

THE STATE OF TEXAS :
COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 2ND day of APRIL, 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 meeting to order, whereupon the following items were had to wit:

CONSENT AGENDA
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ITEM 1. APPROVAL OF BILLS - COUNTY AUDITOR
GENERAL FUND - #119070 - #119227 - \$154,084.16
SPECIAL REVENUE FUND - #118863 - #119003 - \$103,559.12
DEBT SERVICE FUND - # 1010 - # 1011 - \$ 191.25
TRUST AND AGENCY FUND - # 5397 - # 5401 - \$424,939.17
ENTERPRISE FUND - # 2609 - # 2615 - \$ 6,955.42

(SEE EXHIBIT A)

ITEM 2. APPROVAL OF ATTORNEY'S FEES - \$500
(SEE EXHIBIT B)

ITEM 3. PLANNING DEPARTMENT:

A. SUBDIVISIONS:

- 1. DOS ARBOLITOS SUBDIVISION PHASE II - PCT. 2
- 2. LOTS 3A & 4A, DOS ARBOLITOS PLAZA - PCT. 2
- 3. VILLA SAN MIGUEL SUBDIVISION - PCT. 2
- 4. J.R.I. SUBDIVISION - PCT. 3
- 5. LOTS 2A & 2B, NORTH STAR PLAZA PHASE I - PCT. 3
- 6. ENCINOS ESCONDIDOS PHASE I - PCT. 4
- 7. NORTHRIDGE PARK PHASE V - PCT. 4
- 8. WOODHOLLOW SUBDIVISION PHASE VII - PCT. 4

(SEE EXHIBIT C)

ITEM 4. PERMITS:

A. NORTH ALAMO WATER SUPPLY CORPORATION

(SEE EXHIBIT D)

ITEM 5. INTERNAL LINE ITEM TRANSFERS:

- A. J.P. PCT. 2, PL. 1 - \$ 500.00
- B. COUNTY CLERK - \$ 800.00
- C. ELECTIONS ADMINISTRATION - \$ 5,266.51
- D. COUNTY EXTENSION - \$ 800.00
- E. DETENTION CENTER (JAIL) - \$35,952.00
- F. PCT. 4 - ADMINISTRATION - \$ 2,000.00
- G. J.P. PCT. 3, PL. 2 - \$ 100.00
- H. ADULT PROBATION - STATE FUNDS - \$ 52.00
- I. COUNTY COURT #4 - \$ 125.00
- J. HISTORICAL COMMISSION - \$ 500.00
- K. 275TH DISTRICT COURT - \$ 100.00
- L. PCT. 3 - ADMINISTRATION - \$ 100.00
- M. PCT. 3 - ROAD & BRIDGE - \$ 1000.00

(SEE EXHIBIT E)

Judge Garcia called this meeting order, where he stated that there were 2 items that would be withheld from any action at this time, those items being 5L & 5M. The amounts have been corrected. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve the Consent Agenda with the following changes.

MOTION CARRIED
(SEE EXHIBITS A-E)

A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve the items as corrected.

MOTION CARRIED
(SEE EXHIBITS A-E)

REGULAR AGENDA
=====

At this time, Judge Garcia moved into item 7A only under Urban County.

ITEM 7A. DECLARATION OF NATIONAL COMMUNITY DEVELOPMENT WEEK

Mr. Covacevich opened by stating that over 500 communities are participating in this National Community Development Block Grant Week and he would like to join them in this event. He read off two sections of a proclamation as per the exhibit which he is asking the Court to adopt in observance of this activity. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT F)

Mayor Gregorio Madrigal addressed the Court and stated that on behalf of the cities that participate in this grant. He would like to present the Court with a plaque showing their thanks for the Court's support in this program. He briefed the Court on all improvements that have been made because of this program. Mr. Covacevich recognized some of the cities that were here represented. Cities of Elsa, Edcouch, Palmview, Alton, San Juan, Alamo, La Villa, Mercedes, La Joya, Penitas & Monte Alto. He also recognized some of his staff that make this program work. At this time, Judge Garcia moved on to the next item.

ITEM 5. AWARD CONSTRUCTION BID FOR FIFTH FLOOR ADMINISTRATION BUILDING - 13TH COURT OF APPEALS

Cheif Justice Bob Seerden addressed the Court and stated that he was here requesting the approval of the contract for the low bid for the renovation. The Commission wanted to be reminded on the proceedings of the previous week. Thomas Canul addressed the Court and stated that Merritt Construction was the low bid with a base bid of \$491,892 and two alternates. Alternate #1 was in the amount of \$41,168 and #2 was in the amount of \$37,128. The total amount being recommended at this time is \$570,188. Commissioner Rosel raised the issue that he was told by Steve that there had been a resolution passed by where it states that the maximum amount that will be able to be refunded by the Certificates of Obligations will be \$200,000. Commissioner Sanchez did not agree with that language. He then proceeded to give his interpretation of what it did state. He stated that this amount is the expected amount to be returned but not necessarily that total. He stated that there could be a correction on this resolution of the amount so that they do retrieve the total amount. This can be done the following week. A motion was then made by Commissioner Garces and was seconded by Commissioner Sanchez to go with Merritt Construction in the total amount of \$570,188 and also to include a resolution with the appropriate change to indicate this a-

mount. Steve Crain then addressed the Court and stated that the resolution he had was dated back in 1991 and Commissioner Sanchez was in possession of one that was dated back in 1995. Mr. Crain stated that all that would have to be done is have the amount corrected at an appropriate date. The motion was then put to a vote and all voted in favor.

MOTION CARRIED
(SEE EXHIBIT G)

ITEM 6. COUNTY COURT AT LAW #3:
A. ADJUST SALARIES

Judge Homero Garza addressed the Court and stated that this request was for the purpose of bringing his positions in line with the rest of the Courts. He stated that in the past, the Bailiff for his Court was sharing the responsibilities of the Coordinator and that is why her salary was slightly higher. She is no longer doing so and this is the reason for re-allocation. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve the request as per the attachment.

MOTION CARRIED
(SEE EXHIBIT H)

At this time, the Commission reverted back to the closed session item.

ITEM 1. CLOSED SESSION:
COMMISSIONERS COURT MAY GO INTO CLOSED SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE, SECTIONS 551.071 & 551.074 TO DISCUSS THE FOLLOWING MATTER:

A. EEOC CLAIM
ADD. 1. ADCOX VS. HIDALGO COUNTY

At this time, the Commission retired into closed session.

ITEM 2. OPEN SESSION:
A. EEOC CLAIM
ADD. 1. ADCOX VS. HIDALGO COUNTY

2A

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to settle the claim filed with EEOC and make the restitution immediately.

MOTION CARRIED
(NO EXHIBIT)

ADD. 1.

NO ACTION
(NO EXHIBIT)

ITEM 7. URBAN COUNTY:
B. DECLARATION OF APRIL AS "FAIR HOUSING MONTH"
C. CITY OF ALAMO - ALAMO YOUTH SPORTS - SUBRECIPIENT AGREEMENTS

- D. CITY OF ALTON - PARKS IMPROVEMENT PROJECT - PROFESSIONAL SERVICES CONTRACT
- E. CITY OF EDCOUCH - PROFESSIONAL SERVICES AGREEMENT
- F. CITY OF ELSA - SUBRECIPIENT AGREEMENT YEAR 1995
- G. CITY OF PALMVIEW - APPROVAL OF BID - FIRE STATION/EQUIPMENT
- H. CITY OF PALMVIEW - FIRE STATION/EQUIPMENT CONSTRUCTION CONTRACT
- I. CITY OF PALMVIEW - PARKS & RECREATIONAL FACILITY CONTRACT AWARD
- J. PCT. #1 - INTERLOCAL AGREEMENT WITH CITY OF LA VILLA
- K. PUBLIC HEARING ON PROPOSED AMENDMENT - CDBG COUNTYWIDE
- L. BUDGET AMENDMENT - CDBG COUNTYWIDE
- M. EMERGENCY SHELTER GRANT - CONSTRUCTION CONTRACT AWARD MUJERES UNIDAS/WOMEN TOGETHER

7B

Mr. Covacevich stated that this is also done every year in conjunction with Community Development Week. This is for the purpose of drawing attention to the principals of fair housing. A motion was then made by Commissioner Sanchez and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT I)

7C

Mr. Covacevich stated that this agreement is for \$5,000 and it is for youth sports and he recommended approval. A motion was then made by Commissioner Arcaute and was seconded by Commissioner Sanchez to approve.

MOTION CARRIED
(SEE EXHIBIT I)

7D

Mr. Covacevich stated that this contract would be with Edward G. Vela Architect and it would be for a total amount of \$16,000. Upon recommendation by Mr. Covacevich, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT I)

7E

Mr. Covacevich stated that this was a contract with Rike-Ogden-Figueroa-Dickson-Wells for \$7,000. This will be for a parks and recreation facility and Mr. Covacevich recommended approval. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT I)

7F

Mr. Covacevich stated this contract with Commonwealth Services is for the purposes of providing tutoring and GED preparations for the people in the Elsa area. This contract is for \$10,000. Commis-

sioner Sanchez stated that they had done business with this organization in the past through OET and there were some problems with the delivery of services. Mr. Covacevich stated that he did not know what the nature of those problems were but he did state that the services can be monitored to best utilize them and meet program regulations. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT I)

7G

Mr. Covacevich stated that this was for the repair of fire equipment. This will repair a skid unit and it is for \$10,861.20. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT I)

7H

Mr. Covacevich stated that the this item was up for bids and the low bidder was BIC Construction. The amount of the contract is for \$27,575 and he recommended approval. A motion was made by Commissioner Rosel and was seconded by Commissioner Arcaute to approve.

MOTION CARRIED
(SEE EXHIBIT I)

7I

Anthony Covacevich stated that this contract was with Metro Electric and it was the low bid. This will be for lighting the existing baseball field and it is in the amount of \$40,973. A motion was made by Commissioner Rosel and was seconded by Commissioner Sanchez to approve.

MOTION CARRIED
(SEE EXHIBIT I)

7J

Mr. Covacevich opened by stating that this is similar to the agreements made with Donna and Progreso. This will allow for the paving of Mile 17 1/2. Commissioner Sanchez stated that he thought it was Mile 17 north that was to be paved. Mr. Covacevich advised him that he would confirm what street was to be paved and include that in the contract. A motion was then made by Commissioner Sanchez and was seconded by Commissioner Garces to approve. Commissioner Sanchez stated that the City of La Villa was providing the monies for the material and Pct. 1 will provide the equipment and the manpower.

MOTION CARRIED
(SEE EXHIBIT I)

7K

Judge Garcia opened this public hearing to the public. Mr. Covacevich stated that this was an amendment to the Countywide budget for year 8. What will be done is they will take \$4,075 that was obligated in year 1991. This is the only money that has not been expended

(04/02/96)

for year 1991. This is for a contract for a platting project in which they've been having problems. This will release those monies for year 1991 and it is the recommendation of HUD and he also recommended it. There were some comments from Commissioner Rosel where he asked if this money was coming from the Unprogrammed Funds and Mr. Covacevich stated that they were. These monies will cover a contract that has been delayed because of the platting problems for Rancho Sanchez. There being no further comments, Judge Garcia delcared the Public Hearing closed.

NO ACTION

7L

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

MOTION CARRIED
(SEE EXHIBIT I)

7M

Mr. Covacevich stated that this was for the rehabilitation of a shelter the Mujeres Unidas has. They have combined their monies from year 7 & 8. The work was bidded out and the low bid was Garcia & Assoc. but they were unable to obtain a payment and performance bond. They have received a letter from the Architects and they recommend the next lowest bidder and that is Land Construction Co. in the amount of \$118,655 and He is recommending this bid. After further comments, a motion was made by Commissioner Garces and was seconded by Commissioner Sanchez to approve the bid to Land Construction for the amount of \$118,655.

MOTION CARRIED
(SEE EXHIBIT I)

- ITEM 8. PLANNING DEPARTMENT:
A. VARIANCE REQUEST:
1. LUPITA CAVAZOS - PCT. 4

8A1

Mr. Garcia addressed the Court and stated that this request was for a variance on the lot size from the family partition as she would like to deed this tract to her daughter. As it is now, the tract is .52 of an acre including the road right of way. If the right of way is excluded, then the tract of land becomes .46 of an acre. This is the reason for the request. The City of Edinburg has granted the variance and this is in the immediate ETJ of Edinburg. Commissioner Garces addressed the Court and stated that Planning and Zoning had no problem with this request and everything is in order. Mr. Garcia stated that they will meet the requirement for the septic tanks. After further brief comments, a motion was made by Commissioner Garces and was seconded by Commissioner Arcaute to approve.

MOTION CARRIED
(SEE EXHIBIT J)

- ITEM 9. TAX ASSESSOR/COLLECTOR:
A. AUTHORIZE PAYMENT OF ANNUAL LEAVE TO ARMANDO BARRERA
B. APPROVAL TO HAVE APPROPRIATE DEPARTMENT PROVIDE JANITORIAL SERVICES FOR MISSION & WESLACO AUTOMOBILE SUB-STATIONS

9A

Mando Barrera addressed the Court and stated that he had read in the personnel manual that a person that is running for office can get his annual leave paid. He then presented his paperwork to Steve Austin for payment of his 84 1/2 hours of leave. According to Mr. Barrera, the rules were revised December 13, 1995. He stated that he is currently on leave of absence because of the policy manual. The manual states that except for an elected official, any county employee who declares his or her candidacy for an elected office must resign or request leave without pay and remain off the County Payroll until the elections results are final. He then read another caption in which it states that an employee who is granted leave without pay to run for an elected office may be paid accrued annual leave and compensatory time in accordance with existing policies of the County adopted December 13, 1995. Commissioner Garces then made a motion to approve the request. Commissioner Rosel seconded the motion for discussion. Commissioner Garces stated that this came about when deputies from the Sheriff's Office ran for office and the civil service is just now getting around to address this issue. Mr. Barrera also stated that he was told by Steve Austin that he could not get paid because this was not in the policy at the time of his leave. Since then, the policy has been revised, therefore, allowing him to be paid his annual leave. Steve Austin stated that the policy before the revision was that if someone runs for office, they resign and get paid for all accumulated leave or take a leave of absence without pay. The policy for leave of absence has been that if you are on leave of absence without pay, they are not paid for vacation leave because this leave per the policy is only paid upon termination. Steve Austin derived at his conclusion from the policy as it stands now that they may be granted leave without pay and may be paid accrued annual leave and compensatory leave in accordance with existing policies of the County which is to not pay annual leave with a leave of absence. Commissioner Sanchez stated that he thought that it was implied that as soon as a person files and until the election is over, that person is on leave of absence and he did not think that this was correct. He thought the leave of absence would only be when it was asked for and granted. Steve Crain then addressed the Court and stated that State Law states that the accrued leave is not the accrued leave while they're running for office but the leave before they became a candidate. The election code governs when you have to take the leave. Under one code, it defines who the candidate is as someone who has expressed an intent to run and also a person who takes affirmative action for the purpose of gaining nomination or election of public office. He stated that this defines when you can no longer be working for an entity. The Commission did clarify that this was a request of the leave before he ran for office which is the matter at hand. He then addressed the Court with regards to the interpretation of Steve Austin concerning the sentence that states in accordance with existing policies. He stated that the reason it was written this way is because at the time that it was written, they could not obtain a definitive answer as to what the policy was as far as paying this annual leave. If an answer could be reached as to what the policy was, then that could have been placed in this section versus in accordance with existing policies. Commissioner Sanchez expressed his discontent with the inability to interpret this policy. During the discussion, Mrs. Etnire stated that as far as paying this, as long as the Court approves it, it can be done. She stated that this was the existing policy effective 1991 and not the revised. Commissioner Sanchez still wanted this section along with any others that may need it, to be clarified

(04/02/96)

and that the civil service re-write this. Mr. Crain stated that clarification was totally up to the County and the Civil Service cannot re-write this until there is clarification on the existing policies. Again, Commissioner Sanchez stated that in order to not violate anyone's rights, they adopt the policy that if anyone so chooses to run for office, they be allowed to resign on their own or take leave whenever they request it and that any leave that has been accrued before that time be paid to them. Commissioner Arcaute did not agree with the recommendation of Commissioner Sanchez. He also felt that what was being done here, is that they were going against policy. He agreed with Steve Austin. The rest of the Commission did not however. The discussion continued with confusing and conflicting interpretations. The Commission was split on these interpretations. Steve Crain stated that the motion that was on the table was to pay and if that is done, he felt that the Commission has in fact established a policy. They will then have to bring back a written policy from the County to reflect this and be approved by the Commission. The discussion continued where Commissioner Rosel stated that for the Commission to decide not to pay would be punitive. He felt that by them not paying, they were in effect being punished for running and also that they were also saying that they didn't care how much time they have, they are not getting paid and he did not agree with that. Commissioners Sanchez and Garces agreed with Commissioner Rosel. After further brief comments, the motion was put to a vote. Before Commissioner Arcaute casted his vote, he wanted to know if this was changing policy and he was answered in the affirmative. Commissioners Sanchez, Rosel and Garces voted in favor. Commissioner Arcaute voted against.

MOTION CARRIED
(SEE EXHIBIT K)

9B

Arnold Morin opened by stating that they were mandated to stop the contractual services of the janitors at the Weslaco and Mission sub-stations. They wanted to know if a department was going to assume the duties of these people because both sub-stations have not been cleaned in over a week. Commissioner Rosel stated that he and Commissioner Sanchez have discussed this and they are working on doing something about this and it can be done with Mr. Trevino. Commissioner Sanchez stated that he has talked to Mr. Trevino and told him that whatever money he has in his budget for this purpose, should be transferred into the individual precincts to create the positions so that they can be cleaned. Commissioner Arcaute stated that they should be made temporary full time employees to avoid any legal trouble. Mr. Morin stated that there was \$1,706 for the Weslaco Office and \$1,485 for the Mission Office. Commissioner Arcaute again stated that they could not be transferred into the precincts themselves. The Commission instructed Mr. Trevino and Mr. Hernandez to work this situation out however they can to get these sub-stations cleaned.

NO ACTION
(SEE EXHIBIT K)

ITEM 10. HEALTH DEPARTMENT:

- A. APPROVAL OF TB ELIMINATION DIVISION GRANT
- B. AUTHORIZATION TO SET SALARIES ON ABOVE GRANT
- C. APPROVAL OF IMMUNIZATION DIVISION GRANT
- D. AUTHORIZATION TO SET SALARIES ON ABOVE GRANT

10A

Ofelia Espinoza addressed the Court and stated that this grant will be the same level of funding as the '95 year and it will be for 1996. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT L)

10B

Mrs. Espinoza stated that this grant has 4 LVN's, 1 RN Clinic Supervisor, 6 Outreach TB aides and Medical Outreach Worker and she was asking to set the salaries. This is the same as the '95 level of pay. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT L)

10C

Mrs. Espinoza stated that this grant was also at the same level of funding as '95. This will be to help in the prevention of the spread of measles or other vaccine preventable diseases. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT L)

10D

Mrs. Espinoza stated that this was for 3 LVN's, 2 Immunization Clerks and 1 Assistant Immunization Coordinator. She stated that this was a renewal grant and it is the same level of funding as the '95 year. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT L)

ITEM 11. WIC:

- A. AMEND 1996 BUDGET - TO ESTABLISH NEW CLINIC, MOVE EXISTING SITE 12-14, MOVE EXISTING SITE 12-15 & OVERTIME EXTENDED HOURS

Norma Longoria opened by stating that they had been awarded some monies in the total amount of \$161,889 to cover the building of a new clinic in the Edinburg Area, the relocation from the old Alton Clinic to the new clinic and the expansion of the Alamo clinic. This will also cover extended hours to have Saturday clinic once a month to attract new participants. After brief comments, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to amend the WIC 1996 budget in the amount of \$161,889.

MOTION CARRIED
(SEE EXHIBIT M)

ITEM 12. ELECTIONS ADMINISTRATION:

- A. APPROVAL TO PAY OVERTIME HOURS WORKED DURING EARLY VOTING & ELECTION NIGHT
- B. APPROPRIATE \$30,301.10 TO OBJECT #82 - CONTRACTUAL SERVICES (AMOUNT RECEIVED FROM DEMOCRATIC PARTY)

12A

Mrs. Etnire spoke on behalf of Noe Perez and stated that they were requesting that these hours be paid that were worked during early voting and election night and also to appropriate the \$30,301.10 received from the Democratic Party. She had some question as to whether this went in obj. 82. She felt that it should go into obj. 03 since this is overtime for his employees. Steve Austin stated that this money was separate and apart from the employees. There were some questions on behalf of the Commission as to what exactly was being requested here and where these monies go. Steve Austin then brought up the question about some employees that exceeded the 240 hours maximum of overtime. Steve Austin felt that they should have submitted this for payment sooner than this day and Commissioner Sanchez did not agree. He did not feel that the time that they took was excessive. Mr. Pulido addressed the Court and asked the Commission how someone could reach this amount of hours with one day of elections and two weeks of early voting. The Commission felt that they needed to get Mr. Perez before the Court to explain this issue. The Commission had some questions with regards to some of the hours that these individuals accumulated. Mr. Pulido stated that the Election Commission had been approached and this issue was brought up but they had instructed Mr. Perez that this issue would be discussed at a future date. Mr. Pulido felt that something was not right being that one individual had accumulated over 400 hours and there were others in the department that did not accumulate any hours. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to table this time.

MOTION CARRIED (TABLED)
(SEE EXHIBIT N)

12B

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to appropriate the \$30,301.10 to object #82 of the Elections Administration.

MOTION CARRIED
(SEE EXHIBIT N)

ITEM 13. COUNTY CLERK:

- A. APPROVAL TO PAY SALARY INCREASE IN SLOT #13 RETROACTIVE TO 01/30/96 AS APPROVED BY COMMISSIONER'S COURT ON 1/30/96 & SET SALARY
- B. ADJUST SALARIES AND AMEND BUDGET
- C. SET SALARIES

13A

Eloy Pulido opened by stating that this was a follow up on a presentation that was done back in the past. He stated that this first request was retroactive. The money has been allocated and it is in the slot. Mr. Pulido is just asking for approval at this time. This will be the only retroactive request. He then went into item B also and advised the Court that the last time this had been brought up, they were

looking at \$22,000 between the County and the County Clerk. The County's portion is now \$6,969.34. He also went into item C which was just the setting of salaries prorated for nine months. The County Clerk's share will be \$8,000. Judge Garcia asked for a motion concerning item 13A. Commissioner Garces then made a motion and was seconded by Commissioner Rosel. Steve Crain then addressed the Court and stated that a salary increase cannot be made retroactive for the same duties for the same hours and this was by state law. Mr. Pulido clarified this for Mr. Crain. He stated that this item had already been approved back on 1/30. Mr. Crain then stated that if it had already been approved, then there was no problem with this. Steve Austin stated that back on 1/30/96, this item was in relation to item D, in which they took no action. Mrs. Et-nire stated that back on 1/30/96, item C was approved which dealt with Mrs. Godinez. Item D was a different request. It was her understanding that what was done incorrectly back then was the setting of salary. After further brief comments, Commissioner Garces amended his motion to state set the salary for slot 13 commencing today on action that was approved back on January 30, 1996. Salary set at \$15,000. The amended motion was seconded by Commissioner Rosel.

MOTION CARRIED
(SEE EXHIBIT O)

13B

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve in the amount of \$6900.

MOTION CARRIED
(SEE EXHIBIT O)

13C

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve and to reflect the prorated amount for 9 months and to be effective immediately.

MOTION CARRIED
(SEE EXHIBIT O)

ITEM 14. PCT. 1:

- A. ARCHITECTURAL & ENGINEERING SERVICES - HIDALGO COUNTY HEALTH CARE CLINIC ROOFING
- B. ACCEPTANCE OF ROAD EASEMENTS

14A

Judge Garcia stated that this was an invoice in the amount of \$2,206.18 by Alvarado Architects & Associates. Commissioner Sanchez stated that this was the bill for the development of the specifications for the roof at the Health Clinic. This was due to the leak in the roof at the clinic. He also stated that they had explored different options concerning the roof but they had decided to just build a new roof. It was for this reason that they employed an architect to develop the specifications so that they could contract it out. Dr. Garza then decided that since he had been working with Mr. Hernandez, Buildings and Grounds could do the work, consequently, the work was never contracted but the specifications were done. Mr. Alvarado is requesting that the services be paid for him doing the work. Commissioner Rosel asked if there was any action by the Court to employ an architect to render the services and Commissioner

Garces stated that bids had come in and they were too high. Commissioner Sanchez stated that they had authorized Dr. Garza to have this work done. Judge Garcia then read part of the minutes into the record dated August 30, 1994 in which it states "the discussion then continued with the need of the architect after which a motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to hire an architect to provide the specifications and recommendations. Further, that they hire Ed Alvarado to do this work and the motion had carried." Commissioner Sanchez stated that the work was never done but Mr. Alvarado did develop the specifications. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to approve the invoice of \$2,206.18. Commissioner Arcaute asked how did Mr. Alvarado base his fee for this service and no one was sure as to what he went by. Raul Hernandez then addressed the Court and stated that his department was never given any documentation as to what kind of work was done by Mr. Alvarado. He went on to state that they had asked Alcocer and Associates for specifications and he was supposed to charge \$4,800. He was not sure if this had gone through Court. He also stated that after discussions, they were able to get the specifications from Mr. Alcocer for no charge and those were the ones that they used for the roof. Judge Garcia also read into the record part of a letter that was dated January 3, 1995 by Mr. Alvarado to Judge Ruiz by which it states "we are pleased to inform you that we have the plans ready for advertisement and bidding for the roofing project for the County Clinic Facility. We have as the scope of the work, the following: the installation of the new roofing system and then the alternative proposing to eliminate flat roofs." The letter then recites the standard fee of 8% of the construction cost. Commissioner Garces then asked if the motion could read upon the production of the specs of the work that he did to the Auditor's Office and they can approve the payment. Commissioner Rosel stated that they had voted in Court to engage into a contract with an architect. It was then specified as to who was going to be the architect and they did not specify the amount so they opened up themselves to where they are at the mercy of the individual. He felt that they could have come back and approved a contract that stipulated 8%, 6% or what have you, then they would be okay. Commissioner Sanchez stated that he was a reputable architect but Commissioner Arcaute felt that the cost of the project was excessive. The motion to pay the architectural services rendered by Alvarado and Assoc. was put to a vote.

MOTION CARRIED (COMM. ARCAUTE OPPOSED)
(SEE EXHIBIT P)

14B

Vona Walker opened by stating that over the past few years, North Alamo Supply had been approaching residents of colonias and getting road easements in the name of the County so that they could provide water service and also so that the County could go in and lay some caliche. The colonias are very old. She is now asking that the County accept the easement for Colonia Boys, Colonia Tijerina Estates, Colonia Olivarez, Colonia Jackson, Colonia Chapa and Colonia Quadlucking Bill. Commissioner Sanchez stated that all these colonias are in pct. 1 and if they accept these easements, it will allow them to provide services to these roads. After further brief comments, a motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to accept the Road Easements of the Colonias as outlined by Mrs. Walker.

MOTION CARRIED
(NO EXHIBIT)

ITEM 15. PCT. 3:

- A. TRANSFER AND APPROPRIATE 1995 FUND BALANCE INTO 1996 BUDGET
- B. AUTHORIZATION TO RE-CLASSIFY POSITIONS & SET SALARY INCREASE
- C. AUTHORIZATION TO PAY TIRE BILLS PURCHASED WITH THREE QUOTES

15A

Commissioner Rosel opened by stating that he wanted to transfer the '95 fund balance to the '96 paved/unpaved line items as per the exhibit. The total amount would \$80,174.27. He then made a motion to approve the transfers. The motion was seconded by Commissioner Garces.

MOTION CARRIED
(SEE EXHIBIT Q)

15B

Commissioner Rosel stated that he wanted to change position #10 which is a Shop Foreman to Assistant General Foreman, position #13 from Truck Driver to Heavy Equipment Operator, position #18 from Excavator Operator to Heavy Equipment Operator and position #26 from Bulldozer Operator to Loader Operator. Only position #10 had a salary change from \$21,000 to \$23,000. The rest stay the same. After further brief comments, a motion was made by Commissioner Rosel and was seconded by Commissioner Sanchez to change the classifications as indicated as per the handout and that it reflect the salary increase on position #10 from \$21,000 to \$23,000.

MOTION CARRIED
(SEE EXHIBIT Q)

15C

NO ACTION
(SEE EXHIBIT Q)

ITEM 16. PURCHASING DEPARTMENT:

- A. AWARD BID:
 - 1. ASPHALT PAVER - PCT. 1
- B. REQUEST TO ADVERTISE FOR ON-HIGHWAY DIESEL - HIDALGO COUNTY
- C. REQUEST TO ADVERTISE FOR TWO HALF TON SUPERCAB PICK-UP TRUCKS - PCT. 4
- D. REQUEST TO ADVERTISE FOR HAULING SERVICES - PCT. 3

16A

Mary Maldonado stated that there were 3 bids. Clossner Equipment Co. for 1985 Barber Green for \$87,000, Arts A & A Truck City USA for a 1988 Barber Green for \$78,500 and Nueces Power Equipment for a 1995 Ingersoll for \$177,919. She recommended the low bid of Art's A & A Truck City USA. Commissioner Sanchez concurred with the recommendation of the Purchasing Department to award the 1988 Barber Green for \$78,500 with the contingent that all specifications are complied with. After further comments, a motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT R)

16B

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve. Bid opening April 24 and bid award April 30.

MOTION CARRIED
(SEE EXHIBIT R)

16C

NO ACTION

16D

A motion was made by Commissioner Rosel and was seconded by Commissioner Sanchez to advertise for hauling services.

MOTION CARRIED
(NO EXHIBIT)

ITEM 17. REPORT OF SALE, ORDER CONFIRMING SALE & AUTHORIZATION TO EXECUTE SPECIAL COMMISSIONER'S DEED

Vona Walker stated that there were three different properties auctioned on March 29. These properties had been awarded to the Drug Task Force. The first one was lot 75, Havana Lomas Subdivision Unit No. 5. The successful bid was Elida Moreno for \$8,812.51. This includes the advertising. Mr. Lupe Trevino recommended the acceptance of this bid being that there are delinquent taxes that will be paid by the purchaser and the condition of the property. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT S)

Ms. Walker stated that the second tract of land was in one of the colonias that had been accepted in one of the above items. There was no potable water. The tract was out of farm tract 1118, West and Adams Tract. The amount of the successful bid was \$3,500 by Rolando Moya and Mr. Trevino recommended the acceptance of this bid. There are also some delinquent taxes owed on this property. A motion was made by Commissioner Rosel and was seconded by Commissioner Arcaute to accept the recommendation on the sale of the tract of land.

MOTION CARRIED
(SEE EXHIBIT S)

Ms. Walker stated that this tract of land is Lot 12, Villa Capri Subdivision. The high bid was was Ramon Navarro IV. The amount of the bid was \$60,500. Ms. Walker and Mr. Trevino are recommending the acceptance of this bid and again the bidder will be responsible for the delinquent taxes on this property, which about \$2,000. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT S)

ADD. #2. APPROVAL OF SETTLEMENT OF TEXAS WORKER'S COMPENSATION COMMIS-

SION ADMINISTRATIVE PENALTY & AUTHORIZATION TO PAY FINE

Steve Crain addressed the Court and stated that this related to a hearing that was set. This will involve the Office of Employment and Training. He stated that there were a number of alleged violations and they were able to settle all violations and only incur one penalty in the amount of \$150. If the Court agrees to pay this, it will take care of this problem. One other condition of this settlement is that the settlement agreement be signed and that it and the check in the amount of \$150 be in Austin at the Workman's Compensation Commission by Friday. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the settlement and instruct Counsel of the County to issue the check immediately.

MOTION CARRIED
(NO EXHIBIT)

ADD. #3. DISCUSSION AND POSSIBLE ACTION ON OET - PAYMENT TO BUILDING TRADE PARTICIPANTS

NO ACTION
(NO EXHIBIT)

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

MOTION CARRIED

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

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

DRAINAGE DISTRICT
=====

ITEM 1. DECLARE EQUIPMENT SURPLUS

Vona Walker stated that she wanted to declare two pumps and a spray rig surplus. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to declare equipment surplus.

MOTION CARRIED
(SEE EXHIBIT T)

- ITEM 2. PERMITS:
 - A. CITY OF DONNA
 - B. CITY OF EDINBURG
 - C. CITY OF PHARR

2A

Ms. Walker stated that this permit request from the City of Donna was for Victoria North Unit 2 to drain into a Donna Irrigation Ditch. A motion was made by Commissioner Sanchez and was seconded by

Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT U)

2B

Ms. Walker stated that there were 4 permits for the City of Edinburg. The first one is from Encinos Escondidos. The other 3 permits relate to Red Bud Estates. One is for a Sewer Line crossing, one is for a Water Line crossing and the other is for entrance into the County's ditch. A motion was made by Commissioner Garces and was seconded by Commissioner Arcaute to approve.

MOTION CARRIED
(SEE EXHIBIT U)

2C

Ms. Walker stated that this request was for only one subdivision. That being Villa San Miguel Phase I. It has been approved by the City and by the Irrigation District No. 2. A motion was made by Commissioner Garces and was seconded by Commissioner Arcaute to approve.

MOTION CARRIED
(SEE EXHIBIT U)

ITEM 3. AWARD BID FOR LUBRICANTS - DRAINAGE DISTRICT

Mary Maldonado stated that there were 5 bid. Hollon Oil Co. of Weslaco, Specialty Oil Co. of La Feria, JAM Distributing of Edinburg, Wright Oil Co. of San Antonio and Oil Patch Fuel & Supply of Brownsville. Ms. Maldonado recommended Specialty Oil for the Oils and the Lubricants and JAM Distributing for the Antifreeze. These were the low bids and they met all the specifications. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT R)

A motion was made by Commissioner Garces and was seconded by Commissioner Sanchez 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 2ND day of APRIL, 1996.

ATTEST:

JOSE ELOY PULIDO, County Clerk
Hidalgo County, Texas

By: Aaron Betancourt
AARON BETANCOURT, Deputy

