

THE STATE OF TEXAS :

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 3RD day of JANUARY, 1996, 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. Richard H. Garcia
Interim 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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(JANUARY 3, 1996)

The Honorable Richard H. Garcia, Interim County Judge, called this meeting to order whereupon the following proceedings were had to wit:

CONSENT AGENDA

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ITEM 1. APPROVAL OF BILLS - COUNTY AUDITOR
GENERAL FUND - #116113 - #116383 - \$3,293,538.89
SPECIAL REVENUE FUND - #116276 - #116457 - \$1,938,656.91
TRUST AND AGENCY FUND - # 5192 - # 5220 - \$ 888,232.07
ENTERPRISE FUND - # 2496 - # 2509 - \$ 5,318.19
(SEE EXHIBIT A)

ITEM 2. APPROVAL OF MINUTES - AUGUST 14, 1995
(NO EXHIBIT)

ITEM 3. APPROVAL OF MONTHLY FEE REPORTS:
A. SHERIFF'S DEPARTMENT - \$ 38,339.32 - NOVEMBER
B. DISTRICT CLERK - \$101,637.50 - NOVEMBER
(SEE EXHIBIT B)

ITEM 4. PERMITS:
A. DEWBRE PETROLEUM - PCT. 1
B. NORTH ALAMO WATER SUPPLY - PCT. 1 & 4
C. SOUTHWESTERN BELL TELEPHONE - PCT. 3
(SEE EXHIBIT C)

ITEM 5. INTERNAL LINE ITEM TRANSFERS:
A. COUNTY AUDITOR - \$7,700
B. 93RD DISTRICT COURT - \$125
C. CONSTABLE PCT. 1 - \$700
D. CONSTABLE PCT. 5 - \$400
E. BUILDINGS AND GROUNDS - \$1,500
F. WIC - \$17,150
G. J.P. PCT. 3, PL. 1 - \$931.73
H. LIBRARY SYSTEM - \$744
I. DISTRICT ATTORNEY (GENERAL FUND) - \$7,300
J. ELECTIONS ADMINISTRATION - \$3,100
K. COUNTY CLERK - \$2,000
L. PCT. #2 (PAVED/UNPAVED ROADS) - \$1,000
M. COUNTY WIDE SHOP - \$200
N. COUNTY JUDGE - \$1,800
O. COUNTY COURT AT LAW #4 - NO ACTION
P. 332ND DISTRICT COURT - \$900
(SEE EXHIBIT D)

ITEM 6. PLANNING DEPARTMENT:
A. SUBDIVISIONS:
1. MATERIALES EL VALLE SUBDIVISION - PCT. 2
2. POMPA SUBDIVISION - PCT. 2
3. D.F. STRICKLAND JR. SUBDIVISION - PCT. 3
4. MAPLE-MEMORIAL SUBDIVISION - PCT. 4
5. LOTS 20A & 20B RANCHO SUBDIVISION - PCT. 3
(SEE EXHIBIT E)

Judge Garcia opened the meeting by stating that there were some changes on the Consent Agenda. Items 5H, 5N & 5O will be withheld from action at this time and will be discussed at a later time. A motion was

then made by Commissioner Arcaute and was seconded by Commissioner Garces to approve the Consent Agenda.

MOTION CARRIED
(SEE EXHIBITS A-E)

Judge Garcia then went on to discuss the changes. He stated that the changes were as follows: The Library System had a decrease from \$898 to \$744. The County Judge's Office had an increase from \$1,200 to \$1,800 and County Court at Law #4 will be for a no action. The change for the County Judge was an increase in line item #14 from \$100 to \$700. A motion was made by Commissioner Arcaute and was seconded by Commissioner Sanchez to approve the changes.

MOTION CARRIED

Judge Garcia stated that at this time he would proceed to the Drainage District Agenda. A motion was then made by Commissioner Arcaute which was seconded by Commissioner Rosel to recess the meeting.

MOTION CARRIED

The Honorable Richard H. Garcia, Interim County Judge, called this Drainage District Board Meeting to order, whereupon the following items were had to wit:

DRAINAGE DISTRICT
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- ITEM 1. PERMIT:
 - A. CITY OF McALLEN

Vona Walker stated that this permit is for Orangewood East Sub-division to go into the pilot channel of the Mission Inlet. A motion was made by Commissioner Rosel and was seconded by Commissioner Arcaute to approve.

MOTION CARRIED
(SEE EXHIBIT F)

- ITEM 2. AUTHORIZATION TO ADVERTISE FOR PARTS TO REPAIR DRAGLINE

Ms. Walker stated that a dragline had broken down. They had received quotes for the parts that were needed to repair it. The lowest quote was in the amount of approximately \$20,300 and they will have to advertise due to this price. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to authorize the advertisement as requested.

MOTION CARRIED
(SEE EXHIBIT G)

A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to adjourn Drainage District.

MOTION CARRIED

Judge Garica called the Commissioner's Court Regular Agenda back to order at this time.

REGULAR AGENDA
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- ITEM 1. DECLARE EQUIPMENT SURPLUS:
A. VARIOUS EQUIPMENT - LIBRARY SYSTEM

Bill McGee stated that these items are no longer needed. Some of these Micro Fiche Readers are operational and some aren't. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to declare equipment surplus as submitted.

MOTION CARRIED
(SEE EXHIBIT H)

- ITEM 2. URBAN COUNTY:
A. CITY OF LA JOYA BUDGET AMENDMENT YR. 1994 AND 1995
B. CITY OF PALMVIEW - PROFESSIONAL SERVICE AGREEMENT (ENGINEERING) YEAR 1995 - STREET IMPROVEMENTS
C. CITY OF WESLACO - BOYS AND GIRLS CLUB SUBRECIPIENT AGREEMENT AMENDMENT
D. CITY OF ALAMO - WATER TOWER REHABILITATION PROJECT CHANGE ORDER #2
E. CITY OF ALTON - BUDGET AMENDMENT - #B-95-UC48-0501
F. CITY OF ALTON - BUDGET AMENDMENT - #B-94-UC48-0501
G. PCT. #3 - INTERLOCAL AGREEMENT WITH THE CITY OF ALTON'S PARKS AND RECREATIONAL FACILITIES
H. HOME - FIRST TIME HOMEBUYER CONTRACT AGREEMENTS AND LETTER OF COMMITMENT TO MORTGAGE COMPANY
I. HOME/HOMEOWNER OCCUPIED HOUSING REHAB. APPLICATION

2A

Anthony Covacevich stated that the budget amendment for the City of La Joya in year 7 will increase fire station equipment and decrease General Administration. They also will increase Planning Capacity and create a new line item. Year 8, General Administration and Water and Sewer were decreased. Fire Station Equipment and Public Service have been increased along with the unprogrammed funds of \$22,500 that have not yet been appropriated. Mr. Covacevich recommended approval and a motion was made by Commissioner Rosel that was seconded by Commissioner Sanchez to approve the amendments of year 7 and year 8 under Urban County.

MOTION CARRIED
(SEE EXHIBIT I)

2B

Anthony Covacevich stated that this was a contract with Richard Salinas & Assoc. for Street Improvements in the amount of \$31,000. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the contract with Richard Salinas in the amount of \$31,000.

MOTION CARRIED
(SEE EXHIBIT I)

2C

Mr. Covacevich stated that this was an amendment for the Weslaco Boys and Girls Club to add activities to the subrecipient agreement. A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT I)

2D

Mr. Covacevich stated that this was a change order decreasing the contract amount by \$950. This is for the Water Tower Project. A motion was made by Commissioner Arcaute and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT I)

2E

This item for the City of Alton is for a budget amendment for the creation of a Flood & Drainage Line Item and Planning & Capacity Line Item under Year 8. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the budget amendment.

MOTION CARRIED
(SEE EXHIBIT I)

2F

Mr. Covacevich stated that this amendment for year 7 increases the Flood & Drainage Line Item and eliminates Public Service Youth Activities. Upon recommendation of Mr. Covacevich, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT I)

2G

Anthony Covacevich stated that this agreement between Pct. 3 and Alton Parks & Recreation is in the amount of \$5,000. This will purchase equipment for City Parks. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT I)

2H

Mr. Covacevich stated that there were 4 families that qualified for the First Time Homebuyer Program. 2 are for \$3,500 and 2 are for \$1,200. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT I)

2I

Anthony Covacevich stated that these five families had

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qualified for a deferred loan/grant program up to to \$12,000. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT I)

ITEM 3. ACCEPTANCE OF RESIGNATION OF JUDGE OF COUNTY COURT AT LAW NO. 4, TO BE EFFECTIVE AS OF DECEMBER 31, 1995 AND APPOINTMENT TO FILL VACANCY

This topic was commenced by a motion from Commissioner Garces to accept the resignation. The motion was seconded by Commissioner Rosel for discussion. Judge Hinojosa stated that she wanted to thank the Commission that had appointed her when Court 4 was created. She has progressed since her appointment. The Commission also thanked her for a job well done. The motion was put to a vote and all voted in favor.

MOTION CARRIED
(SEE EXHIBIT J)

Commissioner Sanchez stated that he had received several phone calls concerning possible appointees who have announced their candidacy for this County Seat. He felt that unless someone who had no plans for running was appointed, there should be no appointment. If they appoint someone who is running, the docket would not be met due to the candidate campaigning or they would not get a chance to campaign due to the docket taking up much of their time. Judge Garcia on the other hand, felt differently. He felt that an appointment was needed because the courts are already behind and they also recently had to pay unnecessary costs for housing of prisoners because of the back log. If they went without an appointment, this would only contribute to the cost of housing prisoners elsewhere. Judge Garcia stated that he had spoken with several of the candidates about them running and only 2 of them had expressed an interest in the appointment. Commissioner Sanchez again reiterated the fact that an appointment would be an unfair advantage. Concerning the jail population, after speaking to Judge Hinojosa, Sanchez stated that the docket could be maintained without an appointment and those costs that were recently paid out, were incurred while there was a judge on the bench and they were still back logged. The Commission was split on the vacancy. Although Commissioner Sanchez felt that this could wait until after the primaries, Commissioner Rosel felt that you could not count on that because there was a republican candidate. During the discussion, Judge Garcia stated that Fred Garza would be his recommendation. Commissioner Rosel then made a motion to appoint Fred Garza as County Court at Law #4. Commissioner Garces seconded the motion. Commissioner Arcaute also felt that this appointment was putting Mr. Garza at a bad disadvantage considering the magnitude of this election. Judge Garcia stated that if Mr. Garza felt that he was being hindered in any way, he did not have to accept the appointment. After further comments, the motion was put to a vote.

MOTION CARRIED
(NO EXHIBIT)
(JUDGE GARCIA, COMM. ROSEL & COMM. GARCES IN FAVOR)
(COMM. ARCAUTE & COMM. SANCHEZ AGAINST)
EFFECTIVE UPON CLEARANCE OF ALL NECESSARY PAPERWORK

- ITEM 4. BUDGET AMENDMENTS: (1995)
- A. GENERAL LITIGATION - \$18,100.00
- B. PUBLIC DEFENSE - \$45,464.40
- C. LUNACY TRIALS - \$ 1,477.00
- D. J.P., PCT. 3, PL. 1 - \$ 4,955.95
- E. OTHER INDIGENT COURT COSTS - \$ 3,483.00
- F. LANDFILL - \$12,000.00

4A&B

NO ACTION
(SEE EXHIBIT K)

4C

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

MOTION CARRIED
(SEE EXHIBIT K)

4D

Judge Corpus stated that this was in relation to the insurance claim that had been made back in October of 1994. He wanted this amount placed in his budget but it could not be done directly. It had to be placed into the General Fund according to Mr. Austin and then have a budget amendment into his budget. A motion was then made by Commissioner Sanchez and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT K)

4E

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

MOTION CARRIED
(SEE EXHIBIT K)

4F

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel. It was stated that this was to pay pending bills for BFI. Commissioner Arcaute did not agree with this item citing the fact that bills like this are usually paid from the Enterprise Fund. The motion was put to a vote.

MOTION CARRIED
(SEE EXHIBIT K)
COMM. ARCAUTE OPPOSED

ITEM 5. APPROVAL OF ATTORNEY'S FEES IN THE AMOUNT OF \$122,393.80

Mrs. Etnire opened by stating that this amount was in pending fees. However, this cannot be paid due to insufficient funds. There was only \$76,900 to pay this. She suggested that they could approve this amount of the bill and the rest later. Commissioner Arcaute felt that this could not be done this way. Steve Austin stated that he would only pay out what was in the appropriation account and Commissioner Arcaute questioned the fact that who would determine what attor-

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neys got paid. He felt that they would be out of order by approving this amount when the budget does not allow it and they do not know whether to amend the '95 or '96 budget. After further comments, Commissioner Arcaute made a motion which was seconded by Commissioner Rosel to table this item.

MOTION CARRIED
(SEE EXHIBIT L)

- ITEM 6. APPROVAL OF COURT REPORTER'S FEES:
A. JENNIFER K. O'NEAL - \$3,458
B. FRANCISCO MORENO - \$ 579

6A

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the amount of \$3,458 in Court Reporter Fees for Jennifer K. O'Neal.

MOTION CARRIED
(SEE EXHIBIT M)

6B

A motion was made by Commissioner Garces which was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT M)

- ITEM 7. BUDGET AMENDMENT: (1996)
A. 139TH DISTRICT COURT

Commissioner Garces stated that this was in connection to the request made by Judge Alvarez at the previous meeting. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the budget amendment in the amount of \$10,302.82.

MOTION CARRIED
(SEE EXHIBIT N)

- ITEM 8. LIBRARY SYSTEM:
A. APPROVAL OF BUDGET AMENDMENT - YR. '96
B. SET SALARIES - YR. '96

8A

William McGee stated that there was a mistake in the salary line item. It was short \$130.93. This is to pay everyone inclusive the 7% increase. Commissioner Arcaute made a motion and was seconded by Commissioner Rosel to approve the budget amendment in the amount of \$130.93.

MOTION CARRIED
(SEE EXHIBIT O)

8B

A motion was introduced by Commissioner Rosel to set salaries for year 1996 which was seconded by Commissioner Garces.

MOTION CARRIED
(SEE EXHIBIT O)

ITEM 9. PURCHASING DEPARTMENT:

A. AWARD BIDS:

1. LEASING OF REAL ESTATE - PCT. 3
2. LEASING OF REAL ESTATE - HIDALGO COUNTY
3. ANZALDUA'S PARK SECURITY - PCT. 3
4. ACCEPTANCE OF PROPOSAL FOR FINANCIAL AUDIT - ADULT PROBATION
5. REPAIR OF ELEVATOR - HIDALGO COUNTY
6. COLD MIX - HIDALGO COUNTY
7. INSTALLATION OF CULVERT PIPES

B. REQUEST TO ADVERTISE:

1. DATA PROCESSING HARDWARE AND SOFTWARE - AUDITORS OFFICE

9A1

Mary Maldonado stated that there was one bid from Mission Food Pantry for the leasing of property for \$20 per year or \$100 per 5 years. She recommended the only bid received. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the bid for lease for Mission Food Pantry.

MOTION CARRIED
(SEE EXHIBIT P)

COMM. ARCAUTE OPPOSED CITING THAT THE PROPERTY BELONGS TO PCT. 1.

9A2

Ms. Maldonado stated that this was for Hidalgo Park Sub-division and there was only 1 bid. It was from Arise for \$1 per year for 10 years. There was some question as to whether they could go for 10 years but it was clarified. A motion was made by Commissioner Arcuate and was seconded by Commissioner Sanchez to approve bid for lease to Project Arise.

MOTION CARRIED
(SEE EXHIBIT P)

9A3

No bids were received and Ms. Maldonado would like to readvertise. A motion was introduced by Commissioner Rosel and was seconded by Commissioner Garces to readvertise for security in Pct. 3. Bid opening Jan. 24 and bid award Jan 30.

MOTION CARRIED
(SEE EXHIBIT P)

9A4

Ms. Maldonado stated that no bids were received and that Mr. Lopez had indicated to her the he would keep the same auditor he had the previous year.

NO ACTION
(SEE EXHIBIT P)

9A5

Ms. Maldonado stated that there were 2 bids. 1) Dover

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Elevator for \$29,698 and 2) Montgomery Kone for \$100 per hour not to exceed \$29,865. She recommended Montgomery Kone due to them meeting all specifications and Dover not meeting them. She stated that she was told by a representative from Dover that they would not be able to meet State Standards upon completion. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to award bid to Montgomery Kone of San Antonio for repair of elevator for an amount not to exceed \$29,865.

MOTION CARRIED
(SEE EXHIBIT P)

9A6

Mary Maldonado stated that there was only one bid from Valley Caliche for \$24 per ton. This price was slightly higher than the previous year but it was with the same company. A motion was made by Commissioner Arcaute and was seconded by Commissioner Rosel to award bid to Valley Caliche.

MOTION CARRIED
(SEE EXHIBIT P)

THIS ITEM IS IN VERBATIM FORMAT

MARY MALDONADO Yes sir. We had 4 bids. Pct. 4 had 5 bids. Would you like me to read them by precincts. They all have different prices.

COMM. ROSEL These are not the new bids. These are the old bids that we put under advisement. We never took any action.

MARY MALDONADO Exactly sir. My recommendation is to reject all bids and readvertise.

COMM. ROSEL I think that I would tend to agree with you because there some figures in here that we could not live with according to what we're getting per culvert.

MARY MALDONADO What they bid on was just for the installation and not for the material and the labor.

COMM. GARCES I think we discussed that and I think it was.....

MARY MALDONADO Yes sir....

COMM. GARCESa turnkey and they kind of were not informed as such. Is that a motion Commissioner?

COMM. ARCAUTE What is the problem with rejecting the bids?

COMM. GARCES No problem.

MARY MALDONADO They only bid the installation and not the labor and the material. Actually this bid is just for the installation of the pipe.

COMM. ARCAUTE It doesn't meet specs.

COMM. SANCHEZ Is Emilio here?

MARY MALDONADO Yes he is. Emilio.

COMM. ARCAUTE What did the specs call for?

MARY MALDONADO For installation, for labor and materials.

COMM. SANCHEZ Remember when we discussed this culvert installation Emilio?

EMILIO GARCIA Yes sir.

COMM. SANCHEZ The purpose of the advertisement when we went out was that we would remove this totally from the precincts.

EMILIO GARCIA Exactly.

COMM. SANCHEZ That we would get a turnkey specification set up that would whoever was interested would provide the material, purchase the pipe, provide the labor and the----and this would be just one price

COMM. ROSEL Right.

COMM. GARCES I think the word we used that we, Commissioners did not want to bother with it at all...

COMM. SANCHEZ It's not the bother...it's just to handle all the work that we have-----

COMM. GARCES The only thing I think was the foreman going out and inspecting it and....

MARY MALDONADO Exactly.

COMM. SANCHEZ So then these people here have not done that?

MARY MALDONADO No sir.

COMM. SANCHEZ Then I agree that we should reject.

COMM. ROSEL I make a motion that we reject all the bids on the installation of the culverts and that we also go out...

MARY MALDONADO ...to readvertise.

COMM. ROSEL Do you want to go rebid this thing or do you want....

COMM. ARCAUTE My question is that the bids were open on November 22nd...

MARY MALDONADO ...yes sir.

COMM. ARCAUTE ...and it took us 6 weeks to determine that they didn't meet specs?

MARY MALDONADO I brought it once and then you said that you would like to look at the specs. and then I...this is the second time I bring it in sir.

COMM. GARCES I think it was under our instructions that we bring it back....

COMM. ARCAUTE ...but that's not our job Mary. That's your job.

MARY MALDONADO Yes sir and I did that and I explained it to you...

COMM. ARCAUTE I let you finish okay. Go ahead.

MARY MALDONADO ...and I talked to each one of you and they said that they would like to reject to because of that problem, that they only...they're only bidding on the installation and not the other.

COMM. ROSEL That's correct. I make a motion that we reject and re-advertise.

COMM. GARCES Second.

COMM. ARCAUTE I just want to state that for the record that the Purchasing Department cannot determine in 6 weeks that it doesn't meet specs., I don't even think... that recommendation should have been made the first week.

MARY MALDONADO I did talk to you Commissioner.

COMM. ARCAUTE Well yea, you came to the Court...

MARY MALDONADO Yes sir.

COMM. ARCAUTE ---come in with a recommendation that they didn't meet the specs. That's my point.

COMM. SANCHEZ Each one of these bids says that they did it in accordance with the...

COMM. ROSEL ...specs...

COMM. SANCHEZspecifications.

MARY MALDONADO Yes sir.

COMM. ROSEL They didn't.

COMM. SANCHEZ ---talk to each vendor....

MARY MALDONADO Yes sir..

COMM. SANCHEZ ...that we're looking....exactly as to what we're looking for. The next time you get bids. Before they get them.

MARY MALDONADO I did talk to the vendors. They had a lot of questions and what they understood is that this was just for the

installation and not the other.

COMM. ARCAUTE May I request to the recorder that item 9A7 be on a verbatim for the minutes.

COMM. ROSEL We're taking shorthand here.

JUDGE GARCIA We have a...this is gonna be for a no action or...

COMM. ROSEL Yes sir. The motion is to reject all of the bids that are there not for no action but to reject all bids that have come in on the culverts, the installation of the culverts according to the specs. that were put out and also to readvertise with the specs being...make sure it's more clarified in order that we get a proper bid.

MARY MALDONADO Exactly.

COMM. GARCES And I second that motion Judge.

COMM. ARCAUTE Well the purchasing policy says that you're supposed to furnish the specs. to purchasing agent. Do you have any specs to readvertise? Apparently these were not met for some reason. So where are the clarified ones?

MARY MALDONADO Sir. I didn't know you were gonna reject. I don't have the specs right now. That was my suggestion to reject. I will get the specs.

JUDGE GARCIA Alright we have a motion....

COMM. ARCAUTE ...since we are readvertising and it's by precincts, let me just ask a question. How much are we....are the developers putting in escrow for this particular....

COMM. GARCES \$450 I believe.

MARY MALDONADO I think it's \$450.

COMM. ARCAUTE How much?

COMM. GARCES \$450 I believe.

COMM. ARCAUTE \$450. If it's an option with the precincts, pct. 2 would like to just get the \$450 and not go out for bids.

MARY MALDONADO Fine sir.

COMM. ROSEL That's fine.

COMM. ARCAUTE If it's alright with the Court...

COMM. SANCHEZ That would mean that....

COMM. ARCAUTE I'm gonna make some money with \$450.

COMM. SANCHEZ Let me just...a couple of things. On these that have

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been submitted by each one of these individuals. It says in accordance with the specifications so forth and so on to furnish all labor, equipment, material, software and service as set forth in the documents which is what we just talked about. So why are we saying that they did not meet specs?

MARY MALDONADO Because I talked to them sir and they did not. They did not include the labor nor the material.

COMM. SANCHEZ They signed it.

MARY MALDONADO Yes sir.

COMM. SANCHEZ They signed here where it says they will furnish all labor, equipment, material, software services.

MARY MALDONADO I understand it says that but...

COMM. SANCHEZ They backed off and said we won't do that.

MARY MALDONADO Exactly.

COMM. ROSEL Next time I suggest that you get something written from them saying that also.

COMM. SANCHEZ Does that include the last one here?

COMM. ARCAUTE May I suggest that none of these bidders be considered at the next opening.

MARY MALDONADO Which one sir.

COMM. SANCHEZ ---from Vela Enterprises. ---at the bottom it says installation of the pipe then it's got a price per linear foot and it's got the base the material, caliche...

COMM. ARCAUTE That's the only one that does....

COMM. SANCHEZ Then it says material and labor to place on the driveway and he also said...

MARY MALDONADO He also..yes sir we talked to him and so did Mr. Garcia.

COMM. SANCHEZ Okay.

COMM. ARCAUTE He's the only one that meets the specs., but if they say they didn't meet them okay.

COMM. ROSEL We have a motion and a second to reject and readvertise.

COMM. ARCAUTE With the exception of Pct. 2, if it's alright with the Court.

COMM. ROSEL Fine. No problem here.

JUDGE GARCIA Alright.

COMM. ROSEL We may be looking at that also Commissioner but I think we need to look at some figures an accurate...

COMM. ARCAUTE Oh. If I can get the whole \$450 that are put in escrow by the developers and go to precinct 2....

COMM. SANCHEZ Let me remind you gentleman....

COMM. ARCAUTE Why would I want to advertise?

COMM. GARCES Wouldn't that balance go back to the developer Emilio? If it's not used, It will go back to the developer.

COMM. ROSEL No.

COMM. SANCHEZ Let me remind you...

COMM. ARCAUTE Gonna make some money.

COMM. SANCHEZ ...Emilio and his department went through and extensive phase of research. The talked to developers, they polled the developers, people, contractors and he came up with an average amount and it was based on that amount that we said go ahead and advertise. A lot of this has already been done upon our instructions that we did not want to get involved at this point with the installation of culvert pipes. We passed the cost on to the developer and we had a meeting with a lot of the developers and we were very much aware of the fact that that cost probably be passed on to the consumer but my only situation is that if the contractors advised you even though they had put on here they would furnish it and they were re-nigging on it then fine.

MARY MALDONADO I did talk to them.

JUDGE GARCIA Alright. We do have a motion to reject and readvertise in connection with that motion.....

COMM. ARCAUTE with the exception of pct. 2.

JUDGE GARCIA ...with the exception of pct. 2.

COMM. SANCHEZ ----specifications go out again then we'll exclude you.

COMM. ROSEL Pct. 2.

JUDGE GARCIA ...with the exception of pct. 2----

COMM. GARCES (INAUDIBLE)

JUDGE GARCIA Alright. All in favor of that motion signify by saying Aye.

COMMISSIONERS Aye.

JUDGE GARCIA All opposed same sign. Motion carries.

MOTION CARRIED TO REJECT AND READVERTISE
(SEE EXHIBIT P)

9B1

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to advertise for data processing hardware & software for the Auditor's Office.

MOTION CARRIED
(SEE EXHIBIT P)

ITEM 10. PLANNING DEPARTMENT:

A. SUBDIVISIONS:

1. BASHAM NO. 41 - PCT. 3
2. GALANIS SUBDIVISION - PCT. 3
3. PRATER SUBDIVISION - PCT. 3
4. HARD ROCK - PCT. 4
5. KAYLEN HEIGHTS NO. 2 - PCT. 4
6. RINCON DE ENCINOS NO. 2 - PCT. 4
7. RINCON DE ENCINOS NO. 3 - PCT. 4

B. FINAL PLAT APPROVAL:

1. SANTA LUCIA PHASE I - PCT. 1

10A1

Emilio Garcia stated all requirements had been met and recommended approval. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to approve Basham No. 41.

MOTION CARRIED
(SEE EXHIBIT Q)

10A2

Commissioner Rosel made a motion which was seconded by Commissioner Garces to approve Galanis Subdivision as presented.

MOTION CARRIED
(SEE EXHIBIT Q)

10A3

Mr. Garcia, Chief Planner, stated that he recommended approval and all requirements had been met. Commissioner Rosel so moved for approval of Prater Subdivision as recommended by the Planning Department. The motion was seconded by Commissioner Garces.

MOTION CARRIED
(SEE EXHIBIT Q)

10A4

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve Hard Rock Subdivision as presented.

MOTION CARRIED
(SEE EXHIBIT Q)

10A5

Emilio Garcia stated that this would be a 30 lot subdivision and all requirements have been met and recommended approval. Upon

his recommendation, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve Kaylen Heights No. 2 as presented.

MOTION CARRIED
(SEE EXHIBIT Q)

10A6

Commissioner Garces introduced a motion which was seconded by Commissioner Rosel to approve Rincon De Encinos No. 2 in pct. 4 as presented.

MOTION CARRIED
(SEE EXHIBIT Q)

10A7

Mr. Garcia stated that this subdivision had been approved by the City of Edinburg and improvements and requirements have been made. Mr. Garcia did state that this meets County standards also and recommended approval. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT Q)

10B1

A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to give final plat approval to Santa Lucia Phase I as presented.

MOTION CARRIED
(SEE EXHIBIT Q)

AT THIS TIME, JUDGE GARCIA MOVED INTO EXECUTIVE SESSION.

ITEM 14. CLOSED SESSION:

COMMISSIONER'S COURT MAY GO INTO EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 TO DISCUSS THE FOLLOWING MATTER:

- A. MANCILLA, TREVINO, SONNEN VS. HIDALGO COUNTY
- B. ORDAZ VS. HENRY ESCALON, SHERIFF OF HIDALGO COUNTY
- C. OFFICE OF EMPLOYMENT AND TRAINING

At this time, the Commission retired to the executive session.

ITEM 15. OPEN SESSION:

- A. MANCILLA, TREVINO, SONNEN VS. HIDALGO COUNTY
- B. ORDAZ VS. HENRY ESCALON, SHERIFF OF HIDALGO COUNTY
- C. OFFICE OF EMPLOYMENT AND TRAINING

15A

A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to accept the recommendation of Legal Counsel and authorize him to settle in the amount as advised.

MOTION CARRIED

(01/03/96)

(NO EXHIBIT)

15B&C

NO ACTION
(NO EXHIBIT)

ITEM 11. PCT. 1:

- A. APPROVAL TO EXEMPT FROM QUOTATION PROCEDURES ON PURCHASE OF PARTS
- B. APPROVAL TO PAY BILLS

11A

Commissioner Sanchez stated that this was in reference to the opening of Delta Lake Park. They found themselves rushed to get the necessary parts for the contractors to meet the dead lines. He did state that because of the nature of this emergency, this was not brought to the Court and he would like to have the purchase exempted at this time. A motion was then made by Commissioner Sanchez and was seconded by Commissioner Rosel to exempt the 3 purchases that have been submitted from the quotation procedure. The amounts are \$1,798.86, \$1,170.31 and \$1,334.60.

MOTION CARRIED
(SEE EXHIBIT R)

11B

A motion was made by Commssioner Sanchez and was seconded by Commissioner Rosel to pay the bills that were exempted from the quotations.

MOTION CARRIED
(SEE EXHIBIT R)

ITEM 12. PCT. #4:

- A. AUTHORIZATION AND APPROVAL OF MOBILE PHONE SERVICE
- B. AUTHORIZATION TO RECLASSIFY JOB POSITIONS
- C. APPROVAL TO ERECT STOP SIGNS IN MEADOWLAND SUBDIVISION LOCATED ON DAVIS BETWEEN TERRY AND BRUSHLINE
- D. APPROVAL TO NAME UNNAMED COUNTY ROAD "ODON GARCIA RD" LOCATED N. 281 JUST SOUTH OF FM 2812
- E. DECLARE EQUIPMENT SALVAGE:
- F. DISCUSSION AND POSSIBLE ACTION ON JAIL FACILITY

12A

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to authorize to pay mobile phone service for pct. 4.

MOTION CARRIED
(SEE EXHIBIT S)

12B

Commissioner Garces stated that in this request, he would like to take the foreman who has been retired and move his slot from #02 to #03. He would like to reclassify the Administrative Assistant who is currently employed by him from #03 to #02. The foreman slot will be reclassified as a Mechanic who is also retired and he would like to place the current Assistant Mechanic in the Mechanic slot. Commissioner Garces

then made a motion which was seconded by Commissioner Rosel to approve the changes of the Job Titles and Descriptions as attached by the exhibit.

MOTION CARRIED
(SEE EXHIBIT S)

12C&D

Commissioner Garces made a motion to table these next two items. The motion was seconded by Commissioner Rosel.

MOTION CARRIED
(SEE EXHIBIT S)

12E

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to declare equipment salvage.

MOTION CARRIED
(SEE EXHIBIT S)

12F

Commissioner Garces opened by stating that after giving the Judge some time to adjust to his position, it is time to get some direction with regards to the new jail facility. Commissioner Sanchez concurred with Commissioner Garces and also felt that some type of meeting needs to be held to move towards compliance with the mandates and also look for long term usage, figures etcetera. The Commission was in agreement in that they do need to move forward. At this time, Judge Garcia stated that there is no action needed at this time.

MOTION CARRIED
(SEE EXHIBIT S)

ITEM 13. SET & APPROVE AMOUNT OF COMPENSATION, OFFICE & AUTO ALLOWANCE AND OTHER ALLOWANCES FOR COUNTY AND PRECINCT OFFICERS AND EMPLOYEES

Commissioner Garces made a motion and was seconded by Commissioner Rosel to approve the salary schedules and auto allowances for 1996.

MOTION CARRIED
(SEE EXHIBIT T)

The Commission engaged in a conversation concerning handguns. They stated that it would be very easy to have a handgun brought into the Courtroom and they would like to take the appropriate measures to insure that this does not occur. The Commission also did not want them in County Parks even though it may be legal to carry a concealed handgun. Commissioner Rosel was ready to close the parks in his precincts if he sees fit, until this has been placed on the agenda and action to keep them out has been taken. The Commission then went back to the open session and discussed 15C. They were cautioned by Legal Counsel to be discreet and not to go into personnel matters. Mr. Dickinson stated that they would like to obtain some funds from the County to have more money to meet the 21 calendar day cycle to operate OET. He stated that what was needed to complete this cycle is \$378,000. This would be a loan and the money would be returned to the County. Commissioner Sanchez expressed

his sentiment that it would be risky due to there being no assurance that the money would be returned. Mr. Dickinson felt otherwise. The Commission also expressed some sentiment that OET should come to the Court and keep them informed whether or not they have heard from TDOC so that the Commission may be better informed. Judge Garcia stated that either way, these monies would have to be paid or advanced. If there are disallowed costs, they will have to pay those bills. If they are approved, the County will be reimbursed. One way or another, some monies will be transacted. Judge Garcia also stated that they have gone from being in debt to, with all the process that is in the works, to having a fund balance of approximately \$100,000. This discussion continued, in which the Commission expressed their willingness to continue the program in the County, but they just were not sure if it would be possible at this time. The discussion continued and they turned from OET to Personnel Policy. Commissioner Rosel wanted to know the status of an individual who has filed for candidacy taking a leave of absence and Mr. Dickinson also added to the question by stating that the personnel policy also states after all vacation and compensatory time has been exhausted, then the leave of absence becomes effective. The meeting was then adjourned with a motion from Commissioner Sanchez which was seconded by Commissioner Rosel to adjourn.

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.

Richard H. Garcia _____
Interim 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 3RD day of JANUARY, 1996.

ATTEST:

JOSE ELOY PULIDO, County Clerk
Hidalgo County, Texas

By: _____
AARON BETANCOURT, Deputy