

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 27TH day of FEBRUARY, 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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The Honorable Richard H. Garcia, Interim County Judge, called this Commissioner's Court 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 - #117930 - #118194 - \$1,216,894.23
 - SPECIAL REVENUE FUND - #117894 - #118089 - \$ 763,239.55
 - DEBT SERVICE FUND - # 1003 - # 1004 - \$ 327,105.00
 - TRUST AND AGENCY FUND - # 5313 - # 5336 - \$ 383,444.11
 - ENTERPRISE FUND - # 2566 - # 2575 - \$ 5,188.84

(SEE EXHIBIT A)

- ITEM 2. APPROVAL OF ATTORNEY'S FEES - \$14,615.00

(SEE EXHIBIT B)

- ITEM 3. APPROVAL OF MONTHLY FEE REPORTS:

A. JUSTICE OF THE PEACE:

- 1. ROSA E. TREVINO - \$ 14,960.81 - JANUARY
- 2. ISMAEL OCHOA - \$ 14,730.93 - JANUARY
- 3. JESUS E. MORALES - \$ 5,635.00 - JANUARY
- 4. ADAN CABALLERO - \$ 4,228.20 - JANUARY
- 5. ESPIRIDION JACKSON - \$ 3,835.00 - JANUARY

B. LAW LIBRARY - \$ 597.80 - JANUARY

C. DISTRICT CLERK - \$113,081.29 - JANUARY

(SEE EXHIBIT C)

- ITEM 4. PLANNING DEPARTMENT:

A. SUBDIVISIONS:

- 1. LOT 1-A & 1-B, PECAN COMMERCIAL PARK SUBDIVISION - PCT. 4

(SEE EXHIBIT D)

- ITEM 5. PERMITS:

A. NORTH ALAMO WATER SUPPLY - PCT. 1 & 4

B. WESTERN GEOPHYSICAL COMPANY - PCT. 2

C. CITY OF ALTON - PCT. 3

(SEE EXHIBIT E)

- ITEM 6. INTERNAL LINE ITEM TRANSFERS:

A. COUNTY COURT #3 - NO ACTION

B. ADULT PROBATION - COMMUNITY CORRECTIONS - \$1,000.00

C. PCT. 3 - PARK - \$1,797.00

D. PCT. 3 - PAVED/UNPAVED - \$8,000.00

(SEE EXHIBIT F)

Judge Garcia stated that item 6A will be withheld from action at this time. A motion was then made by Commissioner Sanchez and was seconded by Commissioner Arcaute to approve the Consent Agenda.

MOTION CARRIED

(SEE EXHIBITS A-F)

Item 6A will be for no action at this time.

REGULAR AGENDA

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- ITEM 1. APPROVAL OF OFFICIAL BOND:
 - A. EDUARDO BAZAN - CONSTABLE PCT. 5

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

MOTION CARRIED
(SEE EXHIBIT G)

- ITEM 2. URBAN COUNTY:
 - A. CITY OF LA JOYA - WATER/SEWER IMPROVEMENTS CONSTRUCTION CONTRACT
 - B. CITY OF PALMVIEW - CONTRACT AWARD
 - C. PCT. 4/COUNTY WIDE - PUBLIC HEARING ON PROPOSED AMENDMENTS
 - D. PCT. 4/COUNTY WIDE - BUDGET AMENDMENTS
 - E. HOME/HOMEOWNER OCCUPIED HOUSING REHAB. APPLICATION

2A

Anthony Covacevich opened by stating this was a request by the City of La Joya to enter into contract with D & V Construction Company for the purpose of Water and Sewer Improvements. The amount of the contract is \$34,871.84. This project is a part of the Highway Department widening of FM 2521 and he recommends approval. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT H)

2B

Mr. Covacevich stated that this contract was for South Texas Utility Contractors for Street Improvements. The amount is for \$236,496.20 and he recommends approval. A motion was made by Commissioner Rosel and was seconded by Commissioner Arcaute to approve.

MOTION CARRIED
(SEE EXHIBIT H)

2C

Judge Garcia delcared this public hearing open. Mr. Covacevich stated that these amendments would affect years 6 & 7 for Pct. 4 and Countywide year 8. In year 6 for pct. 4, Neighborhood Facilities is being reduced by \$4,000 and Parks and Recreation Facilities is being increased from \$0 to \$4,595.03. Since this is a new activity, it requires a public hearing notice. In year 7, Parks and Recreation is also being created and it is being funded in the amount of \$6,920.13 by lowering Street Improvements from \$398,000 to \$391,079.87. For County Wide year 8, money is being taken from Unprogrammed Funds which has an amount of \$168,486.72 and creating Residential Rehab for \$50,000 leaving a total of \$118,486.72 in Unprogrammed Funds. There being no further comments, Judge Garcia declared the public hearing closed.

2D

Mr. Covacevich stated that these amendments were referring to the public hearing previously. Again, they will affect Pct. 4 years 6 & 7 and Countywide year 8. Commissioner Rosel asked if the \$50,000 being used from Unprogrammed Funds was a result of the action taken on the Hi-

dalgo Clinic. Mr. Covacevich stated that this was not. It was related to some home projects that were under the home program that were either not finished by the Contractor or he left some vendors unpaid after signing an affidavit saying that he had. Commissioner Rosel asked if performance bonds could be used in these cases and Mr. Covacevich stated that these amounts do not require bonds. They are on a case by case basis. Legal Action will be taken against the contractor but HUD wants these cases cleared. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT H)

2E

Mr. Covacevich stated that he is requesting approval of this applicant case # CW 85-95-14 to proceed with construction. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT H)

ITEM 3. PLANNING DEPARTMENT:

- A. SUBDIVISION WITH VARIANCE REQUEST:
 - 1. PRAIRIE VIEW HEIGHTS - PHASE II - PCT. 3
- B. VARIANCE REQUEST:
 - 1. ALLEN STEVENSON - PCT. 1
- C. REIMBURSEMENT FOR KEN ECKROAT, COUNTRY BREEZE SUBDIVISION PCT. 4

3A1

Roy Gonzalez stated that the reason for this variance request on this subdivision is for the difference in reference to the corner clip cuts. Mr. Gonzalez stated that they were in receipt of a letter in which the city stated that they had no objections to this request. Godfrey Garza, Engineer, addressed the Court and stated that the city does not require a right of way clip to be in place where the roads intersect secondary roads and the County does. The developer has donated the clip that the County requires, but they have done so in the form of an easement along Abram Rd. as opposed to a right of way. Ms. Walker stated that she did not have any problems with this request. After further comments, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve and grant the subdivision variance from Prairie View Heights Phase II in Pct. 3.

MOTION CARRIED
(SEE EXHIBIT I)

3B1

NO ACTION

3B2

Mr. Gonzalez stated that this subdivision was originally for 19 lots. After paying the culverts for all lots, the developer revamped the plat and cut out the little lakes that were being included with those lots to avoid applying through FEMA. When he made that correction, the subdivision went down to 17 lots and out of those lots, 2 had

existing culvert pipes. The total amount of the reimbursement will be \$710.40. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to reimburse Ken Eckroat, Country Breeze Subdivision \$710.40 because of the overage spent on two culverts.

MOTION CARRIED
(SEE EXHIBIT I)

ITEM 4. VONA WALKER, RIGHT-OF-WAY DIRECTOR:

- A. AUTHORIZE EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS FOR RETENTION OF COUNSEL IN PROCEEDING BEFORE THE TEXAS PUBLIC UTILITIES COMMISSION
- B. APPROVAL TO RETAIN COUNSEL IN PROCEEDING BEFORE THE TEXAS PUBLIC UTILITIES COMMISSION
- C. RESOLUTION DECLARING PROPERTIES SURPLUS & APPOINTING SPECIAL COMMISSIONER TO SELL SAME

4A&B

Steve Crain addressed the Court and stated that the County has filed an intervention and it has been granted in a matter dealing with an easement before the Public Utilities Commission. An Electric Cooperative has requested some easements along County roads and the County has intervened pursuant to direction. He has submitted to the Court a potential list of Counsel in Austin that deal with the Public Utilities Commission. If the Court decides to choose Counsel, it is strictly up to them. Atlas and Hall would be able to represent the County in this matter, but the reason Mr. Crain suggested Counsel in Austin is because they are already there and all the hearings will be conducted in Austin and Atlas and Hall will charge for the trips. Mr. Crain stated that time is important because the discovery deadlines have started. Mr. Crain did not have a ball park figure as to how much this would cost the County because his firm did not want to contact anyone until he had some direction from the Court. Commissioner Sanchez suggested that this item be placed on the next agenda until the Judge has had ample time to contact these firms and he can get some type of figure as to how much this will cost. Judge Garcia agreed and stated that this item will be for no action at this time.

NO ACTION
(SEE EXHIBIT J)

4C

Vona Walker stated that these were some properties that were seized by the Task Force. They just need to be declared surplus and have a Special Commissioner appointed to have them sold. They will be sold on the Courthouse steps on March 29, 1996. A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel and Garces to declare the property surplus and that they appoint a special Commissioner, that person being Vona Walker. Commissioner Rosel brought up the fact that in the past when this issue was brought up, they had talked about compensating the individual that is selling these lots because they sometimes have to stay until 6 and 7 o'clock at night but it has never been done. He feels that the Commission should find a way to compensate the individual doing the selling. Further comments followed in which it was stated, in reference to the compensation, that sometimes the reason that there can be no compensation is that some of these properties do not belong to the County so we do not see any revenue from those, therefore,

the point is moot. After further comments, the motion was put to a vote and all voted in favor.

MOTION CARRIED
(SEE EXHIBIT J)

ITEM 5. COUNTY EXTENSION SERVICE:
A. BUDGET AMENDMENT AND SET SALARY

Ida Dromgoole opened this topic by stating that she was coming before the Commission to request a budget amendment that would affect three positions. The total amount of funds needed is \$15,521.62. She stated that the department would be transferring from the contractual services line item an amount of \$4,400 and \$3,000 from a Community Homebuyers Fund that is in the Urban County Program towards this amount. The balance needed to fulfill this amount being requested by Mrs. Dromgoole is \$8,121.62. The first position is a Professional Horticulture position which was requested by the Texas Agriculture Extension Service. They are also requesting a 4H Program Assistant position. This position has been part time and she would like to make this a full time position. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to make a budget amendment in the amount of \$8,121.62 to the County Extension Service from the General Fund. Commissioner Sanchez wanted to discuss this issue before the vote. Commissioners Sanchez and Arcaute expressed their opposition to the budget amendment due to this not being a common practice, to amend the General Fund for salaries. Commissioner Arcaute did feel, however that monies could be taken from the salaries line item but not put into it. The motion was then put to a vote. Commissioners Rosel and Garces voted in favor and Commissioners Arcaute and Sanchez voted against the motion. The tie was broken by Judge Garcia, in which he voted in favor of the motion.

MOTION CARRIED
(SEE EXHIBIT K)
(JUDGE GARCIA, COMM. ROSEL & COMM. GARCES IN FAVOR)
(COMM. ARCAUTE AND COMM. SANCHEZ OPPOSED)

ITEM 6. HUMAN SERVICES:
A. REQUEST TO DESTROY OLD COUNTY INDIGENT HEALTH CARE CASE RECORDS FOR STATE FISCAL YEARS 1990 & PRIOR
B. DECLARE OFFICE EQUIPMENT SURPLUS

6A

Steve Crain addressed the Court and stated that if any of these records blong to children under the age of 18, they must be separated and not destroyed until they are 18 as per State Statute. Commissioner Arcaute made a motion and was seconded by Commissioner Garces to table this item until the director is present to explain this item.

MOTION CARRIED
(SEE EXHIBIT L)

6B

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

MOTION CARRIED

(SEE EXHIBIT L)

ITEM 7. SHERIFF'S DEPARTMENT:

- A. REQUEST EXEMPTION FROM COMPETITIVE BID REQUIREMENTS FOR LEGAL SERVICES & AUTHORIZATION TO APPOINT LEGAL COUNSEL FOR SHERIFF'S DEPARTMENT IN MATTERS PERTAINING TO CIVIL SERVICE GRIEVANCES
- B. AUTHORIZATION TO PAY \$4,346.20 FOR LEGAL SERVICES RENDERED
- C. BUDGET AMENDMENT FOR MEDICAL SERVICES

7A&B

Ramiro Castellano addressed the Court and stated that this was concerning some of the civil service hearings being had by the Sheriff's Department in which the Sheriff had briefed the Court. They'd like Atlas & Hall but there might be a conflict of interest in that they represent the Civil Service Commission itself. They had already acquired the service of a firm since it is a Professional Service and it is not bound by bid. Mr. Castellano stated that they had obtained some prices from firms that were knowledgeable in civil service matters and they went with the lowest one. Mr. Crain then addressed the Court and stated that this was in relation to the grievances filed against the department. The department felt like they needed some representation in these matters; consequently, they hired a firm. Mr. Castellano stated that this would be on a case by case basis being that not every grievance requires attorneys. Commissioner Arcaute asked Mr. Castellano how this was to be paid? Mr. Castellano was hoping that they could get this money from the County. Judge Garcia stated that either way they would be paying Atlas & Hall but they cannot, being that they represent the Civil Service. The firm they hired was Ellis, Koenke & Ramirez. After further comments, A motion was made by Commissioner Arcaute and was seconded by Commissioner Garces to authorize the exemption from the competitive bid requirements and that the firm of Ellis, Koenke & Ramirez be the one to make those representations that have already been made and authorize to pay the legal service that they have already provided.

MOTION CARRIED
(SEE EXHIBIT M)

7C

Mr. Castellano stated that this budget amendment was in relation to some litigation concerning the jail facility. He stated that they are trying to improve the medical services. He also mentioned that with this, the Court had authorized two medical doctors at \$2,750 for each for five visits per week. This proposal had been included in the budget proposal for 1996 but because the way things were done in operating on the '95 budget, they did not get this money. With the previous year's budget of \$50,000 and the expenses they have incurred this year, it leaves them short \$16,000 plus they are asking for another \$25,000 for additional medical services. In total, they are asking for \$41,000. To the understanding of Commissioner Sanchez, the full amount of the contract needs to be in the line item before the contract can be executed by the department, according to Steve Austin and the additional \$25,000 will be for estimated costs for the rest of the year. After further brief comments, a motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to approve the request from the Sheriff's Office for \$41,000 and amend the budget.

MOTION CARRIED
(SEE EXHIBIT M)

ITEM 8. COUNTY CLERK:
A. DECLARE EQUIPMENT SURPLUS:

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

MOTION CARRIED
(SEE EXHIBIT N)

ITEM 9. CHILD WELFARE:
A. DECLARE ONE CONFERENCE TABLE SURPLUS

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to declare surplus one conference table.

MOTION CARRIED
(SEE EXHIBIT O)

ITEM 10. COUNTY JUDGE:
A. EXEMPTION FORM COMPETITIVE BIDDING IN WORKING TOWARDS THE ACQUISITION OF POSSIBLE ALTERNATIVE LAND SITES FOR THE NEW COUNTY JAIL

NO ACTION

ITEM 11. COUNTY AUDITOR:
A. APPROVAL TO IMPLEMENT REQUISITION FORMS ON ALL PURCHASES UNDER \$100
B. APPROPRIATE ADDITIONAL FUNDS INTO THE 1996 BUDGET TO COVER OUTSTANDING PURCHASE ORDERS AS OF DECEMBER 31, 1995, THAT WILL BE RE-ENCUMBERED IN 1996

11A

Steve Austin addressed the Court and stated that this was in reference to a workshop that had been held prior, in which it was discussed that there was need to prepare requisitions for all purchases. This is based on a recommendation by the State Comptroller. Commissioner Sanchez stated that he would like to see some type of outlay as to how this would function. He recommended that no action be taken at this time until such an outline was drawn up showing the effects on the departments. Steve Austin stated that this was referencing a State Statute. Commissioner Rosel felt that they should abide by this if it is a statute. Commissioner Arcaute on the other hand felt that this statute needed to be looked at more closely. He said it stated in the statute that all supplies and materials, there should be a requisition form. Then it also allows the Purchasing Department to be able to establish a way. Commissioner Sanchez again reiterated back to having some sort of outline on this. He does not want to be penny wise and dollar foolish and just jump into this. After further comments, a motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to table this item.

MOTION CARRIED (TABLED)
(SEE EXHIBIT P)

11B

Steve Austin stated that this is done every year in order to cover outstanding purchase orders at the end of each year. These monies are already reserved from '95 for this purpose. Since these bills were incurred in '95, they should be paid by '95 funds. After further comments, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces for authorization to re-encumber the funds that were encumbered in '95 into the '96 budget and to appropriate the same.

MOTION CARRIED
(SEE EXHIBIT P)

ITEM 12. HEALTH DEPARTMENT:

- A. APPROVAL OF MEDICAL DIRECTOR'S CONTRACT RENEWAL
- B. APPROVAL TO DELETE POSITION #51 IN THE AMOUNT OF \$2,140 & INCREASE POSITION #1 THIS AMOUNT WOULD SET SALARY OF L.V.N. POSITION AT \$24,845
- C. APPROVAL OF CONTRACT WITH DRISCOLL FOUNDATION FOR PROVISION OF PEDIATRIC RESIDENT PHYSICIANS FOR COPC

12A

Dr. Omar Garza requested that this item be delayed until he has had time to review the new contract. He has not done so at this time.

NO ACTION
(SEE EXHIBIT Q)

12B

Dr. Garza stated that this request for the purpose of upgrading the L.V.N. position to \$24,845 which is in line with the rest of the positions. What was being done was this individual was being augmented by both the County and State. Dr. Garza stated that this was the request of the Auditor. The position will be increased from the General Fund Account. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve the deletion of position #51 in the amount of \$2,140 and increase position #1 and set salary for the L.V.N. position to \$24,845.

MOTION CARRIED
(SEE EXHIBIT Q)

12C

Dr. Garza stated that he would like to postpone action on this item at this time until he attends a meeting that is scheduled for the following day. They may not need to hire a doctor for the COPC Clinic.

NO ACTION
(SEE EXHIBIT Q)

ITEM 13. WIC:

- A. AUTHORIZATION TO AMEND 1996 BUDGET TO REFLECT THE SECOND HALF OF THE WIC AGREEMENT
- B. UPGRADE ENTRY LEVEL LVN'S TO REFLECT SALARY OF \$23,000

13A

Norma Longoria stated that this was the second six months to their contract. This will amend the regular WIC Budget and the Special Initiative Budget. All terms remain the same as the first part of this budget. She wants to amend the budget for the second six months because back in October, at the beginning of their fiscal year, they had only received six months worth of the budget because the State was going to make some changes and they have since decided against that. This is the reason for this request. After brief comments, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to amend the '96 budget to reflect the second half of the WIC agreement.

MOTION CARRIED
(SEE EXHIBIT R)

13B

Ms. Longoria stated that the present L.V.N. entry level salary is \$22,326 and she would like to upgrade that to \$23,000 to attract more applicants since the Health Department L.V.N.'s are making more. The duties between the Health Department and the WIC L.V.N.'s are the same. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to upgrade the entry level L.V.N.'s at the salary of \$23,000 as requested by the WIC Director.

MOTION CARRIED
(SEE EXHIBIT R)

ITEM 14. PURCHASING DEPARTMENT:

A. AWARD BIDS:

1. LOADER - PCT. 1
2. HAULING - PCT. 1
3. INSTALLATION OF CULVERT PIPES - PCT. 1
4. FIVE PICK-UPS - PCT. 3
5. INSTALLATION OF CULVERT PIPES - PCT. 3
6. INSTALLATION OF CULVERT PIPES - PCT. 4
7. RENTAL SPACE IN EDINBURG - WIC

B. REQUEST TO ADVERTISE:

1. FULL SIZE ASPHALT PAVER - PCT. 1

14A1

Darlene Betancourt opened by recommending the lowest bid being Anderson Equipment for \$47,955 for a 1985 Fiat. Commissioner Sanchez made a motion and was seconded by Commissioner Garces to award the bid for the Front End Loader to Anderson Equipment Co. as recommended by the Purchasing Department in the amount of \$47,955.

MOTION CARRIED
(SEE EXHIBIT S)

14A2

Mrs. Betancourt stated that she is understanding that this will be taken under advisement. Commissioner Sanchez explained that with the exception of three items, one vendor had the low bid on everything and he is not sure where this vendor is from and he would like to clarify this situation. He then made a motion and was seconded by Commissioner Rosel to take this item under advisement.

MOTION CARRIED
(SEE EXHIBIT S)

14A3

Commissioner Sanchez recommended that this item be rejected so that he may find a better way about this. He then made a motion to reject all bids. He was seconded by Commissioner Rosel.

MOTION CARRIED
(SEE EXHIBIT S)

14A4

Mrs. Betancourt stated that low bid for the 4 x 2's, was Robert's Chevrolet at \$17,394 but there was also a 1997 bid for \$580 more. These bids do not meet specs. however, because they wanted a 5.0 engine and the bid came in with a 4.6. Mrs. Betancourt stated that none of them met specs. except for one, which was the higher bid from Bert Ogden Motors. The bid for Bert Ogden was \$17,500 for the 4 x 2's. Commissioner Rosel requested that this item be taken under advisement so that he may have time to look over the specs. and make sure that they meet specs. He so moved to that affect. He was seconded by Commissioner Sanchez.

MOTION CARRIED
(SEE EXHIBIT S)

14A5

The lowest bid for this item was \$416.48 by Newton Construction. Commissioner Rosel stated that he did not want to reject this bid at this time. He would like to place it under advisement. He so moved to that affect. He was seconded by Commissioner Garces.

MOTION CARRIED
(SEE EXHIBIT S)

14A6

Commissioner Garces stated that he also wanted to take this bid under advisement. He was somewhat satisfied with the bid but he wanted a chance to look over the specs. This was in the form of a motion which was seconded by Commissioner Rosel.

MOTION CARRIED
(SEE EXHIBIT S)

14A7

Mrs. Betancourt stated that two bids were received. They want to reject the bids. The reason for the rejection is because a 5 year basis was specified on the contract and the specs. called for a 3 year contract and the second bid was to high. She stated that they want to reject and readvertise. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to reject all the bids for the Edinburg area and readvertise.

MOTION CARRIED
(SEE EXHIBIT S)

14B1

A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to advertise for a full size Asphalt Paver 1985 or newer.

MOTION CARRIED
(SEE EXHIBIT S)

ITEM 15. PCT. 3:

- A. AUTHORIZATION TO PAY BILLS:
 - 1. GSC FEDERAL SURPLUS PROPERTY PROGRAM
 - 2. INDIVIDUAL HAULERS
- B. AUTHORIZATION TO ADVERTISE FOR SECURITY AT LANDFILL SITES COUNTYWIDE APPROXIMATELY 2 1/2 HOURS PER DAY
- C. AMEND ENTERPRISE FUND TO CREATE ONE FULL TIME AND ONE PART TIME EMPLOYEE FOR PENITAS LANDFILL
- D. APPROVAL TO TRANSFER FUNDS FROM PAVED/UNPAVED ROADS AND/OR PARK 1995 FUND BALANCE FOR PAYMENT OF EMS CONTRACT

15A1

Commissioner Rosel stated that this was for a tandem that was purchased from GSC and he is asking approval to pay an amount of \$9,300, the price of the tandem. He then made a motion for authorization to pay GSC. Steve Austin stated that This needed to be exempted to pay this bill. Commissioner Rosel then restated his motion to read to exempt from the normal bidding process and authorize the payment of \$9,300 to the Government Surplus Property Program of San Antonio. The motion was seconded by Commissioner Garces.

MOTION CARRIED
(SEE EXHIBIT T)

15A2

Commissioner Rosel stated that these haulers were used and he would like to get approval to exempt them from the bidding process to pay them a total of \$7,091.84 for 7 haulers. Steve Austin was unclear on the intent of Commissioner Rosel. He did not know if Commissioner Rosel was going out for bids or exempting them under professional service exemption. Steve Crain addressed the Court and stated that he did not see how these could be exempted under professional service. These individuals are not conducting a unique service. He advised against exempting them. After further comments, Commissioner Rosel restated his motion authorize the payment of these bill. The motion was seconded by Commissioner Garces.

MOTION CARRIED
(SEE EXHIBIT T)

15B

Commissioner Rosel stated that this was part of the negotiation with TNRC in which they discussed getting several items at the landfill taken care of. One of the concerns was people going to the landfill after hours and scavenging. One of the remedies for this is to provide security at the landfill for approximately 2 hours per day, seven days a week. This money would come out of the Countywide Enterprise Fund. Since this would come of the Enterprise Fund, Commissioner Sanchez suggested that a position be approved for each transfer station because the problem is everywhere and not just Pct. 3. Commissioner Rosel made a mo-

tion to authorize the advertising for security at the landfill sites Countywide for approximately 2 1/2 hours per day on a 7 day basis. The motion was seconded by Commissioner Garces for discussion. Commissioner Sanchez asked what type of security was he looking for and Commissioner Rosel stated that this was maybe certified personnel to be able to detain in case the people did not want to cooperate such as a security company. Commissioner Sanchez stated that since the stations were so widespread, maybe the precincts be allowed to go out on their own. He also suggested that this be tabled for a week so that they may structure a budget for this and some specs. be developed. Commissioner Rosel withdrew his original motion and entered a new motion to table this item until the following week. Commissioner Garces also withdrew his second and seconded the new motion to table.

MOTION CARRIED (TABLED)
(SEE EXHIBIT T)

15C

A motion was made by Commissioner Rosel and was seconded by Commissioner Sanchez to table.

MOTION CARRIED (TABLED)
(SEE EXHIBIT T)

15D

Commissioner Rosel stated that this was to be a transfer from the '95 fund balance from paved/unpaved and/or park to pay for the EMS Contract. These monies will be transferred into the General Fund and then paid out. At this time, he would like to deal only with park since there is discussion on Road and Bridge. There is currently a \$55,603.51. He then made a motion to transfer \$55,603.51 from the Park Fund '95 surplus into the General Fund in order to pay the ambulance service in and for pct. 3. The motion was seconded by Commissioner Garces.

MOTION CARRIED
(SEE EXHIBIT T)

ITEM 16. PCT. 4:

- A. REQUEST TO ADJUST SALARIES IN ROAD & BRIDGE ACCOUNT
- B. APPROVAL OF LINE ITEM TRANSFER & PAY BILLS FROM FAYSVILLE PARK ACCOUNT

16A

Commissioner Garces stated that this was just an adjustment in salaries. He wants to adjust the Mechanic from \$24,610 to \$20,000, Truck Driver from \$18,283.09 to \$14,884.77 and Administrative Assistant from \$30,689.08 to \$27,390.00. The rest will go up. Slot 7 from \$19,330.51 to \$22,000, slot 12 from \$16,102.57 to \$16,585, slot 13 from \$21,400 to \$23,500, slot 16 from \$19,084 to \$20,000, slot 18 from \$12,239.13 to \$12,840, slot 23 from \$10,949.75 to \$12,840 and slot 26 from \$4,250.17 to \$6,897.96. This is in the form of a motion. The reason for these adjustments is added responsibilities. The motion was seconded by Commissioner Rosel. There will be no cuts on the individual. It is just the slot. The motion was then put to a vote and all voted in favor.

MOTION CARRIED

(SEE EXHIBIT U)

16B

Commissioner Garces stated that according to the hand-out, action will only be taken on item 64. They will take from this line item and place in line item 95. They will only take from labor. The amount will only be \$2,000. He put this in the form of a motion which was seconded by Commissioner Rosel.

MOTION CARRIED
(SEE EXHIBIT U)

ITEM 17. COMPUTER DEPARTMENT:
A. REQUEST AUTHORIZATION FOR CELLULAR PHONE

Roy Quintanilla addressed the Court on behalf of the Computer Department and stated that this was for a cellular phone. This phone is to be used at sites where there is no access to telephones. This will also serve as an instant modem for a laptop computer. There are about 20 sites where there are no phones. The Commission did not feel that there was enough of a need for a phone. They felt that there were other alternatives to this issue. A motion was then made by Commissioner Rosel and was seconded by Commissioner Arcaute to reject the cellular phone request from the Computer Department.

MOTION CARRIED
(SEE EXHIBIT V)

ITEM 18. ROY QUINTANILHA, ADMINISTRATIVE ASSISTANT:
A. UPDATE ON THE LA VILLA FIRE DEPARTMENT
B. APPROVAL OF AN UPDATED MAP OF FIRE RESPONSE AREAS

18A

Mr. Quintanilha updated the Court on a request given to him by the Court concerning La Villa being part of the a Fire Contract in Rural Hidalgo County. As of now, La Villa has not purchased communications equipment for their firemen or their vehicles. They are currently doing so at this time. They also need to enter into a mutual aide contract of which they have not done so and they also need to obtain a secondary vehicle so as not to leave the city exposed when fighting a rural call. Mr. Quintanilha stated that he has spoken with the City Manager and he was assured that this would be taken care of by April 1. Whenever they do meet the obligations, they will come back to Court for the approval. Mr. Quintanilha recommended no action at this time.

NO ACTION
(SEE EXHIBIT W)

18B

Mr. Quintanilha stated that the old map that was being used is outdated. Many of the boundaries have changes since they last approved a map due to cities getting larger. He stated that this needs to be approved so that they can update the 911 system. As it stands now, they have City of McAllen calls with a 383 or 585 prefix which are normally Mission and Edinburg. After brief comments, a motion was made by Commissioner Garces and was seconded by Commissioner Arcaute to approve the updated map of the fire response areas as stated.

(2/27/96)

14

MOTION CARRIED
(NO EXHIBIT)

ADD. #1. APPROPRIATE BUDGET FOR CONSTRUCTION & ARCHITECT - COURT OF CIVIL APPEALS

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

MOTION CARRIED
(SEE EXHIBIT X)

ADD. #2. PLANNING DEPARTMENT:
A. SUBDIVISION:
1. LONESOME DOVE ESTATES - PCT. 2

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

MOTION CARRIED
(NO EXHIBIT)

ADD. #3. REGULATIONS CONCERNING RESTRICTIONS ON OUTDOOR COUNTY BURNING

Mr. Quintanilha addressed the Court and stated that this was a resolution on outdoor burning because of the dry conditions. He stated that there were several (6) departments that have responded to 314 grass fires since January 1, 1996. These calls have cost the County \$157,000. This figure is of course without the report of the rest of the eleven departments, who have not reported. Right now there is no current resolution other than the one that was passed in 1984, concerning the burning of excessive vegetation that was dried up during the freeze of 1983. The only thing that applies now is the current Arson laws in the Penal Code. Johnny Economedes, Edinburg Fire Chief, addressed the Court and stated that every department in the County is fighting an average of 3 grass fires per day or more. Edinburg alone has answered from January 1 to Friday, 63 calls outside the city limits and all have been grass fires. He feels that this resolution will give the association some teeth to combat these fires. Up to now, they have been bluffing some people concerning these fires but they will now be able to say it and mean it. He went on to state that there was a resolution back in 1984 that did give them that power but it was never enforced. They will now enforce it because the problem is much worse. This resolution will be enforced by calling the Sheriff's Office and tell them that someone is burning and they do not have a permit and the deputies will in turn respond and give them their citation. Once the fire department responds to the calls and find out that they don't have a permit, they will take the appropriate steps. The Commission also recommended that if the Sheriff's Department cannot respond, then they could get the Constables to respond being that they have a little more time on their hands. Commissioner Sanchez was a bit skeptical about this resolution citing the enforcement issue. Mr. Crain also addressed the Court and stated that there were some points that needed to be brought up. Once conditions improve with regards to the dry weather and high winds, this action will have to be rescinded because this type of resolution can only be issued during times of possible disaster until the Court deems necessary. This order will ban any burning outside of an enclosure. If you are going to

burn something outside of an enclosure, then a permit must be obtained from the Fire Department and they will set requirements for the burning in addition to the requirements of this resolution. After further brief comments, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the resolution concerning the outdoor County burning.

MOTION CARRIED
(SEE EXHIBIT Y)

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

MOTION CARRIED

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

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

ITEM 1. LINE ITEM TRANSFER:

Vona Walker stated that this money will be transferred into new equipment. She stated that there is \$100,000 in Right of Way and there are no expected Right of Way projects for this year so she would like to transfer this into 95, machinery and equipment. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT Z)

- ITEM 2. AWARD BIDS:
 - A. EXCAVATOR
 - B. CAB & CHASIS
 - C. TRACTOR WITH BOOM MOWER

2A

Ms. Walker stated that there were three bids. The low bid was from Nueces Power Equipment at \$161,000. Next was B.C. Equipment at \$173,456 and the last one was Texas Crain at \$176,300. She is recommending Texas Crain as the lowest bid that met all specifications. The other bids did not have the reach, maximum machine weight, counter-weight that was required. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve as recommended by Vona Walker.

MOTION CARRIED
(SEE EXHIBIT S)

2B

Ms. Walker stated that there was only one bid from

(2/27/96)

16

Bert Ogden motors for \$16,590 and she is recommending them. A motion was made by Commissioner Rosel and was seconded by Commissioner Arcaute to accept the bid of \$16,590 from Bert Ogden for a Cab & Chasis.

MOTION CARRIED
(SEE EXHIBIT S)

2C

Ms. Walker stated that there were 3 bidders. J.C. Brown for \$37,775.95, Amigo Implement for \$37,625 and Anderson Equipment for \$44,946. She stated that the two low bids did not meet specs. so she is recommending Anderson Equipment at \$44,946. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to accept the lowest bid who has met the specs. which is Anderson Equipment Company.

MOTION CARRIED
(SEE EXHIBIT S)

ITEM 3. DISCUSSION & POSSIBLE ACTION ON ABOLISHMENT OF POSITION OF DRAINAGE DISTRICT #1 MANAGER (SLOT #1 - M & N BUDGET)

Commissioner Garces stated that this was derived from talking to the personnel that have taken over the responsibility of Drainage District. They have managed this department quite well. Commissioner Rosel stated that he felt it was functioning properly but he did not feel that the position needed to be eliminated. The rest of the Commission did not feel they needed to abolish it either. Ms. Walker addressed the Court and stated that she has had some problems with some individuals where they question her authority because the position is vacant and they feel that they might get someone new all together therefore, why do they have to listen to her? The Commission questioned the fact whether they could name the present Interim Director on a permanent basis. Mr. Crain stated that individual names are not supposed to be discussed at this point and time. Judge Garcia stated that there will be no action at this time.

MOTION CARRIED
(SEE EXHIBIT AA)

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

MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS DRAINAGE DISTRICT BOARD, THIS MEETING STANDS ADJOURNED.

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 27TH day of FEBRUARY, 1996.

ATTEST:

JOSE ELOY PULIDO, County Clerk
Hidalgo County, Texas



By: Aaron Betancourt
AARON BETANCOURT, Deputy