

**COMMISSIONERS' COURT**

The Honorable Renato Cuellar, County Judge, called the Commissioners' Court meeting to order, whereupon the following proceedings were had, to-wit:

**CONSENT AGENDA**

**ITEM 1. APPROVAL OF CHECK REGISTER AND PAYMENT OF CLAIMS/BILLS - Hidalgo**

**County Auditor**

(See Exhibit A)

**ITEM 2. LINE ITEM TRANSFERS**

- A. County Judge's Office - \$1,100.00
- B. Commissioner Pct. #2 (Hidalgo County Wide Shop) - \$1,550.00
- C. Commissioner Pct. #2 (Paved & Unpaved) - \$1,000.00
- D. Commissioner Pct. #2 (Parks & Recreation) - \$800.00
- E. Commissioner Pct. #3 (Administration) - \$1,505.00
- F. Commissioner Pct. #3 (Paved & Unpaved) - No Action
- G. 92<sup>nd</sup> District Court - \$1,000.00
- H. 139<sup>th</sup> District Court - \$1,500.00 & \$629.96
- I. 332<sup>nd</sup> District Court - \$400.00
- J. Constable Pct. 5 (Confiscated) - \$250.00
- K. Constable Pct. 5 - \$250.00
- L. Planning Department - \$30.00
- M. Personnel Department - \$5,500.00
- N. Elections Department - \$4,900.00
- O. Auditor's Office - \$17,469.10
- P. Buildings & Grounds - \$3,500.00
- Q. Health Department (Sanitation) - \$941.00
- R. Health Department (Administration) - \$2,000.00
- S. Health Department (Health Clinic) - \$725.00
- T. Health Department (Mobile Clinic) - \$6,000.00
- U. Adult Probation (State Funds) - \$100.00
- V. District Attorney (Investigation Fund) - \$10,000.00
- W. District Attorney (General Fund) - \$2,800.00
- X. Criminal Auxiliary Court - \$11,700.00

(See Exhibit B)

**ITEM 3. AUDITOR'S OFFICE**

- A. Approval of Monthly Collection Reports - All for the month of July 1997
  - a. Anzalduas Park \$8,088.00
  - b. Law Library \$2,886.58

c. Constable Horacio Aguirre	\$ 0.00
d. Constable Gilberto Alaniz	\$450.00
e. Constable Robert Peña	\$440.00
f. Constable Rumaldo Cerda Jr.	\$220.00
g. Constable Eduardo Bazan	\$ 0.00
h. JP Arnaldo Corpus	\$1,532.37
i. JP Jesus E. Morales	\$5,722.00
j. JP E. Speedy Jackson	\$9,566.60
k. JP Rosa E. Treviño	\$20,309.03
l. JP Gilberto Saenz	\$14,040.40
m. Dario L. Martinez	\$7,354.94

(See Exhibit C)

#### **ITEM 4. DISTRICT CLERK'S OFFICE**

- A. Approval of Fee Report for the Month of August, 1997 in the amount of \$131,475.17

(See Exhibit D)

#### **ITEM 5. COUNTY CLERK'S OFFICE**

- A. Approval of Fee Report for the Month of August 1997 in the amount of \$234,976.10

(See Exhibit E)

#### **ITEM 6. PLANNING DEPARTMENT**

- A. Subdivisions:

1. Summervale Subdivision - Pct. 2
2. Ashbrook Subdivision - Pct. 3
3. Lots 1A & 1B, Block 4 Neighbors S/D - Pct. 3
4. Madison Park Phase IV - Pct. 4
5. Northridge Park Phase VI - Pct. 4
6. Stoneridge Business Park Lot 1, Blk. 5 - Pct. 4

(See Exhibit F)

#### **ITEM 7. RIGHT OF WAY DEPARTMENT**

- A. Permits

1. Pct. #1 - North Alamo Water Supply Corporation
2. Pct. #3 - Southwestern Bell Telephone
3. Pct. #4 - Sharyland Water Supply
4. Pct. #3 - Shell Western ENP
5. Pct. #1 - Dewbre - Petroleum Company
6. Pct. #2 - North Alamo Water Supply Corporation
7. Pct. #3 - Southwestern Bell Telephone
8. Pct. #1 - Southwestern Bell Telephone

(See Exhibit G)

**ITEM 8. URBAN COUNTY PROGRAM**

- A. HOME "First-Time Homebuyer Contract Agreement" and Letter of Commitment to Mortgage Company (2 families)
  - B. Extension on "Letter of Commitment" to Mortgage Company on HOME First-Time Homebuyer Contract Agreement (4 families)
  - C. HOME/Homeowner Occupied Housing Rehab Application (1 family)
- (See Exhibit H)

The County Judge introduced the Consent Agenda and asked if there were any changes. Commissioner Rosel reported that no action would be taken on Item 2/F on the Consent Agenda. A motion was then made by Commissioner Arcaute and seconded by Commissioner Rosel to approve the Consent Agenda as amended.

MOTION CARRIED.

**REGULAR AGENDA**

**ITEM 1. TAX OFFICE**

- A. Approval of Interlocal Cooperation Agreement for Tax Assessment and Collection for the City of Progreso
- B. Tax Refund
  - 1. Melchor Garza - \$817.45

1/A

Armando Barrera, Tax Assessor/Collector, came before the Court requesting approval of an interlocal cooperation agreement for tax assessment and collection for the City of Progreso. The agreement was in the amount of \$5,300.00 for the services that will be provided by the Hidalgo County Tax Office. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit I)

1/B

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the tax refund to Melchor Garza in the amount of \$817.45.

MOTION CARRIED.  
(See Exhibit I)

**ITEM 2. DISTRICT CLERK'S OFFICE**

- A. Approval of Interlocal Agreement between the State Attorney General's Office and the Hidalgo County District Clerk's Office - Child Support Division
- B. Approval of budget amendment in the amount of \$60,000.00 and appropriate the same (Child Support Division) - to record the budget for FY 9-1-97 to 8-31-98
- C. Approval of budget amendment in the amount of \$15,520.00 for contractual services

2/A

Commissioner Rosel asked if this was the contract that was approved on a yearly basis and Commissioner Arcaute replied that it was. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the contract.

MOTION CARRIED.  
(See Exhibit J)

2/B

A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve a budget amendment in the amount of \$60,000.00 and to appropriate same in the Child Support Division.

MOTION CARRIED.  
(See Exhibit J)

2/C

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve a budget amendment in the amount of \$15,520.00 for contractual services.

MOTION CARRIED.  
(See Exhibit J)

**ITEM 3. COMMISSIONER PCT. #1**

- A. Authorization to create one mechanic position
- B. Set salary

3/A

Commissioner Handy indicated that she was requesting authorization to create a mechanic position. She then made a motion which was seconded by Commissioner Garces to this effect.

MOTION CARRIED.  
(See Exhibit K)

3/B

A motion was made by Commissioner Handy and seconded by Commissioner Garces to set the salary for a mechanic position between \$17,000.00 - \$20,000.00 depending on experience.

MOTION CARRIED.  
(See Exhibit K)

**ITEM 4. COMMISSIONER PCT. #3**

- A. Authorization to appropriate miscellaneous income received from Hidalgo County Irrigation District No. 6 and La Joya Independent School District - \$54,328.95 (Abram Rd. Bridge Project)

Commissioner Rosel stated that he was requesting authorization to appropriate some income that was for a project in which they had three entities working to build a bridge on Abram Road. The three entities involved were the Hidalgo County Irrigation District No. 6, the La Joya Independent School District and Hidalgo County Precinct Three. The first two entities listed had collectively submitted a check to the County in the amount of \$54,328.95 for this project and he was requesting that these monies be collected and appropriated accordingly. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit L)

**ITEM 5. COUNTY JUDGE'S OFFICE**

- A. Discussion and amendment for services rendered in connection with financial advisors for 1996 bond issue
- B. Approval to pay bill
- C. Approval to renew contract between TDCJ Hidalgo County Sheriff's Department and the Food Bank of the Rio Grande Valley
- D. Approval of Interlocal agreement for Mental Health and Chemical Dependency with Kerr County to hold County hearings
- E. Approval of court costs for Stenographer's fee in the amount of \$20.00 - H.B. 3556
- F. Discussion and action on District Judges' Compensation - H.B. 3556
- G. Approval of budget amendments and set salaries
  - 1. County Court #1 \$5,887.22 - H.B. 3556

2. County Court #2 \$5,887.22 - H.B. 3556
3. County Court #3 \$5,887.22 - H.B. 3556
4. County Court #4 \$5,887.22 - H.B. 3556

5/A&B

Loura Etnire, Administrative Assistant to the County Judge, indicated that this item would be presented by Jesus Ramirez, the County bond counsel. The County Judge asked that this item be passed until later.

NO ACTION.

5/C

Paul Vazaldua, Administrative Assistant to the County Judge, informed the Court that this item was for the renewal of a contract between the Hidalgo County Sheriff's Department and the Texas Department of Criminal Justice along with the Rio Grande Valley Food Bank. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the contract.

MOTION CARRIED.  
(See Exhibit M)

5/D

Mr. Vazaldua stated that the next item was for approval of an interlocal agreement for mental health and chemical dependency with Kerr County to hold county hearings. Mrs. Etnire explained what the agreement was for after which a motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve.

MOTION CARRIED.  
(See Exhibit M)

5/E

The next item was for approval of court costs for Stenographers fees in the amount of \$20.00. This was based on legislation that was passed during this session under House Bill 3556. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit M)

5/F

Mr. Vazaldua stated that this next item was also based on House Bill 3556. It called for compensation for the travel allowance for the District Court Judges. Commissioner Rosel stated that he could see how the Justices of the Peace would require a travel allowance but he could not substantiate the need for a travel allowance

for the District Judges. Commissioner Garces pointed out that a travel allowance was one thing and an auto allowance was different. Mrs. Etnire commented that it had been brought to her attention that the auto allowance that the District Judges are presently receiving is considered compensation. Commissioner Arcaute added that he knew this and as a result the District Judges in this County were receiving more monies than were allowed by law. A motion was made by Commissioner Rosel and seconded by Commissioner Rosel to do away with the auto allowances for the District Judges. Commissioner Garces then indicated that Commissioner Arcaute had stated that there was a statute that stated that the District Court Judges could not make over a certain amount of money and he was taking this into consideration. Commissioner Arcaute then asked what the present salaries of the District Judges were and Mrs. Etnire replied that the State paid them \$98,100.00 and the County paid them about \$5,400.00. He then went on to compare these salaries with those of the Court of Appeals Judges. After some discussion, Mr. Vazaldua pointed out that legal counsel had informed him that the County Court at Law Judges could not be less than \$1,000.00 including all supplements of the District Judges and he went on to explain how the salaries were derived. He then recommended that this item be tabled until further research is done. Commissioner Rosel withdrew his motion and Commissioner Garces withdrew his second. A motion was then made by Commissioner Garces and seconded by Commissioner Handy to *table* this item at this time.

MOTION CARRIED.  
(See Exhibit M)

5/G

Mr. Vazaldua also recommended that this next item also be tabled. A motion was made by Commissioner Rosel and seconded by Commissioner Arcaute to *table* this item at this time.

MOTION CARRIED.  
(See Exhibit M)

#### **ITEM 6. CONSTABLE PCT. #5**

A. Approval of budget amendment in the amount of \$412.89

A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve a budget amendment in the amount of \$412.89 for the Constable in Precinct Five.

MOTION CARRIED.  
(See Exhibit N)

**ITEM 7. DISTRICT ATTORNEY'S OFFICE**

- A. Ministerial approval of appropriation from the old HB 65 forfeiture funds
- B. Approval to appropriate the LEOSE funds into the District Attorney's Office General Fund Account

7/A

Roy Casarez came before the Court requesting approval to appropriate the old HB 65 forfeiture funds. The amount of funds to be appropriated is \$1,408.90 and these monies will be used aid DPS in a workshop that they will be having and to purchase some office equipment. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit O)

7/B

Mr. Casarez was also requesting the approval to appropriate the LEOSE fund into the District Attorney's Office General Fund Account. The amount of be appropriated is \$1,578.12 and it will be placed into the Travel Expense line item. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit O)

**ITEM 8. SHERIFF'S OFFICE**

- A. Approval and authorization to de-obligate funds of \$24,287.90 in the Jail Commissary account number 7-795-423-200

Capt. Roy Quintanilha came before the Court requesting approval to de-obligate \$24,287.90 in the Jail Commissary Account number 7-795-423-200. Steve Crain, the County legal counsel, had a question about how these funds would be used and Capt. Quintanilha indicated that these funds would be used to pay for staff for the commissary. Mr. Crain then pointed out that according to statute proceeds derived from the commissary could only be used for health and recreation programs for the prisoners, etc. Capt. Quintanilha advised that these monies are used to address social needs of inmates "and in those social needs it provides for paying of staff to operate said commissary" and this is what these funds will be used for. A question came up as to how these funds were going to be appropriated and this involved how the funds were being spent and Capt. Quintanilha stated that it was his understanding that there were no line items under this account and he did not know why the County Auditor had appropriated the funds any differently. The Court asked Mr. Crain if he had any further concerns and Mr. Crain indicated that he could only raise the question and he did not feel that a line item for uniforms fell under this statute. Capt. Quintanilha then stated

that they were not wanting these funds to be placed back into the Jail Commissary Account thus correcting the error. After further discussion, a motion was made by Commissioner Garces and seconded by Commissioner Rosel to de-obligate funds in the amount of \$24,287.90 in the Jail Commissary account. Mr. Crain then indicated that he wanted to clarify that under reason it stated that "these expensed will now be paid directly from the Jail Commissary Account" and he still insisted that they could not pay for uniforms from the Jail Commissary Account and Capt. Quintanilha agreed.

MOTION CARRIED.  
(See Exhibit P)

## **ITEM 9. PLANNING DEPARTMENT**

### A. Subdivisions

1. Williams Acres Subdivision- Pct. 3

### B. Preliminary Approval

1. La Blanca Terrace Subdivision - Pct. 1

### C. Final Plat Approval with Letter of Credit

1. El Nido Subdivision - Pct. #1

### D. Discussion & Possible Action

1. Bernardo Saenz Subdivision - Pct. #2
2. Prairie View Heights Phase III - Pct. #3 - Letter of Credit Extension

9/A

Emilio Garcia, Chief Planner, came before the Court requesting approval of Williams Acres Subdivision. He stated that this subdivision is in Precinct Three located on the southwest corner of State Highway 107 and Glasscock Road. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit Q)

9/B

Mr. Garcia stated that the next item was for preliminary approval of La Blanca Terrace Subdivision. This is in Precinct One located 244' south of Mile 16 North on the east side of F.M. 493. Preliminary approval was being recommended subject to: a) street sign(s), traffic control device(s) and testing of the street(s); b) final letter from the Water corporation or city; and c) Affidavit regarding drainage facilities. After a brief discussion regarding the flood zone within this subdivision, a motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit Q)

9/C

Mr. Garcia reported that the next item was a request for final plat approval with letter of credit for El Nido Subdivision. This subdivision is in Precinct One located between Mile 14 and 15 North Roads on the east side of Mile 4 West. He indicated that before the release of the letter of credit the developer must complete the following items: a) street sign(s), traffic control device(s) and testing of the street(s); b) final letter from the Water corporation or city; and c) Affidavit regarding drainage facilities. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit Q)

9/D/1

Mr. Garcia stated that this was for discussion and possible action on Bernardo Saenz Subdivision. This subdivision is in Precinct Two located 1980' east from Tower Road on the north side of Moore Road. The developer was requesting approval subject to the installation of the pipes in lot number one and that he escrow the \$450.00 for lot number three. A motion was made by Commissioner Arcaute and seconded by Commissioner Rosel to approve this subdivision with a waiver on the installation of pipes on one lot.

MOTION CARRIED.  
(See Exhibit Q)

9/D/2

Mr. Garcia was finally requesting consideration of Prairie View Heights Phase III. The developer is requesting a six month extension on the letter of credit, because he has not completed all the improvements. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit Q)

#### **ITEM 10. URBAN COUNTY PROGRAM**

- A. City of Alamo - Approval of Subrecipient Agreement with Alamo Boys and Girls Club - Year 8
- B. Consideration and action on Change Order No. 1 for the City of Alamo - Street Improvements - Year 6-9 (1993-1996)
- C. Approval of Budget Amendment - FY 1994 County Wide
- D. Consideration and approval on the acquisition of property of the City of La Villa Neighborhood Facilities - Year 9 (1996)

- E. Rescinding action taken on July 14, 1997 by Commissioners' court on the approval of a resolution and agreement to grant tax abatement to Stuart Entertainment, Inc. and SCI Development Service, Inc.
- F. Approval of Income Determination Policy for Community Development and HOME Programs

## 10/A

The City of Alamo is requesting approval of a subrecipient agreement with the Alamo Boys and Girls Club. This is under Year 8 and it is in the amount of \$50,315.00. A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

## 10/B

THE City of Alamo is also requesting approval of a change order number one on a street improvement contract. This is under Years 6 through 9 on a contract with Sascon, Inc. and it is in the amount of \$37,606.00. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

## 10/C

Anthony Covacevich, Urban County Director, came before the Court requesting approval of a budget amendment under the County Wide FY 1994 budget. The amendment was for the transfer of \$628.00 from Neighborhood Facilities to Parks and Recreational Facilities. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

## 10/D

The City of La Villa was requesting approval for the acquisition of property. This is under the Year 9 Neighborhood facilities. This is on a project between the City of La Villa and the Empowerment Zone for the construction of a library, a youth center, some affordable housing and a one-stop health center. The amount of the just compensation after appraisals and negotiations is \$280,000.00 and this project was budgeted at \$298,953.53. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

10/E

Mr. Covacevich was requesting the rescindment of an action taken on July 14, 1997 by Commissioners' court on the approval of a resolution and agreement to grant tax abatement to Stuart Entertainment, Inc. and SCI Development Service, Inc. He stated that after consultation with legal counsel they felt that this item was necessary because the site that was granted tax abatement was inside the City of McAllen. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

10/F

Mr. Covacevich reported that he was requesting approval of an income determination policy for Community Development and HOME Programs. He indicated that under HUD regulations they needed to adopt an income determination policy and he explained the three methods how this determination can be done. He indicated that they were recommending that for the HOME Program that they used the Section 8 Housing Assistance Program definition of income and for the Development Block Program they wanted to recommend that they use the IRS for 1040 definition of income. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

## **ITEM 11. PURCHASING DEPARTMENT**

### **A. HIDALGO COUNTY PCT. #1**

1. Requesting approval for lease for \$200.00 monthly rental - Ray Jones
2. Requesting authority to advertise for Culvert Pipe Installation" for Pct. #1
3. Recommending award for bids on:
  - a. One 1998 ½ Ton Extended Cab 4X2 Pick-Up Truck
  - b. Three 1998 Extended Cab 4 Wheel Drive Pick-Up Trucks

### **B. HIDALGO COUNTY PCT. #3**

1. Requesting approval for "Linda Vista Subdivision Street Improvements "  
- Sascon Inc.

### **C. HIDALGO COUNTY PCT. #4**

1. Requesting authority to advertise for a 1990 or Newer Pneumatic Roller

### **D. HIDALGO COUNTY DISTRICT CLERK**

1. Requesting approval of contract for "Off-Premises Storage Records Management, Pick Up & Delivery"
- E. HIDALGO COUNTY SHERIFF'S DEPARTMENT
1. Requesting approval of a "Resolution" for the participation of the Hidalgo County Sheriff's Office and Juvenile Probation Board in the State of Texas Contract for airlines fares
  2. Requesting approval of contract for "Radio & Service Repairs" - South Texas Communications, Inc.
  3. Requesting approval of contract for "Removal and Installation of Equipment on Vehicles" - Video Sound & Lights
- F. HIDALGO COUNTY TAX OFFICE
1. Recommendation as to bid award for "Printing of 1997 Tax Statements, Tax Rolls and Folding, Inserting, Pre-Sorting and Delivering of Tax Statements to the Edinburg Post Office"
- G. HIDALGO COUNTY WIC PROGRAM
1. Recommending award of bid on "One New 1998 heavy Duty Cargo Van" for the WIC Program to sole bidder

11/A/1

Martha Salazar, County Purchasing Director, came before the Court requesting approval of a lease agreement between the County of Hidalgo and Ray Jones. This was for the transfer station in Precinct One at \$200.00 monthly. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit S)

11/A/2

After a discussion with regards to the revision on the specifications for this item, a motion was made by Commissioner Handy and seconded by Commissioner Garces to authorize the advertising for bids for "culvert pipe installation" for Precinct One.

MOTION CARRIED.  
(See Exhibit S)

11/A/3

Mrs. Salazar reported that the next item was for the awarding of bid on "one ½ ton extended cab 4X2 pick-up truck" and "three 1998 extended cab 4-wheel drive pick-up trucks". She stated that on the "1/2 ton extended cab 4X2 pick-up truck" she had received three bids: Roberts Chevrolet at \$19,008.00; Bert Ogden Motors at \$18,500.00 and Boggus Motors at \$18,565.00. She was recommending the low bidder

of Bert Ogden Motors at \$18,500.00. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit S)

On the “three 1998 extended cab 4-wheel drive pick-up trucks”, Mrs. Salazar indicated that she had received three bids: Roberts Chevrolet at \$66,231.00; Bert Ogden Motors at \$64,350.00 and Boggus Motors at \$66,447.00. She was recommending the low bidder of Bert Ogden Motors at \$64,350.00 for the three vehicles. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit S)

11/B

Mrs. Salazar stated that this next item was for Precinct Three and it was for approval of contract for the “Linda Vista Subdivision Street Improvements” with Sascon Incorporated. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit S)

11/C

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to authorize the advertising for bids for a “1990 or Newer Pneumatic Roller” for Precinct Four.

MOTION CARRIED.

(See Exhibit S)

11/D

Mrs. Salazar reported that the next item was for approval of the contract for “Off-Premises Storage Records Management, Pick Up & Delivery” for the District Clerk’s Office. The contract was with Valley DocuServe. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.

(See Exhibit S)

11/E/1

Mrs. Salazar reported that the Sheriff's Department was requesting approval of a resolution for the participation of the Hidalgo County Sheriff's Office and Juvenile Probation Board in the State of Texas contract for airlines fares. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.  
(See Exhibit S)

11/E/2

Mrs. Salazar indicated that she was requesting no action at this time.

NO ACTION.  
(See Exhibit S)

11/E/3

The Sheriff's Department was also requesting approval of a contract for the "removal and installation of equipment on vehicles" with Video Sounds & Lights. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit S)

11/F

The Tax Office is requesting the awarding of bid for the "Printing of 1997 Tax Statements, Tax Rolls and Folding, Inserting, Pre-Sorting and Delivering of Tax Statements to the Edinburg Post Office". Mrs. Salazar stated that they had received two bids: CoStep at \$28,203.00 and Hamer Enterprises at \$23,148.50. She was recommending the low bidder of Hamer Enterprises at \$23,148.50. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.  
(See Exhibit S)

11/G

The WIC Program was requesting the awarding of bid for "one new 1998 heavy duty cargo van" to the sole bidder being Bert Ogden Motors at a bid of \$22,800.00. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit S)

**ITEM 12. JAIL PROJECT**

- A. Jail Complex
  - 1. Site Selection (location):
    - a. City of Edinburg - Permit required
    - b. Purchase of or alternative action for acquiring property
  - 2. Combination of present and new beds scenario
  - 3. Other Site
- B. Selection of Mode of Construction
- C. Selection of confirmation of :
  - 1. Financial Advisor
  - 2. Bond Counsel
  - 3. Other

**JUDGE CUELLAR** Jail Project.

**COMM. ROSEL** Judge, I think that sometime, about a week ago, we had a workshop in which the Sheriff’s Department came in here and also we had Jack Crump from the Executive Director of the Commission for Jail Standards and information was given to us as to the status of our jail, because of the problems that we’re having in as far as the capacities concern. Obviously we’re having too many detainees for the, for the capacity that we can sustain there. So, the Sheriff then gave his input as to what he would like see done here in as far as addressing the problem and obviously the thing that he suggested was to build more beds but he also indicated to us that he would like to see a combination of, of having a new facility built alongside the present facility; and I think he was talking somewhere in the area of fifteen hundred to sixteen hundred beds in which twelve hundred beds could be built, new beds could be constructed and then three hundred, approximately three hundred or maybe four hundred derived out of the present site. So, what I am placing on here on the agenda is some items that we may want to discuss a little bit and maybe take some action on it. The first item that I put down there is the site selection. As you well know I think the County, back in 1992 or ’91, somewhere in that area purchased some land right next to...

**COMM. GARCES** Precinct Four.

**COMM. ROSEL** ...across the street from Precinct Four which...

- COMM. GARCES** Doolittle and Schunior.
- COMM. ROSEL** Doolittle and Schunior Roads...
- COMM. GARCES** Richardson Road...
- COMM. ROSEL** Presently where the Boot Camp is...
- COMM. GARCES** Yeah.
- COMM. ROSEL** ...is situated. There was sixty acres there of which twenty acres was provided for the Boot Camp and that leave approximately forty acres, mas o menos, for the construction of a jail facility or for some other project for the County. So, that's one area that the County can build a jail if it wants to. The second on, of course is trying to work something out on the present site; and then the third option is going out and acquiring some other property that the County can build a jail, but not only a jail, but keep in mind the future needs of this County which is not going to be too long from now that we're gonna need a Courthouse. So, we're gonna have to start thinking as to whether we're going to build a jail only to meet the needs required for jail standards and meet the needs of Hidalgo County, one, but, two, also if we're going to start looking at the future ten, fifteen, twenty years down the road as to, to address the situation, I think that these are the things that we are looking at and obviously if we, we, we decide to go with the present site there is certain protocol that needs to be meet and I think that that, one of those things is letting the City of Edinburg, I think by a statute what we were told last week that the City of Edinburg was gonna have to give its approval for the, for the new site or the new jail to be built there...
- COMM. GARCES** If it's within the city limits...
- COMM. ROSEL** ...within the city limits. If it's outside the county then, then we don't have to have anybody's approval but within the municipality we have to go to that municipality and get the permit approval from that, from that municipal entity. So, I'd like to put that out for the Commissioners' Court at this time and this is brought on by the Sheriff's Department who said that he would like to see a combination of the, of the new beds and the present facility project being used.

- COMM. GARCES** Judge, there is still a lot of good use in our present jail that we have out there. If you would server the down the middle or if you would address law enforcement end of it and the detention end of it the law enforcement end, we know needs a lot more space you know with the increase in personnel that hey might have within the next couple of months. I feel that it would be a lot of duplication if we would re-locate that jail, quite frankly. Of course the blessings of the city council would come into effect, I don't know, how soon we can take that one, through resolution from the city council of Edinburg or not. I would like to, for this Commissioners' Court to consider that option that the Sheriff pointed out adjacent to, how much acreage we need, anywhere from eight to then, that's something to be determined by some experts, engineers or architects.
- COMM. ROSEL** Working along with the present facility.
- COMM. GARCES** Exactly.
- COMM. ROSEL** Adjacent to it.
- COMM. GARCES** Adjacent to it. I feel that there's a lot of use as a jail from the old jail that we, the present one. I think we can complement the new facility and expansion of it with the dungeon scenario. I've seen some facilities up in the State and they use the old portions of jails as a deterrent. In other words, if you want to go back to that dungeon scenario, este, do it as you're told, all right and the minimal security or the minimum security area of the new facility; it's worked, I've seen it work. That's something I have to share with you all so we can have an idea and start kind of tightening up the scope of the facility that we want.
- COMM. ARCAUTE** Is that legal?
- COMM. GARCES** Yes sir.
- COMM. ARCAUTE** It is?
- COMM. GARCES** Isolation. Some people here they can tell you that if you put in, in a particular area of jail that's minimum to maybe low risk and you're not abiding by the standards that they have within the cell, you can be removed.

- COMM. ROSEL** I think one of the other things that we have to consider also is the fact that the Sheriff's Department is pressed for space also. I think that in the, in the building of the facilities constructing the facilities there has to be an effort placed by this Commissioners' Court in addressing the office space that the Sheriff's also needs. I think that they're presently asking the County Judge's Office to look into finding office space for certain personnel that, from their department. So, and then also budgetarily this year or this '98, we'll probably be looking at hiring numerous more deputies, so obviously that's gonna create more work, so they're gonna need more office space. So, I think that it could be a, would, could be an advantage to us to have the present site used in order to address the problems that we're having with the jail detainees. One is because the property that's there and two, obviously because it's convenient for the Sheriff's Department administrative offices to be able to, to work with the detainees.
- COMM. ARCAUTE** Is that, is that necessary that the Sheriff Department be adjacent or housed in the same complex...
- COMM. ROSEL** No, no it's not necessary...
- COMM. GARCES** It's not necessary.
- COMM. ROSEL** ...it just makes it a little bit more difficult if they're housed separately.
- COMM. GARCES** Administratively it would be real good to have that situation.
- COMM. ARCAUTE** Why? The Sheriff picks up somebody, they book them and they send them to jail.
- COMM. GARCES** Right.
- COMM. ARCAUTE** So, why should the Sheriff have to be right there close to the jail.
- COMM. GARCES** Picture this, Commissioner Arcaute, let's say they ----- investigator, al right and lets assume that the law enforcement end of the scenario stays where it's at and the new jail is placed over there on Doolittle and Investigator Arcaute goes and books him in he's building up to his case, right, he finds out that he needs to bring him back and interview. The

convenience is there. Right now they can just go through the booking department and maybe within twenty feet...

**COMM. ROSEL** Saves time and money.

**COMM. GARCES** ...take him out and bring him in, instead of hauling back and forth. The case doesn't stop just as soon as you book him, in fact, the case hasn't really started yet until you start interrogating and collaborating evidence that's, that's the scenario that I would want, is to keep them...

**COMM. ARCAUTE** Okay do we have a cost comparison as to what it costs for that investigator to go over there and get him as compared to building a whatever, hundred something thousand dollars to accommodate that investigator to be there close to the inmate.

**COMM. GARCES** Point well taken, I think that the studies that we're looking at, that's why we have this on the agenda.

**COMM. ARCAUTE** Well, the reason I ask is because the one have in front of me doesn't say anything in reference to that.

**COMM. GARCES** So you have, where's Roy Quintanilha? Let's say that you have fifteen some odd investigators and on a Monday morning you have a good number of new inmates...

**COMM. ARCAUTE** Well, I, I understand the, the...

**COMM. GARCES** Okay so you can see the cost piling up...  
**COMM. ARCAUTE** What I'm saying is I think we're looking at cost here, and I think you already mentioned that to keep the old site, why not keep the Sheriff in the old site and just build a new jail. Instead of, you know, going the route of doing a jail with a Sheriff's Department.

**COMM. GARCES** And you brought up a good point, Commissioner, I think that we have to look at those costs and what I would want and what you're pleasure and what not, we need to bring those costs in and have something for the twenty-fifth of September.

**COMM. ARCAUTE** So, am I...

**COMM. GARCES** (INAUDIBLE)

- COMM. HANDY** Didn't he also suggest to use the old jail to house federal prisoners?
- COMM. ROSEL** That's right.. That's correct, there's gonna have to be some...
- COMM. HANDY** So would there have to be a Sheriff's staff there to take care of that?
- COMM. GARCES** I don't know if you recall, but when we had Mr. Crump, Steve, I don't know if you were here, it was a workshop, this issue about getting the resolution from the City, if you're in the city limits on any county jail and what not, he wasn't too direct and he didn't give us a clear cut yes or no and I understand through other sources that this legislative policy has kind of changed over the years, you know, you'll have like two or three years where there's legislative means where you have to get approval from the city and it's kind of in other year's it's gone away, I don't know, that's something we might have to research right off and see the role that Edinburg City is gonna have in this project.
- COMM. ARCAUTE** Do you think that the City of Edinburg might have a bigger problem if we remained at the, that at the present site as compared to the one on Doolittle?
- COMM. GARCES** They had a concern last, well back about eighteen months ago on the K-Mart scenario. Okay, they didn't mention the present location and the expansion of the original site. We didn't get into that. Okay we had some neighborhood residents here that opposed it and the large majority of those residents bought after the '77 jail that was built. So, that's something that we need to go maybe head up with the Counsel and see what, what they can bring to us.
- COMM. ARCAUTE** So nobody checked it between last week, two weeks with Edinburg?
- COMM. ROSEL** Well, I think that that's what I'd like to see, what we'd like to see from this Commissioners' Court. I think that we need to approach it from the County Judge's Office or for the County Judge to designate someone from the Commissioners' Court and sit down and talk to the, the Counsel of Edinburg and, and the officials from Edinburg to go ahead and find out what their

position is and then come back and give a report to this Commissioners' Court as to what they foresee in that situation.

**COMM. ARCAUTE** What are we gonna use for bargaining? You give us the permit or we'll move the Courthouse.

**COMM. ROSEL** We'll move to...

**COMM. GARCES** The jail.

**COMM. ARCAUTE** Think about that one, hey...

**COMM. ROSEL** So, in trying to work with the Sheriff, I think that, I think this would be our most feasible plan at this time. I think that there has to, obviously, be alternatives and I think that that's what we're gonna, we're going to probably wind up doing, but I think that the first one is, is to try to work with the City of Edinburg to find out if they will give it's blessing and in doing so then I think we'll proceed to number two and to look, looking at some type of comparative assessment as to what we're gonna be spending there at the present site versus what we would spend at a, at a new site and to find out if it's worth it or not. So, I don't think that we need to take any action on this other than just agreeing that we need to approach those officials from Edinburg. I think the last time that we had some concern was from some participants from the City of Edinburg was the fact that I think that they, they, I think the initial response when they came up here was they said "we don't need a jail in the City of Edinburg". I think a lot of people misunderstood that we're not, we're not building a prison inside the City of Edinburg, we're just, ah if we do we're going to expand the facilities that are currently there in the City of Edinburg which are just to detain the particular person until he's been, being able to be taken to trial and...

**COMM. GARCES** Sent up...

**COMM. ROSEL** ...and disposed of. A lot of people think well they're gonna build a prison here like north of Edinburg or whatever. It's not that, this is a detainee station only to detain those people as long as they can keep them there to have them tried. We want people to understand that hopefully they will have a different attitude towards it.

- COMM. ARCAUTE** That's an old argument, you know that if I was in prison I was gonna break out, I wouldn't stop anywhere close, I'd want to get some distance between and the prison. So if I live around the prison I'm safer, you know, 'cause nobody is gonna stop there.
- COUNTY JUDGE** If we build one we need to build it Commissioner-proof. We've been warned we got to build it Commissioner-proof.
- COMM. ROSEL** Yeah. (LAUGHTER). So, I think that if we can agree on that, Judge, I think we can go on to the next item.
- JUDGE CUELLAR** I don't see any problem and I've had one of my staff working with them on some, some of the parking problems.
- COMM. ROSEL** Well, I think that you need to address it from the Commissioners point of view, Judge and ask one of the County Commissioners to go ahead or yourself or both of you to, to approach them and talk to them. 'Cause they may not, our staff, your staff, our staff may not communicate all the items that are, all the things that are necessary in order for them to understand what we're trying to do.
- COMM. GARCES** I'd be happy to...
- COMM. ROSEL** I would suggest that you along with Commissioner Garces would approach the City of Edinburg and talk to them...
- COMM. GARCES** I think it would be proper for me to address the Council.
- COMM. ROSEL** Is that okay?
- JUDGE CUELLAR** Is that all right, Commissioners?
- PAUL VAZALDUA** Judge, our office does have a meeting with the City of Edinburg tomorrow at 1:30 so, if we'd like to add, that's pertaining to the parking lot issue, so we want to add this on to that meeting...
- COMM. GARCES** You're meeting with the staff or the Mayor himself?
- PAUL VAZALDUA** The City Manager.
- COMM. GARCES** I'll get with the Mayor.

- COMM. ROSEL** Also, I want to point out to you that this Commissioners' Court, except Commissioner Handy took a trip into Fort Worth and inside the city limits of Fort Worth, when we went to the where the skyscrapers are and he was pointing out to us that in..., one of those was the jail and we couldn't have picked it out. So...
- JUDGE CUELLAR** This Court was also supposed to go to El Paso, Commissioner and something happened.
- COMM. ROSEL** Yes and then also when we went inside the facilities and I think it was a nine story, ten story or I don't know what it was, but it was a facility that, that accommodated the skyline of, of Fort Worth. I think that what we could do is work on, if people are concerned on the esthetics also of, of the building in itself. But, if the people think that the prison is gonna look like an old prison like in the early 1900's they're, they're mistaken. They don't let us do that anymore. So, Commissioner Garces and, and yourself are gonna approach the City of Edinburg officials.
- JUDGE CUELLAR** Yeah.
- COMM. HANDY** Yeah that's fine with me.
- COMM. ROSEL** Yeah, that way we'll know what we're gonna do next time we meet in regards to this item.
- JUDGE CUELLAR** All right.
- COMM. ROSEL** Judge, the other item that I wanted to discuss with this Commissioners' Court is the selection of the mode of construction. What kind of construction are we gonna pursue. First of all, while we have, we have three types for the general to use. You have a conventional....
- COMM. ARCAUTE** (INAUDIBLE)
- COMM. ROSEL** Conventional type of construction which is first of all, this Commissioners' Court based on the responses that we got to our request for qualifications from architects which are in the planning, in the Purchasing Department somewhere, we go through the, through the architects and select an architect. At that particular point when we select an architect and we turn him over to the Sheriff's Department along with this

Commissioners' Court to, to come up with the design. After the design is complete well then we go out for competitive bids on this contract, on the construction of the Jail. And that's how that's pursued. The other type is that where you have a construction management. In construction management can most likely will work in hiring a construction manager and he will hire, the County will hire along with him an architect and after they, we and everybody comes up with a design then all of the bidding procedures are packaged out in small packages and it's a long process and I think Commissioner Handy has told us in the past that she has noticed that on the construction management what you get is a change orders galore. I think that is what she had told us in the past. I think that been the experience of some of us in, in some of these businesses.

**JUDGE CUELLAR**

I think that the question arose the last time, Commissioner if maybe some of these people had already been hired...

**COMM. ROSEL**

Well that's my next item.

**JUDGE CUELLAR**

What we need to do is go in and, and, and table this till next week and find out this week if there are any commitments that have already been made.

**COMM. ROSEL**

Well, there's not commitments on, on what we're talking about.

**COMM. GARCES**

Right now.

**COMM. ROSEL**

...on this, on the next item that's what you're talking about. One is the conventional type of construction and the second one is the construction management type of construction and the third is what we call a design/build and then I think this Commissioners' Court had approached the design/build operate previously and I think that that had to be with the blessing of the Sheriff; and the Sheriff refused to do that. So, that was forgotten about so at this particular point I think that we're, we haven't officially taken any action to, to do otherwise. So, design/build, what we're talking about it putting out twenty percent of the design along with the, with the specs that go out and then what a company or vendors or construction company will do is they will look at all the information that, that we have given them and what they will do is respond back to us with a price in telling us that they will build those facilities and along with this particular type of design for a stipulated price.

Hopefully a turnkey job. At that time, we can decide as to which particular proposal that's, proposal that we would like to select and the most advantageous for the County is the one that we would select; but the design-build at that time would work like this, you know, where you would put out the specs with a partial design and they would respond with the rest of the design and a price for a turn-key job. I think that I have talked to the attorney in regards to this item and they attorney is, is concerned with certain elements that I think needs to be clarified between, before we can take any action on it; but I think there also is some commissioners here are saying "well, let's decide on what we wanna do and let, let the attorney or the Attorney General's Office correct us if, if we're proceeding in the wrong, in the wrong path, on the wrong path. I would like to hold off on this for next week so we can come back to Commissioners' Court after the legal counsel has talked to me and talked to you each individually and, and so we can address this, this once and for all. El Paso as we know has, had gone out for design-build and as far as I know has already completed the job, according to the County Judge from El Paso. Harris County is presently getting prepared to award the contract for a design-build for Harris County for thirty-five hundred beds. The only difference is between those two is that design, ah, in El Paso there was a design-build only and in, in Harris County there was a design-build finance...

**COMM. GARCES**

Finance.

**COMM. ROSEL**

... and that was the, that's the thing that we're going to address this coming week with the legal counsel and addressing that issue.

**JUDGE CUELLAR**

So, you're saying hold off on this...

**COMM. ROSEL**

I would recommend that we hold off until we have sat down and talked to each other individually, especially the legal counsel 'cause we're not going to be able to proceed without making him feel comfortable, but I think that this is the trend across the, across the State to do this kind of construction. I feel more comfortable conventional, because I think we can, we can hire our architect and we can, we can get him to give us our design of what we want and let's go out for bids on what we want, but I feel that, that we need to look at the, look at, at the design-build to find out if it's feasible. If it is fine.

- COMM. GARCES** Some of these issues here, Judge, and what I'm looking at is, ahm, the, the final price, the bottom line, overall project cost and of course, the construction management, the pros on that is that they can come in and get on it and produce and give you those keys much quicker than the other two scenarios. The cost also can be negotiated with construction management, there's a lot of pro and con that we have to kick around. I think for the benefit of the members that weren't here when we first took this on about two years ago. I think we need to bring back quickly some of these people that are experts in these areas to brief you, Judge and Commissioner Handy, and maybe inform us again, you know, kind of re-hash some of the information we have and make sure that we understand exactly what conventional has to offer to the County; Design-build and the different facets of design-build and construction management. Obviously, we know that construction management will put out a project a lot swifter, we can negotiate, but there's...
- COMM. HANDY** I was, I was also informed yesterday that with construction management they could also give a locked price than with design-build.
- COMM. GARCES** Exactly. You can lock in and say it will not go over this amount and I think that's something also that we have to kick around.
- COMM. HANDY** Yeah.
- COMM. ARCAUTE** I think so.
- COMM. GARCES** Yeah, very much so. That's my approach on this right now.
- COMM. ARCAUTE** You know, I think everything for every project we've done in this County for the last few years has been under management, construction management which is the same thing, managed, ah, wait I thought I saw it...
- COMM. ROSEL** Well...
- COMM. GARCES** Construction management.

**COMM. ARCAUTE** Yeah, we've, we've been doing most of them, am I not correct, Anthony, on most of the projects we've done here lately the last few years. They've all been managed...

**ANTHONY COVACEVICH** We've done some construction management, the Hidalgo health clinic...

**COMM. ARCAUTE** Right.

**ANTHONY COVACEVICH** ...and we took it over.

**COMM. ROSEL** Well, I think here lately, Commissioner, we, we like fifth floor and some other projects we first go out and, and initially hire a, an architect...

**COMM. GARCES** Limit the scope of project.

**COMM. ROSEL** ...and, and get him to come in here and he puts the design together and then we go out for the bids.

**COMM. ARCAUTE** Which is what we're gonna have to do anyway, if we go design-build or construction management, either way if I understand ----- it didn't on that fax I got from the Attorney General...

**COMM. GARCES** Well, Commissioner, yeah on, on construction management.

**COMM. ARCAUTE** ...but I need somebody to translate it.

**COMM. GARCES** On construction management, you hire that contractor and he's gonna go out there and hire that architect and the sub.

**COMM. ROSEL** Well, it doesn't necessarily have to be worked that way, I mean...

**COMM. GARCES** That's one of the...

**COMM. ROSEL** ...we're not gonna hire the architect we -----

**JUDGE CUELLAR** We have, we have some information on design, if you want it, Commissioner? 'Cause the, the, legal counsel has been looking at that so why don't we ask him right now.

**STEVE CRAIN**

As you may recall for those of you who were here last year, this issue is not a new issue to this Court, the, we requested last year to give an opinion as to whether or not the County could use a design-build method and that opinion was frankly not well received by the people it was given to or the person it was given to and we suggested that the County request an Attorney General's opinion from the State of Texas and the County did so and the Attorney General, in an opinion dated October 30, 1996 to Hidalgo County stated that a County may not use design-build because as Commissioner Arcaute pointed out, I believe, when you start bidding for architectural services you violate the Professional Services Procurement Act. There is one exception, however, to and the Attorney General notes that is Chapter 351 of the Local Government Code. Chapter 351 says yes you can use design-build under a certain scenario and basically it comes down to you can hire someone to design-build and operate the jail. Now there are some people who are looking at Section 351.102 of the Local Government Code and if you, if I can beg the Court's pardon, I'd like to hand out a copy of those two statutes, so it will be more fully explanatory.

**COMM. GARCES**

Okay, Steve. Steve, this is only on design-build addressing design-build?

**COMM. ROSEL**

You got one there for Rene, for the District Attorney.

**STEVE CRAIN**

The, the argument that some, that some, that some have given that you can do design-build without operation, if you look at the first page bottom right hand corner, three fifty, Section 351.102 and if you note there it says "the Commissioners' Court may contract with a private vendor to provide for the financing, design, construction, leasing, operation, purchase, maintenance"; the most important word is the next word "or" "o-r" "management of the jail" and what the people who promote that the County can do design-build say that "or" means "or" you can pick from any one of these choices and pick design-build, maintenance and leave out operation, but I believe where the argument fails is if you look at Section 351.103, which is the next page and the next page starts out, excuse me, under 351.103 that "a contract made under Section 351.102" which is that previous section that used the word "or" language, "must contain these following things". You note that item number one is that you have to require a private vendor to operate the facility. If you'll then

skip to item number three, item three is predicated by the word "if the contract includes construction you require a performance bond". The important point there is that if the contract includes construction; 351.103 primarily talks to operation, but the most important word is in the next column at the top of the page, right before ten, you notice a little three word that says "and"; so everything in 351.103 is "and" and 351.103 says any contract made under 351.102 has to contain all these things. So, the problem is the people who promote that the County can do it, their opinion is based, I submit to you under looking solely at 351.102, I submit that you also have to look at 351.103 by the express language of a contract made under 351.102 must contain all these things. So, basically where I am at this point is I'm saying that if you do or try to do a design-build method and you comply with 351.103 which is mentioned in the AG's opinion to the County the person who builds it or the entity that builds it must also have a contract for the operation of the facility following completion.

**COMM. GARCES**

Let me, Steve, and this is, excuse my ignorance, so basically when you get down to 102, ah, that "or" in front of "management of a jail" goes out the window.

**STEVE CRAIN**

Well, it really doesn't, it, if you read 351.103 there's a reason to put "or" up there, because 351.102 says you can hire somebody just within the "or" language just to operate the jail and if you go 351.103 it talks about operation of the jail, that's the first one and if you look at number three under 351.103 it says if the "contract includes construction". So, you can read 351.102 and 351.103 together if what you've done is you've hired somebody to operate the jail. Then they both make sense when they are read together. You don't have to, you can hire somebody to operate the jail and not build your jail and then they would read together. So, I think that's where the issue is, it's a statutory interpretation of 351.102 and 351.103 that also just as an note, this issue hasn't come up yet but to comply with Chapter 351 you also have to comply with Section 351.1035 which we haven't gotten to that issue yet. Any questions?

**COMM. ROSEL**

I was gonna ask you if you had a copy of that for our District Attorney, but...

**STEVE CRAIN**

If I had a copy of that?

- COMM. ROSEL** Well, I mean you were reading off and he hadn't, didn't have an opportunity to be looking at it while you were reading.
- STEVE CRAIN** I'll be happy to provide him my copy.
- COMM. ROSEL** Okay. So, I think that it'd be best at this time that we hold off and we'll come back next week and we'll decide what, how we feel more comfortable in pursuing this.
- JUDGE CUELLAR** I think, I think that's a good idea, Commissioner, but one of the main things we have to remember, yes we have a meeting on the 25<sup>th</sup> and yes I think we're gonna have to be convincing that we do have a plan that we do have an answer, otherwise I understand they're not gonna listen too much to us and we are under the gun and we have to do that, but these things are, are things that number one, the public has to know that we're looking not only at short-term but long-term, that we're not just looking in one area, that we're looking at what is best for the County, yes we have to have the City's input, cause they're the ones that are gonna decide if they want us here or not...
- COMM. ROSEL** That's right.
- JUDGE CUELLAR** ...but also, ah, what, what is it we're preparing for, one year, two years, three years and, ah, just read the newspapers on, on these taxes. We're talking about spending money we need to be very, very careful to make certainly that it's not misspent; but, I think we need the time 'cause this time when I noticed that it was put on the agenda we didn't have any back-up material, we need to make all the back-up material available. People out there have to know that they're going to participate and I'm sure I'm gonna hear about it as soon as I adjourn this meeting, she's smiling at me and, ah, and we intend to make ourselves available to the public so we can have their input. So, is that your recommendation.
- COMM. ROSEL** At this time, yes sir, until we answer some of those questions on Item B. Now we need to also just to talk about Item C and we'll be through with it.
- JUDGE CUELLAR** There's a motion to table is there a...
- COMM. ROSEL** No there's motion, that's just no action.

- JUDGE CUELLAR**            There's no action.
- COMM. ROSEL**                I think on Item C, Judge, what we'd like to do, anything else?
- COMM. ARCAUTE**            No, I was just gonna say we're back to where we were in 1993.
- COMM. ROSEL**                Okay, yeah.
- COMM. ARCAUTE**            To put it off a week, then another week then a month then two years. Okay.
- COMM. ROSEL**                Item C, on Item C, what I have done here, Commissioners, ahm, we have previously taken action and we had gone out for requests for qualifications over a year ago or architectural design, for architectural firms or financial advisors, bond counsel and for underwriters. This Commissioners' Court previously took action on the financial advisor and also on the bond counsel. Now, I don't believe that we have a contract in place because it involves a project in itself, from the beginning to the completion. So, what I'd like to do is come back and recommend those same two firms that we selected out of all of the firms that, that responded. The first one would be, for the financial advisor of First Southwest. First Southwest is represented by Chris Vela, here locally, so if it'd be all right with this Commissioners' Court and if you don't have any questions I'd like to go ahead and now, we don't have to make an exception simply because we have the response to the qualifications in, in, with the Planning, with the Purchasing Department. So, if there's no questions, I'd like to make a motion, put a motion on the floor.
- COMM. GARCES**            You're, just to confirm...
- COMM. ROSEL**                Yeah.
- COMM. GARCES**            ...the financial advisor as First Southwest.
- COMM. ARCAUTE**            I think we'd be safer if we just ratify action that was taken previously.
- COMM. GARCES**            Oh, ratify, second.

**COMM. ROSEL**

In other words, the word “confirm” you look at it and the dictionary will probably entail also ratify.

**PAUL VAZALDUA**

What we could do Judge, Commissioners is, is look at the minutes from the previous meetings and the action that was previously taken and then also bring that to court next week along with the other issues and provide that as back-up documentation to see what the language in the agreement was intended to produce and we’ll research those items.

**COMM. GARCES**

For the sake of time, Paul, you might want to, I don’t I’m not too sure if Commissioner said a week, took up action on financial advisor and bond counsel at the same meeting, I think they were separately.

**PAUL VAZALDUA**

Yeah.

**COMM. GARCES**

Can you recall that, Steve?

**STEVE CRAIN**

I know you took, I know you advertised and the only thing I’ll add to what was saying is my concern is I think you also, in addition to what Paul said, need to go back and pull those requests to advertise and the notice as to what it was advertised for ‘cause the only thing I’ll want to make sure of is if you ratify something now it’s the same project as what you advertised for previously. It may be, I just can’t recall from memory.

**COMM. GARCES**

I think both, both the issues of financial advisor, Paul, and bond counsel.

**PAUL VAZALDUA**

We’ll, we’ll put all the, the back-up the Judge is requiring and also...

**COMM. ROSEL**

I think the only one that we didn’t select was the underwriter.

**PAUL VAZALDUA**

Okay.

**JUDGE CUELLAR**

We’ll do that.

**COMM. ROSEL**  
**JUDGE CUELLAR**

That’ll be fine, no action on that item also.  
All right.

**ADD. 1. COUNTY JUDGE'S OFFICE:****A. Discussion and action on Hidalgo County Commissioners' Court Policies and Procedures for the Agenda Process**

The County Judge indicated that he had added an addendum to the agenda regarding the policies and procedures for the agenda process. Paul Vazaldua then said that Mari Gonzalez, from the County Judge's Office has been handling the agenda packages and putting the agenda together for the Commissioners' Court and anybody that received a package. He continued by saying that they were wanting this Court to accept any type of recommendation or any changes that they may want to implement to the current system that was in place. He did say that one issue that was brought up by a majority of the Commissioners' Court was the issue of the two signature requirements and he was wanting to know if this Court wanted to go back to this requirement. Commissioner Garces concurred with the two signature policy, but Commissioner Arcaute begged to differ with him. His concern was that this was just for the placing of items on the agenda and the signatures did not constitute a vote for a particular item and he felt that this Court needed three-signatures for placement on the agenda. Mr. Vazaldua did point out that presently no signatures are being acquired and he wanted to know what the policy should be. Commissioner Arcaute suggested that the items that go on the agenda should be decided by this Commissioners' Court and not by the public. Judge Cuellar stated that the reason this item was on the agenda was to clear up the policies for the person who was in charge of this task. He did feel that any item being placed on the agenda should have the proper back-up information. A discussion then ensued with regards to how the agenda process was carried before and how this has affected the current procedures with comments from Mr. Vazaldua, Martha Salazar, the County Purchasing Agent, and Rene Guerra, the County District Attorney. The County Judge indicated that he did not feel that the Commissioners needed to require any signatures. After further discussion, Steve Crain, the County legal counsel, stated that according to statute no signatures were required for the placement of an item on the agenda. Commissioner Rosel asked how an item could be taken off the Consent Agenda and discussed further and the County Judge replied that it could be pulled from the Consent Agenda and placed on the Regular agenda for discussion and possible consideration. After further discussion it was agreed that they resubmit the policies and procedures to the department heads that require the two signatures and remind them to follow the policies. Mr. Vazaldua also suggested that they take some of the District Attorney's recommendations and categorize the different types of agenda items that they have. Commissioner Arcaute asked about the number of copies that were required and he wanted to know who, other than the members of the Court, received a copy of the agenda packet. He also mentioned that he felt that the agenda process should take two weeks instead of five days in order to guarantee that the proper procedure is being followed. This discussion went back to the copies and Lisa Saucedo indicated that the issue of the number of copies that was needed could be amended. She did add that this was very time consuming and very expensive in that a lot of paper was being used and that the Open Records Acts indicated that they could supply the

public with free copies of the agenda but if additional information was requested they could charge 10¢ per copy. Commissioner Rosel did not favor this and indicated that they should continue furnishing the extra copies and this was followed with some comments from Mr. Guerra on this issue. Commissioner Arcaute agreed with charging for the copies to the public in order to offset the cost of making the copies and Mr. Guerra recommended that they not charge.

NO ACTION.

Steve Crain, the County Legal Counsel, indicated that he wanted to point out that no action has been taken under Items 5/A and 5/B. Mrs. Entire then stated that no action would be required on these items at this time. Ms. Saucedo asked about the agenda policies and what the direction of the Court was at this time and Judge Cuellar said that the staff needed to put the recommendations in writing and then bring them back to Commissioners' Court for further consideration.

There being no further business to come before the Commissioners' Court, a motion was made by Commissioner Arcaute and seconded by Commissioner Handy, that said meeting be hereby adjourned.

MOTION CARRIED.

## **DRAINAGE DISTRICT #1**

The Honorable Renato Cuellar, County Judge called the Commissioners' Court meeting to order, whereupon the following proceedings were had, to-wit:

### **CONSENT AGENDA**

#### **ITEM 1. LINE ITEM TRANSFER - \$3,250.00**

(See Exhibit T)

#### **ITEM 2. PERMITS**

- A. City of Edinburg - CMECU Subdivision
- B. City of McAllen - Hidden Meadows Subdivision
- C. City of Mission - Frontier Estates Subdivision

(See Exhibit U)

The County Judge introduced the Consent Agenda and asked if there were any changes. There being none, a motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve.

MOTION CARRIED.

## **REGULAR AGENDA**

### **ITEM 1. PURCHASING DEPARTMENT**

#### **A. Drainage District No. 1**

##### **1. Requesting approval of contract for "Tires" - Goodyear**

Martha Salazar, the County Purchasing Agent, reported that this item was for the approval of a contract for tires. The contract was with Goodyear and this bid was awarded on September 8th. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit V)

There being no further business to come before the Drainage District #1 Board, a motion was made by Commissioner Arcaute and seconded by Commissioner Rosel to adjourn.

MOTION CARRIED.