfar, complied with most of the procedural requirements but did not pay taxes to some entities, on a timely basis and because of the compliance was substantial, she added that they believed that the District's chance of prevailing is minimal. She continued by saying that on 1986, 1987 and 1992, they are recommending that an offer be made to Engrar-Manfar of a base tax only refund. A motion was then made by Commissioner Camarillo and seconded by Commissioner Sanchez, to this effect.

MOTION CARRIED.
SEE "EXHIBIT W"

Add. 5/B

Travis Heister, the County Legal Counsel, informed the Court that previously they had approved an agreement with the Edinburg Hospital Authority, to release a certain covenant that was in the Special Commissioners' Deed and the Correction Deed that was the result of the conveyance of the Old Grandview Hospital property, to the Edinburg Hospital Authority. He added that the Commissioners' Court had agreed to release the covenant that required the restoration of the facility and also had an option to have the property revert back to the County, if this and an additional covenant were not complied with. Mr. Heister continued by stating that they had also approved a release and an agreement with the City of Edinburg, in which the City stepped up and agreed to assume the liability for the Edinburg Hospital Authority on an indemnity agreement that was contained, which, he said they later found had some conflicting terms in the indemnity agreement that was signed by the Authority. He mentioned that the request to rescind the order approved by this Commissioners' Court on October 18 and adopt a new order which will authorize the County to enter into agreement with the Edinburg Hospital Authority, to release the covenant and the reversionary interest and also approve a new indemnity agreement.

A motion was then made by Commissioner Sanchez and seconded by Commissioner Camarillo, to approve a resolution and order which states "NOW THEREFORE, the Commissioners' Court hereby rescinds its order of October 18, 1994 approving the County-Authority Agreement, the County-City Agreement and the Release, declares that, (i) the order of October 18, 1994 is of no force and effect and (ii) the authority to execute

the County-Authority Agreement, the County-City Agreement and the Release be and is hereby withdrawn and nullified".

MOTION CARRIED.
SEE "EXHIBIT W"

Add.5/C

A motion was made by Commissioner Sanchez and seconded by Commissioner Camarillo, to approve the resolution and order, for the new County-Authority Agreement, the New County-City Agreement, the New Release and the Amended Indemnity Agreement, as presented.

MOTION CARRIED.
SEE "EXHIBIT W"

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

MOTION CARRIED.

DRAINAGE DISTRICT
=====

In the absence of the County Judge, the Honorable Abelardo "Lalo" Arcaute, County Commissioner for Precinct Two, called the Drainage District meeting to order whereupon the following proceedings were had, to-wit:

ITEM 1. PERMIT - U.S. Corps of Engineers

A motion was made by Commissioner Sanchez and seconded by Commissioner Camarillo, to approve a request for permit by the U.S. Corps of Engineers, for the studying a plan that they have and this will entail some surveying and core boring, on County right-of-way.

MOTION CARRIED.
SEE "EXHIBIT X"

(11/01/94)

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There being no further business to come before the Drainage District, the meeting was 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 _____ A B S E N T _____
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 1ST day of NOVEMBER, 1994.

ATTEST:

WILLIAM R. LEO, County Clerk
Hidalgo County, Texas

By: Jennifer Castillo
Deputy

