

THE STATE OF TEXAS :

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 8TH day of APRIL, 1996, after due notice having been given, there was begun and holden, a REGULAR 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:

CONSENT AGENDA

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ITEM 1. APPROVAL OF BILLS - COUNTY AUDITOR

GENERAL FUND	- #119228	- #119435	- \$1,147,050.68
SPECIAL REVENUE FUND	- #119004	- #119140	- \$ 712,924.29
DEBT SERVICE FUND	- # 1012	- # 1013	- \$ 6,533.68
TRUST AND AGENCY FUND	- # 5402	- # 5403	- \$ 340,266.98
ENTERPRISE FUND	- # 2616	- # 2622	- \$ 9,569.26

(SEE EXHIBIT A)

ITEM 2. APPROVAL OF MINUTES - OCTOBER 24, 1996  
 (NO EXHIBIT)

ITEM 3. APPROVAL OF ATTORNEY'S FEES - \$80,306.77  
 (SEE EXHIBIT B)

ITEM 4. APPROVAL OF COURT REPORTER'S FEES:

A. HENNIGH-QUIN-RAMIREZ & ASSOC. LTD	- \$5,201.00
B. MARK KVAPIL	- \$ 190.00
C. SHANA LILES	- \$2,846.00

(SEE EXHIBIT C)

ITEM 5. APPROVAL OF MONTHLY FEE REPORTS:

A. JUSTICE OF THE PEACE:

1. ARNALDO CORPUS	- \$ 1,433.81	- FEBRUARY
2. ESPIRIDION JACKSON	- \$ 3,282.00	- FEBRUARY
3. RUBEN RAMOS	- \$19,194.12	- FEBRUARY
4. ROSA E. TREVINO	- \$17,140.35	- FEBRUARY
5. RENE O. TORRES	- \$14,763.50	- FEBRUARY

(SEE EXHIBIT D)

ITEM 6. PLANNING DEPARTMENT:

A. SUBDIVISIONS:

1. DELP SUBDIVISION	- PCT. 2
2. LOT 33 - R. WONDERLAND ESTATES PHASE I & II	- PCT. 2
3. KINGSLEY SUBIDIVISION	- PCT. 4

B. RELEASE LETTER OF CREDIT:

1. ALAMO ESTATES UNIT #2	- PCT. 4
2. EVERGREEN DEVELOPMENT COMPANY SUBDIVISION	- PCT. 4

(SEE EXHIBIT E)

ITEM 7. PERMITS:

A. SOUTHWESTERN BELL	- PCT. 1 & 3
B. WESTERN GEOPHYSICAL CO.	- PCT. 3

(SEE EXHIBIT F)

ITEM 8. INTERNAL LINE ITEM TRANSFERS:

A. JAIL COMMISSARY	- NO ACTION
B. JUVENILE PROBATION DEPARTMENT - GENERAL FUND	- \$2,192.00
C. CONSTABLE PCT. 3	- \$ 700.00

(SEE EXHIBIT G)

The Honorable Richard H. Garcia, Interim County Judge, called this meeting to order whereupon he commenced with the Consent Agenda. He first stated that Commissioners Arcaute and Sanchez were not present at this meeting. He went on to state that item 8A on the Consent Agenda would be for no action at this time. A motion was then made by

Commissioner Rosel and was seconded by Commissioner Garces to approve the Consent Agenda.

MOTION CARRIED  
(SEE EXHIBITS A-G)

REGULAR AGENDA  
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ITEM 1. APPROVAL OF SOFTWARE SERVICE AGREEMENT - EARL R. HUNT & ASSOC.

Bruce Werner addressed the Court and stated that he would like to have the agreement with the County for software support approved. The Commission had a questions or two about the agreement. Commissioner Rosel asked what the difference between the last one and this one was. Mr. Werner stated that the difference was that they had taken all requests for service and they have built them into the base contract. He also stated that as it is now, there is a 5% increase from the previous agreement. He stated that the County will not have to give a purchase order for enhancement the way the contract is now. Commissioner Rosel also asked what was meant by minor enhancement. Mr. Werner responded by stating that if it was something that they could handle within 5 or 10 hours of service, they would not charge the County and that would be a minor enhancement. Another difference is that they will not bill the County for Travel or time and materials. During the discussion, Commissioner Garces asked if there was language in the contract that would protect all departments. Even the ones that are not currently hooked up to the system, when they finally do hook up. Mr. Werner stated that there was and Mr. Dickinson stated that there was a termination clause. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT H)

ITEM 2. HEALTH DEPARTMENT:

- A. APPROVAL OF CONTRACT FOR PROFESSIONAL SERVICES, COPC GRANT WRITER
- B. AUTHORIZATION TO DE-OBLIGATE FUNDS FROM TITLE V POSITIONS:
  - 1. CLINIC AIDE - \$10,851.00
  - 2. LVN - \$21,170.00
  - 3. LVN - \$19,170.00
- C. AUTHORIZATION TO SET SALARY FOR NURSE PRACTITIONER AT \$48,000

2A

Dr. Garza addressed the Court and stated that a Ruben Saenz had been working with the Health Department as the Grant Writer. He was hired by the South Texas Community College. Dr. Garza stated that the COPC Grant Application Process has changed very dramatically and that is why there is need of Mr. Saenz' services. Steve Crain had questions concerning the Contract. He wanted to know if the Health Department had authority to apply for this grant, what this person will do. Dr. Garza stated that he would like to answer any questions now if possible due to the time element to apply. He also went on to state that they do have the authority being that they have participated in the grant for the past 3 years. All this is, is just the style in the application process which is why they are asking to employ this individual. Mr. Crain suggested that if they do consider approving this at

this time, maybe they include a maximum amount of fees to the contract and not to exceed that time and also that they bring the grant application completed so that the Court can approve it. The Commission asked Dr. Garza if he had any idea how much this would be. Dr. Garza advised the Court that to his understanding, it should not take him more than 10 hours to do this work. After further brief comments, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the contract for professional services for COPC Grant Writer with a cap of \$250 and also approval of the County Attorney and to be effective immediately upon approval of the Steve Crain.

MOTION CARRIED  
(SEE EXHIBIT I)

2B

Dr. Garza stated that this was for the purpose of hiring a Nurse Practitioner at a salary of \$48,000 per year. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(SEE EXHIBIT I)

2C

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

MOTION CARRIED  
(SEE EXHIBIT I)

ITEM 3. URBAN COUNTY:

- A. CITY OF ALAMO - YEAR 8 WATER/SEWER IMPROVEMENTS
- B. PLANNING AND CAPACITY BUILDINGS CONTRACT - PROJECT #5095-10-2000-1000-5000 - CITY OF ALTON
- C. CITY OF EDCOUCH - PROFESSIONAL SERVICES AGREEMENT (ENGINEERING) WATER/SEWER IMPROVEMENTS '93 AND '94
- D. CITY OF MERCEDES - CONTRACT AWARD TO LOW BIDDER WATER AND SEWER IMPROVEMENTS
- E. CITY OF SAN JUAN - BUDGET AMENDMENT YEAR 8 (1995)
- F. PCT. 2 AND BOYS AND GIRLS YOUTH CLUB OF HIDALGO SUBRECIPIENT AGREEMENT - YR. 7 URBAN COUNTY PROGRAM SUBRECIPIENT AGREEMENT - YR. 8 URBAN COUNTY PROGRAM
- G. PCT. 2 - CONSTRUCTION CONTRACT AWARD 1995, YR. 8 - PFI STREET IMPROVEMENTS
- H. URBAN COUNTY PROGRAM GENERAL ADMINISTRATION YR. 8 PERSONAL SERVICES - ANALYSIS OF IMPEDIMENTS CONTRACT AWARD

3A

Anthony Covacevich stated that this was a contract with JM Construction in the amount of \$73,404 and it is the low bid. This will pay for waterline replacement along 495 and sewerline improvements along Nebraska. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(SEE EXHIBIT J)

3B

Mr. Covacevich stated that this was for \$28,000 with Reyna & Assoc. They will conduct a study to provide an assessment of community needs in Alton. Mr. Covacevich was in possession of a letter from the mayor in which they recommended approval. Mr. Covacevich did not recommend this project. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(SEE EXHIBIT J)

3C

Mr. Covacevich stated that this was the City of Edcouch entering into a contract with R.E. Garcia & Assoc. for Water and Sewer improvements for \$6,000. Mr. Covacevich recommended approval. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT J)

3D

Mr. Covacevich stated that this was Richardson Water Well Drilling. The amount is \$187,000 to drill a water well next to the existing water well. Mercedes gets half of its water from the water wells. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT J)

3E

Mr. Covacevich stated that this amendment will be for \$200,000 from the Water and Sewer Improvement Line Item. It will be moved to land acquisition. They have gone through the public hearing process. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT J)

3F

Mr. Covacevich stated that this agreement will be with the Boys and Girls Club for \$8,000 and he recommended approval. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT J)

3G

Mr. Covacevich recommended Mission Paving Company for this Construction Contract in the amount of \$133,710.36. The streets are as per the exhibit. The low bid was for \$2.02 per square yard. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED

(SEE EXHIBIT J)

3H

Mr. Covacevich stated that this contract will be with Mary Henderson Associates. This contract amount is for \$14,750. This is the low bid. The study will consist of looking for impediments to fair housing in the consortium area which includes the County and all the cities that make up the Urban County Area. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT J)

ITEM 4. APPOINTMENT OF CIVIL SERVICE COMMISSIONER

Judge Garcia stated that a commissioner needed to be appointed at this time. He suggested that they appoint Benita Valadez. She owns a business for accounting services for Medicare and Medicaid. Commissioner Garces stated that he did not have anyone in mind for this position. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(NO EXHIBIT)

ITEM 5. PCT. 3:

- A. REQUEST JOB DESCRIPTION CHANGE AND SALARY INCREASE FOR SLOT #32 IN PAVED/UNPAVED ROADS AND LINE ITEM TRANSFER IN P/U ROADS
- B. AMEND ENTERPRISE FUND TO CREATE TWO FULL-TIME POSITIONS & ONE PART-TIME POSITION FOR PENITAS LANDFILL
- C. REQUEST APPROVAL OF ONE MOBILE PHONE FOR PCT. 3 GENERAL FOREMAN
- D. BUDGET AMENDMENT - COUNTY WIDE ROAD & BRIDGE
- E. BUDGET AMENDMENT - FROM GENERAL FUND TO PCT. 3 PARK

5A

Commissioner Rosel stated that the change in this slot is the reclassification which is now a clerk and he would like to change it to Assistant for Financial Secretary and with this there will be an increase of \$2,774. He then made a motion to change the classification and also to grant the line item transfer to give an increase. The position will be officially classified as a Finance Assistant. The motion was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(SEE EXHIBIT K)

5B

Commissioner Rosel stated that this was for the purpose of creating the positions. He felt that it would be too hard to find the right type of security that would be needed. He now wants to create two full time positions and one part time position as opposed to one full and one part time position as he wanted to do previously. He felt that this would provide the proper security. The Commitment for these positions would come to \$49,595. Commissioner Garces asked for a balance in this fund and Steve Austin stated that he had a figure of \$210,000. Some of

of this reflected a reserve that needs to be built. Commissioner Rosel then a made a motion and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(SEE EXHIBIT K)

5C

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the cellular phone for the General Foreman for Pct. 3.

MOTION CARRIED  
(SEE EXHIBIT K)

5D

Commissioner Rosel stated that there were 3 projects that they have not been budgeted for in 1996. The projects include the Linda Vista Project, Ambulance Service and half of the cost for the Mayberry Bridge to be built. He wanted to make an amendment out the County Wide Road & Bridge in the amount of \$140,736. He so moved to that effect and was seconded by Commissioner Garces. Steve Crain stated that no monies could be transferred out from the Motor Vehicle Registration Fee to be spent for anything other than construction and maintenance of roads and bridges in the County. Commissioner Rosel stated that he had discussed this with Steve Austin and there was no problem with being able to pay this. Steve Austin stated that there was a certain limit as to how much could be transferred. He is not sure what the limit is but if this amount does exceed the limit, he will just transfer the available amount. The motion was then put to a vote.

MOTION CARRIED  
(SEE EXHIBIT K)

5E

Commissioner Rosel stated that this stemmed from an agreement made in which they had agreed that there would be a budget amendment from the General Fund to Pct. 3 Park. The amount would be \$60,000 and he so moved to that effect. The motion was seconded by Commissioner Garces.

MOTION CARRIED  
(SEE EXHIBIT K)

ITEM 6. PURCHASING DEPARTMENT:

A. AWARD BIDS:

1. CRUSHED CALICHE - PCT. 1,2 & 4
2. HAULING - PCT. 4
3. PAVING BORDER ROAD - PCT. 2

B. REQUEST TO ADVERTISE:

1. TWO TANDEM DUMP TRUCKS - PCT. 4
2. ONE MOTORGRADER - PCT. 4

6A1

Mary Maldonado stated that there were 3 bids. Valley Calich Products for \$2.14 per ton, Redland Stone Products for \$2.14 per ton and Frontera Materials for \$2.35 per ton. She stated that since Redland and Valley Caliche were the same price, they should draw lots. Commissioner Rosel asked if they had to award to just one and Steve

Crain stated that assuming that they both met specifications, they must select one by way of lots. Judge Garcia then drew lots and Valley Caliche was awarded the bid. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve as per the lot, the Valley Caliche bid.

MOTION CARRIED  
(SEE EXHIBIT L)

6A2

Ms. Maldonado stated that there were four bids. Ray Maldonado, Benny's Caliche Hauling Service, Roy's Hauling Service and Triple R Trucking. She recommended Roy's Hauling Service for two of the projects and the rest for Triple R Trucking. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT L)

6A3

Ms. Maldonado stated that there were only 2 bids. Manana Construction for \$13,200.30 and Mission Paving for \$71,279. She Recommended Mission Paving being that Manana did not bid on the full project. They just bid on the labor. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(SEE EXHIBIT L)

6A4

Ms. Maldonado stated that upon review of the bids for the Pct. 1 Paver, she determined that the bid by Art's A & A Truck City does not meet the specifications. The tires, hydraulic truck hitch, automatic screed control and automatic grade control are not up to specifications. To add two of these functions, it would raise the bid by \$9,000 and this would make the bid higher than the next lowest bid. She is then recommended that the bid be awarded to Closner Equipment Company. Tony Villarreal from Art's A & A addressed the Court and stated that he disagreed with this recommendation. He felt that the specifications were not only met, they were exceeded. He stated that he had been notified that his paver was going to be purchased with some conditions and that the Pct. 1 mechanic was to inspect the equipment. He stated that this was never done. He was then notified that this was cancelled. He still felt that his bid was the lowest. Commissioner Rosel stated that if there were this many questions, then they wait until perhaps Commissioner Sanchez returns. He was told by Ms. Maldonado and Vona Walker that Commissioner Sanchez wanted this on the agenda and that Ms. Maldonado make this recommendation. Commissioner Garces then made a motion and was seconded by Judge Garcia to approve the bids submitted by Closner Equipment Company. Ms. Maldonado stated for the record that the paver was \$87,000 from Closner Equipment.

MOTION CARRIED  
(SEE EXHIBIT L)

6B1

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve. Bid opening May 1 and bid award May 7.

MOTION CARRIED  
(SEE EXHIBIT L)

6B2

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve. Bid opening May 1 and bid award May 7.

MOTION CARRIED  
(SEE EXHIBIT L)

ITEM 7. PLANNING DEPARTMENT:

- A. SUBDIVISIONS:
  - 1. MCCOOK ACRES NO. 1 - PCT. 3
- B. VARIANCE REQUEST FOR ERNESTO G. TREVINO - PCT. 1
- C. FINAL PLAT APPROVAL:
  - 1. VICTORIA GROVES NO. 2 - PCT. 1
- D. PRELIMINARY PLAT APPROVAL:
  - 1. VICTORIA NORTH UNIT NO. 2 - PCT. 1

7A1

Emilio Garcia addressed the Court and stated that this subdivision had met all requirements and he recommended approval. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(SEE EXHIBIT M)

7B

Mr. Garcia stated that this was a request for a variance on the rules and regulations on the family partition. He wants to build a 12X25 frame home but the partition is not abutting a public road. Water Services are being provided by North Alamo Water. Mr. Garcia recommended this variance. He did not have a problem with this because of the other tracts already existing. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve the variance request.

MOTION CARRIED  
(SEE EXHIBIT M)

7C

Mr. Garcia stated that preliminary approval had been granted back on March 5, 1996. Since then, all improvements have been met in accordance with the City of Donna and the County. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(SEE EXHIBIT M)

7D

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to give preliminary plat approval to Victoria North Unit No. 2.

MOTION CARRIED  
(SEE EXHIBIT M)

There was also an addendum item for the Planning Department. The Commission proceeded to that item at this time.

ADD. #1. PLANNING DEPARTMENT:

- A. APPROVAL TO AMEND BUDGET AND RESTRUCTURE DEPARTMENT
- B. CREATION OF TWO POSITIONS
- C. SET SALARIES

ADD. 1A

Emilio Garcia stated that he and Mrs. Etnire have been working on this item and he is now requesting approval. Commissioner Garces felt that this amount was very minimal for this type of request. He stated also that the information packets that they get now are not as informative as they used to be and he feels that this is attributed to understaffing. The total amount of this request is \$27,645.58. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the budget amendment and also the re-structure of the department.

MOTION CARRIED  
(SEE EXHIBIT M)

ADD. 1B&C

Mr. Garcia stated that he was requesting a clerk at the main office and one inspector. His duties will be doing on site inspections. Currently, one of the inspectors has taken ill and is in the hospital. Because of this, it has created several problems due to the short-fall of inspectors. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to create the two positions for the Planning Department to include the salary of \$10,905.09 and the inspector at \$16,000.

MOTION CARRIED  
(SEE EXHIBIT M)

ADD. #2. RESOLUTION - TEXAS ADOPT-A-BEACH PROGRAM - LOWER RIO GRANDE DEVELOPMENT COUNCIL

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to adopt the resolution for adopt a beach.

MOTION CARRIED  
(SEE EXHIBIT N)

Commissioner Garces brought to the Court's attention that the item from planning also included adjusted salaries for Mr. Garcia and Roy Gonzalez.

ITEM 8. OFFICE OF EMPLOYMENT AND TRAINING:

- A. CONSIDER AND APPROVE AMENDING THE CHOET ORGANIZATION STRUCTURE TO INCLUDE THE FOLLOWING POSITIONS AND SET THE SALARIES

- ONE GED INSTRUCTOR
- ONE COMPUTER LITERACY INSTRUCTOR
- TWO TEACHER AIDES

- B. CONSIDER AND APPROVE HIDALGO/WILLACY OFFICE OF EMPLOYMENT

AND TRAINING PROGRAM YEAR 1996

8A

Dick Dickinson stated that he is requesting a no action at this time due to some resistance from the people from the State as far as how the remaining monies are to be spent.

NO ACTION  
(NO EXHIBIT)

8B

Dick Dickinson stated that this is what they plan to show the Texas Workforce Commission for the program year '96-'97. This plan has been reviewed by the Private Industry Council and has been approved by them. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT O)

ITEM 9. CONSIDERATION OF BUDGET AMENDMENT - 275TH DISTRICT COURT

Mrs. Etnire stated that this was a request for a copier from the 275TH District Court for a copier and also a computer. She stated that there were no specifications for this and she doesn't know much about this. Commissioner Rosel stated that they should take a no action until someone can explain this issue.

NO ACTION  
(SEE EXHIBIT P)

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 Commissioner's Court, 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 item were had to wit:

- ITEM 1. PURCHASING DEPARTMENT:
  - A. AWARD BID:
    - 1. STORM SEWER IMPROVEMENTS

Ms. Maldonado stated that there were 2 bids. McAllen Construction for \$30,800.01 and Cantu Lease for \$65,200. She recommended McAllen Construction. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the low bid as recommended by the Pur-

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chasing Department.

MOTION CARRIED  
(SEE EXHIBIT L)

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 *Absent*  
County Commissioner, Precinct #1

Lalo Arcaute *Absent*  
County Commissioner, Precinct #2

Juan Rosel  
County Commissioner, Precinct #3

Guadalupe "Lupe" Garces  
County Commissioner, Precinct #4

Dated this 8TH day of APRIL, 1996.

ATTEST:

JOSE ELOY PULIDO, County Clerk  
Hidalgo County, Texas



By: *Aaron Betancourt*  
AARON BETANCOURT, Deputy