

THE STATE OF TEXAS :

COUNTY OF HIDALGO :

VOI 0202 PAGE 074

BE IT REMEMBERED that on the 16TH day of MAY, 1995, after due notice having been given, there was begun and holden, a SPECIAL MEETING of the Commissioners' Court and the Drainage District, in the Commissioners' Courtroom of the Administration Building in the City of Edinburg, Hidalgo County, Texas with the following members of said Court present and participating:

Hon. J. Edgar Ruiz
County Judge

Hon. Samuel Sanchez
County Commissioner, Precinct #1

Hon. Lalo Arcaute
County Commissioner, Precinct #2

Hon. Juan Rosel
County Commissioner, Precinct #3

Hon. Guadalupe "Lupe" Garces
County Commissioner, Precinct #4

WHEREUPON, the following proceedings

were had, to-wit:

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The Honorable J. Edgar Ruiz, County Judge, called this Commissioner's Meeting to order, where the following proceedings were had to wit:

CONSENT AGENDA

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ITEM 1. APPROVAL OF BILLS - COUNTY AUDITOR

General Fund	- #109538	- #109784	- \$361,513.12
Special Revenue Fund	- #109631	- #109847	- \$385,449.91
Debt Service Fund	- N/A	- N/A	- 0-
Capital Projects Fund	- N/A	- N/A	- 0-
Trust and Agency Fund	- N/A	- N/A	- 0-
Enterprise Fund	- #2264	- #2268	- \$ 1,041.91

(SEE EXHIBIT A)

ITEM 2. APPROVAL OF COURT REPORTERS FEES:

- A. BEN PETTY - \$1,950.00
- B. ALMA A. GARZA - \$243.00

(SEE EXHIBIT B)

ITEM 3. APPROVAL OF MONTHLY FEE REPORTS:

- A. DISTRICT CLERK - \$135,553.22 - APRIL
- B. JUSTICE OF THE PEACE:
 - 1. Ruben Ramos - \$10,278.98 - APRIL
 - 2. Adan Caballero - \$5,433.00 - APRIL

(SEE EXHIBIT C)

ITEM 4. PLANNING DEPARTMENT:

- A. SUBDIVISIONS:
 - 1. South Bridge Mobile Home Park - Pct. #1
 - 2. Avalon Square Subdivision
 - 3. Siete Encinos Subdivision Unit #2
 - 4. Glasscock Landing Phase I
 - 5. Walmart #2

(SEE EXHIBIT D)

ITEM 5. PERMITS:

- A. NORTH ALAMO WATER SUPPLY - PCT. #1 & #4
- B. SOUTH WESTERN BELL TELEPHONE CO. - PCT. #3

(SEE EXHIBIT E)

ITEM 6. INTERNAL LINE ITEM TRANSFERS:

- A. COUNTY COURT AT LAW #1
- B. PCT. #2 - PARKS
- C. LUNACY TRIALS
- D. DRUG IMPACT COURT
- E. WIC
- F. ENTERPRISE FUND

(SEE EXHIBIT F)

REGULAR AGENDA

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ITEM 1. REQUEST FOR AUDIENCE - COLONIA CHAPA III

Judge Ruiz opened by asking who was to represent the Colonia Chapa at this meeting. Mr. Rafael Garza approached Commissioner's Court on behalf of the residents. He opened by stating that the location of the colonia was Mile 12 and 1/2 between Highway 83 and Mile 6. It was established 11 years ago by Mr. Casamero Chapa. After some brief comments from Mr. Garza, Judge Ruiz stated that they have made the best effort to place as much money as possible into the Road and Bridge Fund. Judge Ruiz also stated that they would get to that Rd., but he was unable to say exactly when this would happen.

NO ACTION
(SEE EXHIBIT G)

ITEM 2. PROCLAMATION - DESIGNATING MAY 22 - 29 AS BUCKLE UP AMERICA WEEK

Lisa Saucedo opened by stating that they want to kick off the summer months with this issue due to the summer months showing an increase in fatalities. After a few brief comments by Judge Ruiz and Commissioner Garces, a motion was made by Commissioner Arcaute and was seconded by Commissioner Garces to authorize buckle up America week kick off by approving this proclamation as May 22 - 29.

MOTION CARRIED
(SEE EXHIBIT H)

ITEM 3. CANVASS VOTES - SULLIVAN CITY SPECIAL ELECTION

Judge Ruiz opened by stating the results of this vote. The final tallying was as follows: against the corporation (283) and for the incorporation (261). If the for vote would have won the mayors vote comes into play but since the against won the makes this vote moot. For the record Judge Ruiz did state who recieved how many votes. Noe Perez also stated that everything ran smoothly including the recount. At this time, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the canvass.

MOTION CARRIED
(SEE EXHIBIT I)

- ITEM 4. ADULT DETENTION FACILITY:
- A. SELECTION OF FINANCIAL ADVISOR
 - B. SELECTION OF BOND UNDERWRITER COUNSEL
 - C. DISCUSSION AND ACTION ON METHOD OF CONSTRUCTION

4A

Judge Ruiz opened by stating that they had gone through some interviews for financial advisors. Commissioner Rosel recommended from his experience with them, Masters and Moreland and was seconded by Commissioner Arcaute to appoint Masters and Moreland Sauer and Quistman Inc. as financial advisors for the County of Hidalgo. Commissioner Sanchez and Commissioner Garces voted against this group. After brief comments Judge Ruiz stated that he was going to declare a tie on this issue. He is going to abstain from voting at this time. At this time Commissioner Rosel made another motion which was seconded by Commissioner Arcaute of First Southwest Co. for financial advisors. At this time Commissioner's Sanchez and Garces voted against. Judge Ruiz is abstain-

ing at this time also. Commissioner Garces stated that he would recommend First National Bank and was seconded by Commissioner Sanchez because he felt the 1st National had the County's best interest at heart. Commissioner Arcaute and Commissioner Rosel voted against. Judge Ruiz abstained again, and again Commissioner Rosel recommended Masters and Moreland and was seconded by Commissioner Arcaute. Commissioner Sanchez and Commissioner Garces again voted against. There was a tie vote on this matter and noone was chosen.

NO ACTION

4B

After a few brief comments, a motion was made by Commissioner Arcaute and seconded by Commissioner Rosel to recommend the firm of Mayerday, Caldwell and Keaton for Bond Underwriter Counsel.

MOTION CARRIED
(NO EXHIBIT AVAILABLE)

4C

Judge Ruiz stated that there be no action on this issue due to there being no Financaill Advisor agreed upon.

ITEM 5. BOARD MEMBERS APPOINTMENTS - HIDALGO COUNTY CHILD PROTECTIVE SERVICES BOARD

Susan Hersing, Administrator for Kid and Development Services opened by stating that this program had been providing care and treatment for victims of neglect and abuse here in the County. She also stated that there were three individuals that they are enthusiastic about having on the board. Patricia Joe Bader, Director of Crime Prevention and Drug Education. The next person is Raymond James Salas Substance Abuse out reach worker. The third individual is Johnny Rodriguez, Self employed business man. Those were her nominations and she also welcomed Commissioner's Court recommendations. Judge Ruiz stated that he did know all the candidates and that he did recommend those three individuals. After brief comments, Commissioner Garces made a motion and was seconded by Commissioner Rosel to appoint Patricia Bader, Raymond James Salas, and Johnny Rodriguez to the Hidalgo County Child Protective Service Board as recommended.

MOTION CARRIED
(SEE EXHIBIT J)

ITEM 6. TAX ASSESSOR/COLLECTOR:

A. TAX REFUNDS:

1. Oscar Benassini - \$606.71
2. Windell Jaime Walker - \$1,690.34
3. Armando G. Alfonso - \$907.07
4. Juan Rodriguez - \$1,910.76
5. Nellie A. Guerra - \$609.03
6. Jose N. Cavazos - \$571.05

After stating the names and amounts, a motion was made by Commissioner Arcaute and was seconded by Commissioner Garces to approve the refunds.

MOTION CARRIED
(SEE EXHIBIT K)

ITEM 7. FINANCIAL DISRUPTION TASK FORCE:

- A. APPROVAL OF FINANCIAL DISRUPTION TASK FORCE GRANT APPLICATION
- B. RESOLUTION FOR THE ACCEPTANCE FOR YEAR 1995 - 1996
- C. APPROVAL OF INTERLOCAL ASSISTANCE AGREEMENTS WITH THE CITY SAN JUAN, EDINBURG AND SHERIFF'S DEPARTMENT

7A

Dick Wade, of the District Attorney's Office, is requesting approval to apply for the Task Force Grant. This grant is strictly a grant and there is no matching involved. He is also asking to pass the resolution for acceptance and approve the interlocal assistance agreement with cities of San Juan, Edinburg, and the Sheriff's Department. Judge Ruiz stated that the grant was for \$605,819. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces for the renewal of the contract and authorization to submit the application.

MOTION CARRIED
(SEE EXHIBIT L)

7B

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel for the resolution to submit the application as presented.

MOTION CARRIED
(SEE EXHIBIT L)

7C

Judge Ruiz stated that these were agencies involved with the task force. After recommending approval of interlocal agreements a motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve interlocal assistance agreement with the City of San Juan, Edinburg, and the Sheriff's Department for the participation of the Financial Disruption Task Force.

MOTION CARRIED
(SEE EXHIBIT L)

ITEM 8. DECLARE EQUIPMENT SURPLUS:

- A. 1984 FORD SUPERWAGON G.E. RADIO - YOUTH VILLAGE

8A

A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve declaration of equipment surplus of this particular radio and authorize the purchasing agent to dispose of said equipment.

MOTION CARRIED
(SEE EXHIBIT M)

ITEM 9. APPROVAL OF ELECTRONIC IMAGING SERVICE AGREEMENT BETWEEN THE RANETTE COMPANY AND THE HIDALGO COUNTY COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT

Judge Ruiz stated that there was no agreement as of yet, there-
fore no action at this time.

NO ACTION
(SEE EXHIBIT N)

ITEM 10. SHERIFF'S DEPARTMENT:

A. BUDGET APPROPRIATIONS:

- 1. Acct. #5-104-421-100.86 - \$1,065.50
- 2. " #5-104-421-100.82 - \$ 772.57
- 3. " #5-104-421-100.82 - \$6,826.12
- 4. " #5-104-421-100.68 - \$ 99.00

10A1-4

Judge Ruiz stated all the amounts being requested by
the Sheriff's Office and that they are in order. Commissioner Sanchez
made a motion and was seconded by Commissioner Garces to authorize the
budget appropriations as presented.

MOTION CARRIED
(SEE EXHIBIT O)

ITEM 11. HEALTH DEPARTMENT:

- A. APPROPRIATION OF 1995 CO-PAY SUPPLEMENT
- B. SET SALARIES

11A&B

Judge Ruiz stated that this was on here for the third
time and that some changes had been made and the he hoped Commissioner's
Court would approve. After stating all the facts and figures (SEE
EXHIBIT O) Judge Ruiz stated that overall that this was \$26,131 over
and above what was brought forth during the budget process. He also
stated that there were some people that were recieving more than the
five percent but were reduced to what was feaseable. Commissioner Rosel
voiced his opinion on how some were getting more of an increase and not
everyone was. He felt that increases should start from the bottom and
not the top. A motion was made by Commissioner Rosel and seconded by
Commissioner Garces to appropriate the 1995 co-pay supplement and author-
ize the setting of salaries as presented.

MOTION CARRIED
(SEE EXHIBIT P)

ITEM 12. PCT. #2:

- A. AUTHORIZATION TO ENTER INTO INTERLOCAL AGREEMENT WITH CITY
OF SAN JUAN
- B. AUTHORIZATION TO ENTER CONTRACT FOR LIFEGUARDS & ATTENDANT
POSITIONS

12A

Commissioner Arcaute stated that this was for the build-
ing of a new park in San Juan. A motion was made by Commissioner Arcaute
and seconded by Commissioner Sanchez to approve Interlocal agreement with
the City of San Juan, County of Hidalgo for Pct. 2 for street and parking
lot construction at the City Park.

MOTION CARRIED

(SEE EXHIBIT Q)

12B

Commissioner Arcaute opened by stating that these were lifeguards that are used every summer. It's three lifeguards and one attendant. Commissioner Arcaute so moved and was seconded that they go into contract with those four individuals. Judge Ruiz stated that legal counsel had brought up an IRS issue that may affect this contract. Steve Crain approached the court. He stated that the IRS had come with a list to distinguish between employment relationships and independent contract relationships. He stated that he could not tell by virtue of the contract whether or not the lifeguards were independent contractors or not. He said on the face of the contract it states that they will be told when to show up to work and when not to which indicates employee status rather than independent contractor status. He suggested that the County try to find a contractor for these positions and have them be responsible for FICA tax and withholdings. He also stated that another route to take would be to make them employees of the County for three months. At this time a vote was taken and Judge Ruiz voted against.

MOTION CARRIED
(SEE EXHIBIT Q)

ITEM 13. PCT. #3

- A. AUTHORIZATION TO RECLASSIFY POSITION #30 AND CREATE NEW POSITION
- B. SET SALARIES
- C. AUTHORIZATION TO APPROPRIATE UNBUDGETED FUNDS

13A&B

Commissioner Rosel stated that they want to create two positions from position 30. One of the positions is from assistant foreman to tire repairman and at a salary of \$11,440 and the second position is a truck driver \$8,986. This move involves only 03 monies. This in the form of a motion by Commissioner Rosel and was seconded by Commissioner Garces to reclassify a position and create two positions, a tire repair maintenance person and a truck driver the first at a salary of \$11,440 and the other at \$8,986.

MOTION CARRIED
(SEE EXHIBIT R)

13C

Commissioner Rosel stated that he wanted to appropriate unbudgeted funds from 1994 in the amount of \$37,152.14. He also stated that they were being taken from Road and Bridge which were not appropriated to any particular line item. The total is \$137,024.73. Commissioner Rosel stated that this was a total of Road and Bridge and in Parks. Commissioner Rosel made a motion and was seconded by Commissioner Sanchez to authorize the appropriation of unbudgeted funds. The park fund has \$37,152.14 and the administration paved/unpaved roads is \$137,024.73.

MOTION CARRIED
(SEE EXHIBIT R)

ITEM 14. PURCHASING DEPARTMENT:

(05/16/95)

- A. REQUEST TO ADVERTISE:
 - 1. Breastfeeding Supplies - WIC Program
- B. AWARD BID:
 - 1. Record Storage Computer System - County Clerk

14A1

Mary Maldonado stated that WIC did not want to advertise at this time and she requested that item be tabled. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to authorize the table of item A1

MOTION CARRIED
(SEE EXHIBIT S)

14B1

After stating the four bidders, Ms. Maldonado stated that Mr. Pulido would make the recommendation. Mr. Pulido stated that they had come before Commissioner's Court asking authorization to advertise for a new scanning system. He stated that there were two companies that were very competitive. He recommended the bid be given to Government records. GRS came in at \$156,000 and Business Records came in at \$187,416. He stated that the current system only deals with deed records and the new one would include all the departments. After a few more comments, a motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel. Judge Ruiz stated that he wanted this for the record as to the total cost and for how long. Mr. Pulido stated that it was a four year contract at \$156,000 per year. Mr. Pulido also stated that they would like to get a clause to have the option to get out of the contract if service isn't satisfactory. Commissioner Arcaute voiced his opinion that this could not be negotiated because the bid was sealed already and Judge Ruiz stated that wasn't what he was doing. He simply wanted to feel comfortable with the contract itself. The price he felt was satisfactory. After a few more comments, Commissioner Sanchez so moved and was seconded by Commissioner Rosel that this bid be awarded contingent on what was discussed in court concerning cancellation, progress, and features and what ever else was discussed today.

MOTION CARRIED
(SEE EXHIBIT S)

- ITEM 15. PLANNING DEPARTMENT:
 - A. FINAL PLAT APPROVAL:
 - 1. La Tierra Del Valle Subdivision - Pct. 1
 - 2. San Marcos III Subdivision - Pct. 4

15A1

Emilio Garcia stated that all the requirements have been met and recommends approval. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve La Tierra Del Valle Subdivision in Pct. 1 as presented.

MOTION CARRIED
(SEE EXHIBIT T)

15A2

A motion was made by Commissioner Garces and was seconded by Commissioner Sanchez to approve San Marcos III as presented.

MOTION CARRIED
(SEE EXHIBIT T)

ITEM 16. URBAN COUNTY:

- A. CITY OF DONNA - YEAR 7 STREET & DRAINAGE IMPROVEMENTS CONTRACT AWARD TO MISSION PAVING, INC.
- B. CITY OF DONNA - YEAR 6 WATER LINE IMPROVEMENTS CONTRACT AWARD TO CANTU LEASE, INC.
- C. CITY OF EDCOUCH - PROFESSIONAL SERVICES AGREEMENT (ENGINEERING)
- D. PCT. #2 - PROFESSIONAL SERVICES CONTRACT (ENGINEERING) YEAR 7
- E. HOME - "FIRST-TIME HOMEBUYER CONTRACT AGREEMENTS" & LETTER OF COMMITMENT TO MORTGAGE COMPANY
- F. DECLARE ASSET AS SURPLUS
- G. PCT. #1 - YEAR 7 CONTRACT AWARD STREET IMPROVEMENT PROJECT
- H. PCT. #1 - CONSTRUCTION CONTRACT - CHANGE ORDER #1

16A

A motion was made by Commissioner Sanchez and seconded by Commissioner Rosel to award bid to the low bidder of Mission Paving for City of Donna street improvements.

MOTION CARRIED
(SEE EXHIBIT U)

16B

A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to award bid to low bidder of Cantu Leasing in the amount of \$127,844.50 for the City of Donna water line improvements.

MOTION CARRIED
(SEE EXHIBIT U)

16C

A motion was made by Commissioner Sanchez which was seconded by Commissioner Arcaute to award professional services contract to City of Edcouch, County of Hidalgo and Raul Eddie Garcia Associates for engineering services. Estimated cost \$5,000.

MOTION CARRIED
(SEE EXHIBIT U)

16D

Mr. Covacevich stated that the amount was \$5,900 and the total amount available is \$59,076. A motion was made by Commissioner Arcaute and seconded by Commissioner Sanchez to enter into professional service contract with Noe Garza Engineering for engineering services in Pct. 2 County of Hidalgo. Estimated cost \$5,900.

MOTION CARRIED
(SEE EXHIBIT U)

16E

A motion was made by Commissioner Arcaute and seconded by Commissioner Sanchez to approve the first time home buyer contract with Segura, Rios, and Castillo, and authorize commitment letters by Frontera

Mortgage.

MOTION CARRIED
(SEE EXHIBIT U)

16F

Mr. Covacevich recommended that their old CPU as NCR computer processing unit. Asset #146 is inoperable. A motion was made by Commissioner Arcaute which was seconded by Commissioner Rosel to authorize the declaration of equipment surplus.

MOTION CARRIED
(SEE EXHIBIT U)

16G

A motion was made by Commissioner Sanchez and seconded by Commissioner Arcaute to award bid of \$358.334.

MOTION CARRIED
(SEE EXHIBIT U)

16H

Mr. Covacevich stated that Pct. 1 is requesting change order #1 decreasing the contract by \$40,000 to bring under \$321,929.09. The contract price now is \$318,776.40. A motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to approve change order #1 to the Sascon contract previously approved reducing by \$40,158.

MOTION CARRIED
(SEE EXHIBIT U)

ITEM 17. OFFICE OF EMPLOYMENT AND TRAINING:

- A. CONSIDER & APPROVE CHOET REQUEST FOR BUDGET AMENDMENT - POSSIBLE QUESTIONED COSTS PERTAINING TO THE JOB TRAINING PARTNERSHIP ACT PROGRAMS FOR THE FISCAL YEAR ENDED DECEMBER 31, 1993
- B. CONSIDER AND APPROVE THE SUBMISSION OF AN APPLICATION TO THE TEXAS COUNCIL ON WORKFORCE AND ECONOMIC COMPETITIVENESS AND THE OFFICE OF THE GOVERNOR FOR THE CERTIFICATION OF THE HIDALGO/WILLACY WORKFORCE DEVELOPMENT BOARD
- C. APPROVAL OF APPOINTMENTS FOR THE HIDALGO/WILLACY WORKFORCE DEVELOPMENT BOARD

17A

Mr. Salinas opened by stating what had been discussed in previous meeting concerning the Texas Department of Commerce. He also stated that he had requested authorization to pay the pending bills and now he is requesting budget amendment to pay the bills. After a comments, Judge Ruiz recommended the budget amendment in the amount of \$23,827. Commissioner Sanchez so moved and was seconded by Commissioner Rosel.

MOTION CARRIED
(SEE EXHIBIT V)

17B

Mr. Salinas stated that he was requesting permission to submit the application to the Governors Office for approval. This is for

(05/16/95)

10

the certification of the Hidalgo/Willacy Workforce Development Board. Judge Ruiz stated that we had recieved two grants. One in 1988 in the amount of \$39,000 for the planning of the board and \$200,000 they had recieved recently. After a few brief comments, Judge Ruiz recommended the approval of the application to submittal to the Texas Council on Workforce and Economic Competativeness and this our Workforce Development strategy and application. Commissioner Rosel so moved and was seconded by Commissioner Arcaute.

MOTION CARRIED
(SEE EXHIBIT V)

17B

Judge Ruiz stated that there were several things to consider when it came to the appointments to the Workforce Development Board. The male/female balance, the balance of representation county wide, and as many privacy counsel members as possible. The nominations are as follows: (1) Mari Martinez, (2) Sammy Cuellar, (3) Margaret Oliver, (4) Maria Louisa Garcia, (5) Kathy MacManis, (6) Maria Teresa Morales, (7) Rosie Cavazos, (8) Bonnie Gonzalez, (9) Lily Majors, (10) Linda Domingues, (11) Buddy De la Rosa, (12) Mario Domingues, (13) Richard Ozuna, (14) Jose Perez, (15) Arturo Guajardo, (16) Mario Leal, (17) Jose Sulimon, (18) Joe Vera, (19) Reynaldo Gutierrez, (20) Antonio Ocana, (21) Thomas Ortega, (22) Leonel Vela, (23) Roberto Tobias, (24) Hector Galindo, (25) Frank Solis. Commissioner Rosel is recommending Lauro Solis. Judge Ruiz made a motion to appoint the Hidalgo/Willacy Workforce Development Board as amended Commissioner Rosel so moved and was seconded by Commissioner Sanchez.

MOTION CARRIED
(SEE EXHIBIT V)

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to adjourn.

MOTION CARRIED

There being no further action to come before Commissioner's Court, this meeting is hereby adjourned.

Jason Belmont

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

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

Dated this 16TH day of MAY, 1995.

ATTEST:

JOSE ELOY PULIDO, County Clerk
Hidalgo County, Texas



By: Aaron Betancourt
AARON BETANCOURT, Deputy