

## **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**

#### **ITEM 2. LINE ITEM TRANSFERS:**

- A. Commissioner Pct. #1 - Parks - \$19,500.00
- B. Commissioner Pct. #1 - Road & Bridge - \$18,300.00
- C. Commissioner Pct. #2 - Parks & Recreation - \$2,000.00
- D. Commissioner Pct. #2 - Paved & Unpaved - \$15,000.00
- E. Commissioner Pct. #3 - Paved & Unpaved - \$6,000.00
- F. Commissioner Pct. #4 - Administration - \$200.00
- G. Commissioner Pct. #4 - Road & Bridge - \$70,000.00
- H. TX. DPS Assistance - \$510.00
- I. County Court at Law #1 - \$1,250.00
- J. County Court at Law #2 - \$100.00
- K. Justice of the Peace, Pct. #1 Pl. #2 - \$260.90
- L. Library System - \$200.00
- M. WIC Department - \$45,902.00
- N. Planning Department - \$520.00
- O. Historical Commission - \$1,000.00
- P. HIDTA Task Force - \$15,300.00
- Q. County Clerk's Office - General Fund - \$27,500.00
- R. County Clerk's Office - Records Management - \$6,000.00
- S. Buildings & Grounds - \$20,000.00 & \$5,500.00
- T. Juvenile Probation - Probation - \$2,124.56
- U. Juvenile Probation - Detention - \$592.00
- V. Purchasing Department - \$4,000.00

(See Exhibit A)

#### **ITEM 3. URBAN COUNTY**

- A. HOME "First-Time Homebuyer Contract Agreement" and Letter of Commitment to Mortgage Company (5 families)
- B. HOME - Homeowner Occupied Housing Rehab Application (2 families)
- C. City of Palmview - HOME Housing Rehabilitation Program - Construction contract Award

(See Exhibit B)

**ITEM 4. RIGHT OF WAY DEPARTMENT**

## A. Permits

1. Pct. #1 - Southwestern Bell Telephone
2. Pct. #2 - North Alamo Water Supply
3. Pct. #3 - Southwestern Bell Telephone
4. Pct. #4 - Southwestern Bell Telephone
  - City of Edinburg
  - North Alamo Water Supply

(See Exhibit C)

**ITEM 5. PLANNING DEPARTMENT**

## A. Subdivisions:

1. Las Brisas Del Oro Unit II - Pct. 1
2. M. Hernandez Subdivision - Pct. 1
3. Meadow Oak Estates - Pct. 1
4. Pueblo Amistad Subdivision - Pct. 1
5. Bentsen Commercial Plaza - Pct. 2
6. Boggus Subdivision II - Pct. 2
7. Bustos Subdivision - Pct. 2
8. Covarrubia Heights Subdivision - Pct. 3
9. Carolina Subdivision - Pct. 4

(See Exhibit D)

The County Judge introduced the Consent Agenda and stated that there was on changes with regards to Item 1, the Auditor was requesting that payment not be made to In the Shadows Security, and that it be moved to the Regular Agenda. There being no other changes, a motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the Consent Agenda as amended.

MOTION CARRIED.

**REGULAR AGENDA****ITEM 1. APPROVAL OF CHECK REGISTER AND PAYMENT OF CLAIMS/BILLS - HIDALGO****COUNTY AUDITOR (FROM CONSENT AGENDA)**

Commissioner Garces asked why the County Auditor was requesting the removal of the check for In the Shadows Security from the check register. Manuel Cavazos, the County Auditor, explained that there was a question as to the ownership of this security company. Commissioner Garces then asked that no action be taken until this problem is cleared up. Steve Crain, the County legal counsel, informed the Commissioners'

Court that the correct would be to approve the claims and bills with the exception of this one item. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the payment of claims and bills with the exception of check #13621 to In the Shadows Security in the amount o \$2,805.00.

MOTION CARRIED.

## **EXECUTIVE AGENDA**

### **ITEM 1. CLOSED SESSION**

Commissioners' Court may go into Closed Session pursuant to Chapter 551, Texas

Government Code, Section 551.072 to discuss the following matter:

A. Property

1. Value, exchange and/or purchase of real property

B. Litigation:

1. Consultation with attorney regarding Civil Action No. C-2414-97-F - Hidalgo County -vs- TAC
2. Consultation with attorney regarding Ramirez -vs- Hidalgo County

The County Judge and County Commissioners went into Closed Session accompanied by Steve Crain, the County legal counsel.

NO ACTION.

### **ITEM 2. OPEN SESSION**

A. Property

1. Value, exchange and/or purchase of real property

B. Litigation:

1. Consultation with attorney regarding Civil Action No. C-2414-97-F - Hidalgo County -vs- TAC
2. Consultation with attorney regarding Ramirez -vs- Hidalgo County

2/A/1

A motion was made by Commissioner Handy and seconded by Commissioner Garces for authorization for the appraisal to be done on the property that the Commissioner's office in Precinct One is located on in Weslaco.

MOTION CARRIED.

2/B/1

Commissioner Rosel indicated that this item was a briefing item only and no action would be required.

NO ACTION.

2/B/2

A motion was made by Commissioner Handy and seconded by Commissioner Rosel to approve the compromised settlement agreement with Renan Ramirez and the County of Hidalgo.

MOTION CARRIED. (COMM. GARCES ABSTAINED FROM THIS MATTER)

## **REGULAR AGENDA**

### **ITEM 1. BUILDINGS & GROUNDS**

A. Budget Amendment in the amount of \$30,000.00

Raul Hernandez, Buildings and Grounds Superintendent, came before the Court requesting a budget amendment in the amount of \$30,000.00. These funds were needed to cover a bid award for six compressors for the Administration Building. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the budget amendment in the amount of \$30,000.00.

MOTION CARRIED.  
(See Exhibit E)

### **ITEM 2. CHARLES L. CLARK**

A. Request to adopt a Resolution to offer a Deferred Compensation Plan to County Employees, Elected Officials and Independent Contractors of the County

Charles L. Clark came before the Court requesting the adoption of a resolution to offer a deferred compensation plan to County employees and elected officials. He indicated that he had been informed by the County Auditor that there was a payroll slot available. Commissioner Rosel asked if this was the only company that offered this type of service and Mr. Clark replied that it was not, but they were one of the largest in the nation. Commissioner Rosel asked legal counsel if this Court had to provide an exemption on this type of service and Steve Crain responded that he did not think that it qualified for an exemption. Commissioner Rosel then stated that this Court should direct the Purchasing Director to look at this issue and possibly address it at a later date. A discussion ensued with regards to how this County could approach this issue, whether the County go out for proposals and choose one or they allow the employee to pick and choose their own company. Steve Crain, the County legal counsel, then stated that he believed that there was a policy about how payroll deductions are

authorized and how they can be authorized and the other issue is that there are many companies out there that offer the same type of financial packages and in order to give everyone an equal footing and an equal chance, he felt that they needed to either look at the policies or go out on an RFP for this type of service. Commissioner Rosel recommended that no action be taken on it and that they direct the Purchasing Director to look into this issue.

NO ACTION.  
(See Exhibit F)

### **ITEM 3. AUDITOR'S OFFICE**

#### **A. Budget Amendments:**

1. \$16,408.00 out of General Fund to pay Property Insurance to TAC
2. \$22,401.60 out of General Fund to pay General Liability to TAC
3. \$10,140.45 out of County Wide Road & Bridge to pay General Liability to TAC
4. Discussion and Action on District Judge's Compensation - H.B. 3556
5. Approval of Budget Amendments for County Court at Law #1, #2, #3 #4 - H.B. 3556

3/A/1

Manuel Cavazos, County Auditor, stated that he was asking for a budget amendment in the amount of \$16,408.00 from the General Fund to pay for the property insurance to TAC. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit G)

3/A/2

Mr. Cavazos was also requesting approval of a budget amendment, from the General Fund, in the amount of \$22,401.60 to pay general liability insurance to TAC. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit G)

3/A/3

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to allow the \$10,140.45 from the County Wide Road and Bridge to pay the general liability to TAC from the unfrozen amount. Commissioner Arcaute indicated that this request was being made on an account that was frozen by this

Commissioners' Court. Commissioner Garces said that it was his understanding that a certain amount was frozen and he asked what that amount was. Mr. Cavazos replied that it was his understanding that only \$285,000.00 was frozen. Commissioner Arcaute pointed out that when that action was taken it was to freeze the fund not an amount and Commissioner Rosel stated that he would make a motion to unfreeze this account. The County Judge then stated that it was his understanding that it was a set amount and Commissioner Arcaute moved that they table the item until the minutes were checked to verify this issue and Commissioner Garces reported that there was already a motion on the floor. The County Judge asked legal counsel that if there was a question, should this Commissioners' Court table this issue and Mr. Crain indicated that Commissioner Arcaute was correct and that no action should be taken on this item. Mr. Crain also suggested that this item could be checked during the course of this meeting and this Court can come back and take action on this item at a later time. Aaron Betancourt, Commissioners' Court clerk, reported that he was the only one that could give this Court the information that was needed and Commissioner Rosel went on to give his explanation of the action that was taken during the freezing of the funds. After further discussion, Paul Vazaldua, Administrative Assistant to the County Judge, asked for clarification. He stated if they were unfreezing only the \$10,140.45 that was needed and Commissioner Rosel replied that that was correct. Commissioner Handy then stated that they wait on this issue until the minutes can be verified.

3/A/4

Mr. Cavazos then proceeded with the next item. This item dealt with the compensation of District Judges as per H.B. 3556. He said that even though the County did not pay the District Judges any compensation it did provide for a supplemental salary. Mr. Cavazos reported that the County Court at Law Judges salaries were contingent upon what the County paid the District Judges and he needed this Court to set the supplemental salary of the District Judges for the periods ending on August 31, 1998 and August 31, 1999. He said that he was recommending that the supplemental salary for the period ending August 31, 1998 be set at \$8,900.00 and at \$9,300.00 for the period ending August 31, 1999. A motion was made by Commissioner Handy and seconded by Commissioner Garces to set the District Judges compensation under H.B. 3556, as presented.

MOTION CARRIED.  
(See Exhibit G)

3/A/5

Mr. Cavazos indicated that he was also requesting a budget amendment for County Courts at Law #1, #2, #3 and #4 in order to bring their salaries up to \$1,000.00 less than the District Judges. Commissioner Rosel asked how much the County Court at Law Judges were presently earning and Mr. Cavazos replied that he did not have that figure but the request was to bring them up to \$107,000.00. The total amount of the budget amendment required was \$25,514.00 and each County Court at

Law Judge would be getting \$6,378.50 for the remainder of 1997. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the budget amendment as presented.

MOTION CARRIED.  
(See Exhibit G)

#### **ITEM 4. COUNTY JUDGE'S OFFICE**

- A. Approval giving consent to lease medical equipment for Knapp Medical Center - debt financing - (Steve Crain)
- B. Governing body to discuss and vote on a proposed tax increase and take record vote (Armando Barrera)
- C. Schedule a public hearing on proposed tax increase (Armando Barrera)
- D. Discussion and amendment for services rendered in connection with financial advisors for 1996 bond issue (Loura Etnire)
- E. Approval to pay bill (Loura Etnire)
- F. Approval of Interlocal Agreement with TTC or MHMR (Lisa Saucedo)
- G. Consider and approve budget amendment for the creation of a Court Appointments Clerk
  - 1. Amendment in the amount of \$17,394.00 (Paul Vazaldua)
  - 2. Authorization to create a Court Appointments Clerk (Paul Vazaldua)
  - 3. Set Salary (Paul Vazaldua)

4/A

Steve Crain, County legal counsel, stated that this was a request by Knapp Medical Center in Weslaco, Texas. Mr. Crain stated that whenever a hospital was debt financing and they were not going through a local entity they have to come to their local entity for approval. He stated that the only action required from this Court was for approval of a resolution that gave the County notice that Knapp Medical Center will use Bell County to finance an equipment purchase. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.  
(See Exhibit H)

4/B

Armando Barrera, County Tax Assessor/Collector, came before the Court requesting a vote on the proposed tax rate. He then proceeded to explain the process for the adoption of the tax rate for the benefit of the Court. Mr. Barrera indicated that if this Court decided to adopt a rate equal or lower than the effective tax rate then no public notice would be required. If the Court decided to go higher then he would be required to post a notice in the newspaper informing the public of this intent. He did say that there were time constraints due to taxing agreements with other entities.



Commissioner Arcaute asked him to explain the difference between the effective tax rate and the actual tax rate. After some discussion, the Commissioners did not feel that they were ready to take any action at this time. Mr. Barrera then explained that they could set it high at this time and then come back and set it lower if they so desired without additional public hearings. After further discussion, a motion was made by Commissioner Rosel and seconded by Commissioner Arcaute set the proposed tax rate at \$.4747.

MOTION CARRIED.  
(See Exhibit H)

4/C

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to set a public hearing on the proposed tax increase for October 7, 1997.

MOTION CARRIED.  
(See Exhibit H)

4/E

Loura Etnire, Chief Administrative Assistant to the County Judge, informed the Commissioners' Court that Mr. Billie Joe Day would address this matter. Mr. Day stated that he was with Burton, McCumber & Pritchard and he was presenting two invoices that were rendered in 1996 that had not been paid. The amounts of the invoices are \$3,600.00 and \$9,158.00. He was requesting that these invoices be paid. Commissioner Garces indicated that they had only been furnished with information on the invoice for \$3,600.00. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to pay the bill.

MOTION CARRIED.  
(See Exhibit H)

4/D

Manuel Cavazos indicated that this Court had just approved payment of the bill, but he added, they could not pay the bill because funds had not been appropriated for this payment. Mrs. Etnire indicated that a budget amendment is required under Item 4/D and the account to be amended is 010-413-300.40. Commissioner Rosel then asked if the agenda item was worded properly for approval of the budget amendment and Mr. Crain indicated that it was not. After some discussion, a motion was then made by Commissioner Garces and seconded by Commissioner Rosel to table this item.

MOTION CARRIED.  
(See Exhibit H)



4/F

Lisa Saucedo came before the Court requesting approval of an interlocal agreement with the Texas Tropical Center for MH/MR. She stated that it was a standard agreement according to the Texas Health and Safety Code that the County has with MH/MR. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit H)

4/G

Paul Vazaldua, Administrative Assistant to the County Judge, came before the Court requesting approval of a budget amendment for the creation of a Court Appointments Clerk. He mentioned that this position was previously the Court appointments administrator, out of the County Judge's Office and it had gotten transferred out. He added that due to the increase of inmates at the jail, this position was greatly needed in order to expedite some of those cases. Commissioner Garces agreed with the need and added that the judge that presided over these cases was doing a good job. Commissioner Handy stated that during the budget workshops someone had mentioned that when the former clerk was there the monies were transferred to one of the district courts and they had already hired a clerk to do this and Mr. Vazaldua agreed, however the person that was hired was not fulfilling the duties as prescribed. Commissioner Handy then asked if the other courts had an additional clerk or if the monies would be returned to fund this position and the response was that they would not. Mr. Vazaldua indicated that the position that he was presently requesting was to help alleviate the duties and responsibilities that Commissioners' Court is responsible for due to the TRLA lawsuit that the County had a couple of years back. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the creation of the court appointments clerk. Mr. Vazaldua informed the Court that the creation would require a budget amendment of \$17,394.00 and the setting of the salary. Commissioner Arcaute then amended his motion to cover the creation, the budget amendment and the setting of the salary. Commissioner Rosel brought up the issue that Mr. Vazaldua had indicated that this position would help to alleviate the jail population somewhat and he felt that there should be some kind of accountability. His reasoning for this was that in the past this Commissioners' Court had set up departments to help out in other areas of the Judicial process and nothing had been done and he was requesting accountability from the County Judge's Office. Mr. Vazaldua stated that they could supply this information on a monthly basis and they could have this individual come in and advise the Court on how many interviews were actually set. He added that presently the system was fragmented with one person doing data entry and one person actually going to the jail. Commissioner Rosel pointed out that this person would not have any authority to set cases and Mr. Vazaldua agreed, but he felt that it would move the process somewhat. Commissioner Handy still questioned the court appointments clerk that they formerly had. She wanted to know

who that person was and where they were presently and Mr. Vazaldua responded that this slot was in the 370<sup>th</sup> District Court. Commissioner Handy wanted to know what duties this person was presently performing and the response was that only the District Judge could answer that question. A discussion ensued with Commissioner Handy's concern that if this problem was not corrected the other district judges would eventually be requesting an additional clerk and Commissioner Garces concurred. It was recommended by Commissioner Handy to possibly table this item until they find out if they can bring this budget and position back to where it was originally and Commissioner Rosel concurred. Mr. Vazaldua then requested that this agenda item be approved and that the concerns of Commissioners Handy and Rosel be brought later, as there were 300 inmates that hadn't been interviewed in the last month. Commissioner Handy interjected and stated that they already have a court appointments clerk and she wants to know why that person hasn't been performing those duties. Commissioner Garces felt that if they take the time to resolve this issue they will create a "bottle-neck" and it might interrupt the process of these inmates further. Commissioner Rosel stated that they presently have pressure from the Jail Standards and he felt that the worst thing that this Commissioners' Court could do was act on impulse and what they needed to do was realize that they were in a position where there was no turning back and they needed to make sure that the steps that are taken will relieve the jail population. He felt that the request by Commissioner Handy was proper but he did not feel that it would alleviate the present problem. Mr. Vazaldua pointed out that the pressure was not from the Commission on Jail Standards, but from the lawsuit between the County and TRLA. Commissioner Rosel asked him how long it had been since they had serviced these inmates and Mr. Vazaldua responded that they had not been able to get staff out there for three weeks. Mr. Vazaldua added that this Commissioners' Court does become responsible for those issues. Commissioner Garces asked that Mr. Vazaldua place this item on the following week's agenda and that the department be present. Upon putting the motion to a vote, Commissioners Arcaute and Garces voted in favor of the motion and Commissioners Rosel and Handy voted against the motion, the County Judge voted in favor of the motion.

MOTION CARRIED.

(See Exhibit H)

**ITEM 5. COMMISSIONERS PCT. #1**

- A. Budget Amendment in the amount of \$9,000.00 from Paved/Unpaved Unreserved Fund balance to Pct. #1 Paved/Unpaved and appropriate the same
- B. Authorization to submit the Solid Waste Enforcement Unit Grant application to the Lower Rio Grande Valley Development Council

5/A

Raul Lozano, Administrative Assistant for Precinct One, came before the Court requesting approval of a budget amendment in the amount of \$9,000.00 from the Paved/Unpaved Unreserved fund balance into the Precinct One Paved/Unpaved account and to appropriate the same. A motion was made by Commissioner Handy and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.  
(See Exhibit I)

5/B

Mr. Lozano was also requesting authorization to submit a Solid Waste Enforcement Unit grant application to the Lower Rio Grande Valley Development Council. He then proceeded to say that he would like to show the Court a six minute video of the problems that currently exist in the rural with regards to the illegal dumping of trash. After the video, Mr. Lozano stated that Precinct One was proposing to submit a grant application to TNRCC for the maximum allowed which is \$53,000.00. This grant will allow for one peace officer and an office manager to oversee the program and the first six months of the program will be used strictly for educational purposes. Mr. Lozano pointed out that the video will be used by this program as a public service announcement, as well as by other entities who are trying to attract other agencies to provide funding for these types of programs. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit I)

## **THE COURT WENT BACK TO ITEM 3/A/3**

### **ITEM 3. AUDITOR'S OFFICE**

#### **A. Budget Amendments**

3. \$10,140.45 out of County Wide Road & Bridge to pay General Liability to TAC

Commissioner Rosel asked that they go back and address item 3/A/3 and indicated that the court clerk had come back with the information that was requested. Aaron Betancourt then stated that according to the minutes the balance had started at \$822,000.00 and earlier in that agenda there had been an amendment for \$120,000.00 and this had left a balance of \$702,000.00. Another amendment for \$20,000.00 had been taken leaving a balance of \$682,879.20 and then they had reduced this amount by \$250,000.00 which left a balance of \$432,879.20. This was followed by Commissioner Handy's motion for \$400,000.00 which left a balance of \$ 32,879.20 and this amount was frozen along with the \$250,000.00. Commissioner Arcaute stated that they new about the amounts they just wanted to clarify the language and Mr. Betancourt indicated

that they had moved to freeze the actual amount and not the fund. Commissioner Rosel then made a motion, which was seconded by Commissioner Garces to pay \$10,140.45 out of County Wide Road & Bridge to pay the general liability to TAC and this comes from the amount that is not frozen.

MOTION CARRIED.  
(See Exhibit G)

#### **ITEM 6. COMMISSIONER PCT. #3**

- A. Budget Amendment in the amount of \$220,000.00 from County Wide Road & Bridge Unappropriated Fund Balance into Pct. #3 Road & Bridge and appropriate the same

Commissioner Rosel stated that he was now requesting a budget amendment in the amount of \$260,000.00 from the County Wide Road & Bridge Unappropriated Fund Balance into Precinct #3 Road & Bridge and appropriate the same. He indicated that he had furnished a list of projects that these funds will be used for. After some discussion, Commissioner Arcaute asked if the amount that had been frozen was \$282,875.00 and the County Auditor concurred and pointed out that there was currently a balance of \$674,000.00. Commissioner Garces asked Commissioner Rosel if he would accept an amendment of \$220,000.00 instead and Commissioner Rosel agreed. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve a budget amendment of \$220,000.00 for Paved/Unpaved for Precinct. Commissioner Arcaute asked Commissioner Garces if he would be asking for any monies from this fund anytime soon and Commissioner Garces replied that he would not.

MOTION CARRIED. (COMM. ARCAUTE VOTED AGAINST THE MOTION)  
(See Exhibit J)

#### **ITEM 10. COUNTY COURT AT LAW #1**

- A. Abolish the Warrant Officers Positions and Department

County Court at Law Judge Rodolfo "Rudy" Delgado came before the Court requesting that they abolish the Warrant Division. He indicated that this department was created to serve warrants on judgment nisi's out of the Court Courts at Law had been in existence for approximately two years. Since then it has been supervised by his Court. He stated that this program began with a "rocky" start since it was implemented without any structure to monitor accountability, a great concern of this Commissioners' Court. He said that he was here to address those concerns, but he felt that this was a worthwhile project. Judge Delgado pointed out that this has been a two-man operation and since one of the officers was now working as a bailiff for one of the

Courts it was presently a one-man operation. He did say that this item had been brought before the Court previously and he was here to address any concerns that this Commissioners' Court may have. County Judge Cuellar told Judge Delgado that when this Court had first looked at this request they had found out that this Commissioners' Court did not have the right to abolish this department without his okay. Commissioner Garces did not agree with Judge Cuellar and from an administrative and budgetary approach, he felt that this Commissioners' Court could undo and abolish a budget. He also did not feel that there was any accountability in this department. Commissioner Handy asked Judge Delgado about the letter that he had sent, in which she interpreted as saying that it would probably work better if these positions had been hired by the County Courts and Judge Delgado indicated that before these individuals were transferred to the warrants division, they were basically working at the beck-and-call of the County Judge's office. Commissioner Garces then pointed out that according to the figures that had been furnished, only 150 warrants had been served during a six month period and this added up to less than one warrant per day and this was why he felt that this program was not working. After some discussion, Commissioner Arcaute asked how many members of this Commissioners' Court have asked about the accountability of this program and both Commissioners Rosel and Garces indicated that they had. Commissioner Arcaute then asked when this department was transferred under the direction of the County Courts at law and this resulted in further discussion. A motion was then made by Commissioner Garces and seconded by Commissioner Rosel to abolish the warrant officers positions and department and that maybe in the near future they can sit down with the District Attorney, Sheriff and the Judges and structure a better warrant officer department. Deputy Cornelio Garza then stated that he was the only warrant officer on staff at this time and most of the warrants that he served were felony warrants and he indicated that this was a personal vendetta between Commissioner Garces and himself. Judge Delgado stated that, with regards to any personal issues, he felt that he did not want to get involved in this matter since he did not think that this was the issue at hand. He felt that if he could have re-invented this program then he would utilize uniforms that would identify the officers as warrant officers and patrol cars, instead of undercover cars. He felt that these warrant officers should have been serving misdemeanor warrants instead of felony warrants, because the misdemeanor warrant generate monies for the County while felony warrants do not. He felt that this was a viable department and the ultimate decision was Commissioners' Court's. Judge Cuellar indicated that it was his opinion that his advise from counsel was that he could not accept that motion to abolish a department that belonged to someone else. He did say that it was his understanding that Judge Delgado was going to ask for the abolishment of this department. Commissioner Garces then indicated that he was accepting the recommendation and his motion to abolish still stood. Judge Cuellar asked Judge Delgado if he was asking that this Commissioners' Court abolish the warrants division and Judge Delgado indicated that he was only here to respond to the inquiry made by this Court, but he did say that he could not vouch for the department because there was no accountability. He did say, however, that if he was given an opportunity to re-structure the department then he felt that he and the other



County Court at Law Judges could make the department work. Commissioner Arcaute addressed some comments from Judge Delgado with regards to the faulty implementation of the department and after some discussion Judge Cuellar asked that legal counsel give his opinion in the matter of who had authority over the abolishment of this department. Steve Crain, the County legal counsel, pointed out that this Commissioners' Court had budgetary control, but the County Court had jurisdiction over the personnel under it and this is the reason why this item had been tabled previously. He also mentioned that the positions under the warrants division were not exempt from civil service, because they were not specifically named under a Court. After further discussion, Judge Delgado again indicated that in this opinion this department was not working as it was presently structured and Commissioner Arcaute called for the vote. Commissioner Garces then restated his motion to accept the recommendation from the County Court at Law Judge, based on what he has presented today that the warrants division be abolished. A vote was then made on the call for the question and it passed. A vote was then held on the motion and it failed.

MOTION FAILED. (COMMS. GARCES AND ROSEL VOTED IN FAVOR OF THE MOTION AND COMMS. ARCAUTE AND HANDY AND THE COUNTY JUDGE VOTED AGAINST THE MOTION)  
(See Exhibit K)

THE COUNTY JUDGE THEN CALLED FOR A SHORT RECESS.

#### **ITEM 7. JUVENILE PROBATION**

- A. Budget Amendment in the amount of \$22,993.40 to record the Hidalgo County Juvenile Probation Department's TJPC-E-97 Grants (Title IV-E)

Israel "Buddy" Silva, Juvenile Probation Director, came before the Court requesting a budget amendment in the amount of \$22,993.40 which was the match for the Hidalgo County Juvenile Probation Department's TJPC-E-97 (Title IV-E) grant. A motion was made by Commissioner Arcaute and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.  
(See Exhibit L)

#### **ITEM 8. TEXAS D.P.S.**

- A. Discussion of D.P.S. building in Edinburg

John Hurst, the Supervisor for the Drivers' License Department of Public Safety Department, came before the Court to discuss the need for some additional space for

the DPS department within the City of Edinburg. He stated that his department has grown since it was first implemented and he was going to be getting an additional employee sometime in November. The office space he was presently occupying was only large enough for two employees and he would be growing to four employees, which he needed additional space for plus room for the public and additional parking space. He was requesting for a much larger building and it was his understanding that the Extension Service Program would be leaving the location that they are presently occupying. Commissioner Arcaute asked what the status of the Extension Service location was and Martha Salazar responded that the last that she had heard was that they had requested that some repairs be made to the new location. The County Judge indicated that they would have the County Buildings and Grounds Superintendent look into possibly finding additional space for the DPS and that he report back to this Court.

NO ACTION.  
(See Exhibit M)

#### **ITEM 9. HEALTH DEPARTMENT**

- A. Approval of the Early Childhood Intervention Program Grant renewal in the amount of \$85,402.00
- B. Authorization to set salaries on the above grant
- C. Approval of Title V (W&C/Fees) Program Grant No. 7460007176A-98 in the amount of \$600,000.00
- D. Authorization to set salaries on Program Grant No. 7460007176-A-98

The County Judge announced that no action would be taken on this item at this time.

NO ACTION.  
(See Exhibit N)

#### **ITEM 11. J.P. PCT. 1 PL. #1**

- A. Budget Amendment in the amount of \$4,000.00

Justice of the Peace Gilberto Saenz came before the Court requesting a budget amendment in the amount of \$4,000.00 for the purchase of a computer and a fax machine, as well as for supplies and postage. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit O)



**ITEM 12. ADULT PROBATION - COMMUNITY CORRECTIONS**

## A. Budget Amendment in the amount of \$1.00

Joe Lopez, Adult Probation Director, came before the Court requesting a budget amendment in the amount of \$1.00. He stated that when he got his announcement for the grant for community corrections program funding, it was for \$1,126,833.67 and when he put it into the computer he had forgotten to type in the sixty-seven cents. He then sent it to Austin and they told him that he needed to make an amendment of \$1.00 to change the \$1,126,833.00 to \$1,126,834.00. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit P)

**ITEM 14. OFFICE OF EMPLOYMENT AND TRAINING**

## A. Discussion and Possible Action to approve a Request for Proposal to utilize Title I, Section 123/8% funds in the amount of \$265,177.00

Crystal Alsup, from OET, came before the Court requesting approval to proceed with the Request for Proposals to utilize Title I, Section 123/8% funds in the amount of \$265,177.00. She mentioned that this item has been before the PIC Board and those two times they did not have quorum. Commissioner Garces then addressed this problem with comments from Commissioner Arcaute. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit Q)

**ITEM 13. URBAN COUNTY PROGRAM**

- A. City of Edcouch - Approval of change order No. 2 with Apcon Contractors, Inc., PFI - Parks, Recreational Facilities FY 1994-1996
- B. City of Edcouch - Approval of an Appraisal Review Agreement with Professional Appraisal Serviced Inc. Economic Development, FY 1995
- C. City of Edcouch - Approval of a Construction Contract with Hamlin Pool Co. PFI - Parks, Recreational Facilities - FY 1996
- D. City of La Joya - Approval of a Professional Service Agreement (Engineering) with R.E. Garcia and Associates - PFI - Street Improvements FY 1994
- E. City of La Joya - Approval of a Budget Amendment for Year 1995 and FY 1996
- F. City of Granjeno - Approval of Budget Amendment: Rehab; Single Unit Residential (FY 1996)

- G. City of Donna - Approval of Budget Amendment PFI - Parks, Recreational Facilities (FY 1996)
- H. Pct. #1 - Approval of Subrecipient Agreement with Edcouch-Elsa Boys and Girls Club - Year 8-9 (1995-1996)
- I. Approval of the 1997 (Year 10) County of Hidalgo - Urban County Program Interlocal Agreement with the City of Progresso Lakes (a consortium member city)

#### 13/A

Anthony Covacevich, Urban County Director, came before the Court and reported that the City of Edcouch was requesting approval of change order number two with Apcon Contractors, Inc., for FY 1994-96, under Parks and Recreational Facilities. This is change order only applies to a time extension of thirty-nine (39) days. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

#### 13/B

The City of Edcouch was also requesting approval of an appraisal review agreement with Professional Appraisal Services, Inc. for \$500.00. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

#### 13/C

The City of Edcouch was requesting approval of a construction contract with Hamlin Pool Company in the amount of \$1,709.78 for pool repairs. Mr. Covacevich indicated that this was the low quote among two quotes that were received. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

#### 13/D

The City of La Joya was requesting approval of a professional services agreement for engineering services with R.E. Garcia and Associates. This was for a street improvement project and the contract amount is \$3,600.00. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

13/E

The City of La Joya was also requesting approval of a budget amendment on their FY 1995 and FY 1996. The amendment was to provide \$20,000.00 on their facilities, in FY 1995, and in FY 1996 they were increasing the library line item from \$25,000.00 to \$55,000.00. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

13/F

The City of Granjeno was requesting approval of a budget amendment to their Rehabilitation Single Unit Residential program under FY 1994. The amendment was to take their Urban County funds and assisting with the HOME funds to be able to rehab more homes. The amendment is in the amount of \$73,071.49. A motion was made by Commissioner Rosel and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

13/G

The City of Donna is requesting approval of a budget amendment on their FY 1996 Parks and Recreational Facilities line item. The amendment is to decrease their Water and Sewer line item and increasing the Parks and Recreational Facilities line item. A motion was made by Commissioner Handy and seconded by Commissioner Rosel and Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

13/H

Precinct One was requesting approval of a subrecipient agreement with the Edcouch-Elsa Boys and Girls Club. The agreement is under FY 1995 and 1996 and it is in the amount of \$2,000.00 for each year. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

13/I

Mr. Covacevich then announced that he was requesting approval of the 1997 County of Hidalgo Urban County Program interlocal agreement with the City of Progresso Lakes. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

#### **ITEM 15. PLANNING DEPARTMENT**

- A. Preliminary Plat Approval
  - 1. Morocco Subdivision

Emilio Garcia, Chief Planner, came before the Court requesting preliminary plat approval for Morocco Subdivision. This subdivision is in Precinct Four located six hundred and sixty feet south of State Highway 107 on the west side of FM 493. He was requesting preliminary approval subject to the street signs and traffic control devices and testing of the streets; final letter from the water corporation or the city; affidavit regarding drainage facilities and the elevation certificates will be required on all lots before the septic tank permit is issued. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.  
(See Exhibit S)

#### **ITEM 16. PURCHASING DEPARTMENT**

- A. HIDALGO COUNTY
  - 1. Requesting authority to advertise for "Stripping of Streets"
- B. PRECINCT #1
  - 1. Requesting authority to extend bid opening date for "Playground Equipment and Installation for Delta Lake" Pct. #1
  - 2. Requesting authority to re-advertise for "Playground Equipment and Installation for Delta Lake" Pct. #1
- C. PCT. #4
  - 1. Recommending to award bid for "Hauling Services for Hot Mix" for Pct. #4
- D. COMPUTER DEPARTMENT
  - 1. Recommendation as to RFP for "Computer System Hardware Maintenance and Support"
  - 2. Requesting authority to execute contract for "Computer System Hardware Maintenance and Support"
- E. HEALTH DEPARTMENT

1. Requesting authority to terminate contract with "Genemed Physicians Specialties, Inc."
2. Requesting award of item under contract to Genemed Physicians Specialties, Inc. to International Medical as next lower bidder on original bid opening 11-06-96

#### F. SHERIFF'S DEPARTMENT

1. Requesting exemption from competitive bidding requirements utilizing the following participation I the State of Texas cooperative purchasing programs & interlocal agreements with councils of governments
2. Requesting authority to purchase ten new 1998 Chevrolet Tahoe packaged utility vehicles
3. Requesting authority to purchase four used vehicles from the TDPS for the Criminal Investigation Division
4. Requesting authority to purchase three vehicles from GSC (Federal Surplus Property)
5. Requesting authority to advertise for Two Commercial Washing Machines and three Commercial Clothes Dryers
6. Requesting approval of contract for Radio & Service Repairs with South Texas Communications, Inc.
7. Requesting authority to re-advertise for Hidalgo County Sheriff's Office - Digital Telephone System

#### G. HIDALGO COUNTY WIC PROGRAM

1. Requesting authority to advertise for Breast-feeding Supplies

#### H. RIGHT OF WAY DEPARTMENT

1. Recommendation as to RFP award for "Appraiser and Review Appraiser - Jackson Road Project" for Hidalgo County

16/A

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the advertising for "striping of streets" in and for the County of Hidalgo.

MOTION CARRIED.

(See Exhibit T)

16/B

Martha Salazar, the County Purchasing Director, informed the Court that they had a present scheduled bid opening for September 17<sup>th</sup> for Precinct One and it had come to their attention that the products that were being specified needed to meet ADA and Consumer Product Safety Commission guidelines and she was wanting to request an extension on the bid opening for this item and that it be re-advertised. A motion was made by Commissioner Handy and seconded by Commissioner Garces to authorize the Purchasing Department to re-advertise for the "playground equipment and installation for Delta Lake" in Precinct One.

MOTION CARRIED.  
(See Exhibit T)

16/C

Mrs. Salazar reported that she was requesting the awarding of bid for "Hauling Services for Hot Mix" for Precinct Four. She stated that they had received two bids: Benny's Caliche Hauling Service from Edinburg with several bid prices and Hi-Lo Sales out of Donna with a low bid of \$3.00 per ton. She was recommending that the bid be awarded to Hi-Lo Sales out of Donna. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.  
(See Exhibit T)

16/D/1

Mrs. Salazar reported that the next item was for the Computer Department and they had an RFP out on "computer system hardware maintenance and support". She indicated that they had received two proposals: Centauri and DigiCom. She was at this time recommending that Centauri be awarded the RFP. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the recommendation by Purchasing, to award "computer software and hardware maintenance" to Centauri.

MOTION CARRIED.  
(See Exhibit T)

16/D/2

Mrs. Salazar stated that she was now requesting authority to execute a contract with Centauri for "computer hardware maintenance and support". A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit T)

16/E/1

Mrs. Salazar indicated that the County Health Department was requesting authority to terminate a contract with Genemed Physicians Specialties, Inc. This was an existing contract that was awarded to two separate vendors. The Health Department had attempted to acquire some supplies from this vendor and it was found that they had closed their business. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to authorize the termination of the contract as presented.

MOTION CARRIED.  
(See Exhibit T)

16/E/2

She was now requesting that the items awarded to Genemed Physicians Specialties, Inc. be awarded to the next lower bidder being International Medical Supplies, during that bid award. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to award to International Medical Supplies all items previously awarded to Genemed Physicians Specialties Inc.

MOTION CARRIED.  
(See Exhibit T)

Commissioner Garces pointed out that it was brought to his attention that legal counsel had not reviewed the contract awarded under Item 16/D/2. Steve Crain, the County legal counsel, indicated that the motion had been for the execution of the contract and Mrs. Salazar stated that her intent was to proceed to develop the contract with them. Mr. Crain then recommended that they go back to that motion and amend it. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to authorize the execution of a contract subject to the approval and revisions approved by legal counsel.

MOTION CARRIED.

16/F/1

Mrs. Salazar reported that the Sheriff's Department was requesting exemption from competitive bidding requirements for the participation in the State of Texas cooperative purchasing programs and interlocal agreements with councils of governments. Mrs. Salazar indicated that this action was being requested to proceed with the other items that will be requested. Commissioner Arcaute asked if they knew how much the County would be saving by going under the program and Mrs. Salazar stated that they would acquire more competitive prices for law enforcement packages than if they went out for bids. Commissioner Garces made a motion to grant the exemption from competitive requirements utilizing the following participation in the State of Texas Cooperative purchasing programs and interlocal agreements with the councils of government, particularly the Houston-Galveston Council. Roy Quintanilha informed the Court that during the last six years they have made their purchases of police vehicles through the Houston-Galveston Council. Commissioner Rosel asked him what the price per unit was at this time and Capt. Quintanilha replied that it was \$25,999.00 and they were police packaged vehicles. Commissioner Rosel stated that if these vehicles were bid out for police units that they would allow for local vendors to participate. Capt. Quintanilha added that the only difference was that under the cooperative purchase programs, the dealers stocked up on these types of units and the waiting period was minimal as opposed to bidding out and having to wait for the vehicle



to get properly equipped. Commissioner Rosel still felt that they should allow the local vendors to participate in the bidding process and Commissioner Garces did not agree with him, as far as getting the packaged vehicles on a timely basis. Judge Cuellar pointed out that he would have to throw out Commissioner Garces' motion for lack of a second. Commissioner Arcaute asked what the delivery time was on vehicles purchased through the Houston-Galveston Area Council and Capt. Quintanilha indicated that on these particular vehicles delivery would be made between now and mid-October, only because they were requesting brand new 1998 models. On the regular Crown Victoria police models, the delivery time was within three weeks. The County Judge then asked if there was a second to Commissioner Garces motion and there being none, it died for lack of second. Mrs. Salazar indicated that she would need some clarification, because the exemption was also for Items 16/F/3 and 16/F/4, for used vehicles from agencies like the Department of Public Safety. A discussion ensued with regards to the vote on the exemption and Commissioner Rosel indicated that no vote was taken and Commissioner Garces informed him that no vote was taken because the motion was not seconded. Commissioner Arcaute indicated that the exemption was not given for the Houston-Galveston Area Council, but they could grant an exemption on the other items. Steve Crain, the County legal counsel, indicated that if the exemption was not given on Item 16/F/2 then they were giving the authority to advertise for those bids. A motion was then made by Commissioner Rosel and seconded by Commissioner Garces to exempt from competitive bidding requirements and allow the purchase between the council of governments, Hidalgo County and a discussion ensued with regards to how the motion should be worded. Steve Crain clarified the issue by saying the problem was with the way the agenda item was worded and it appeared that the exemption applied to items 16/F/2, 16/F/3 and 16/F/4 and the intent of this Commissioners' Court was to turn down item 16/F/2, but they would not be able to take any action on the other two items without the exemption from competitive bidding. After further discussion Commissioner Rosel indicated that the proper thing to do would be to make a motion for exemption and then take each item separately. A motion was then made by Commissioner Rosel and seconded by Commissioner Garces to exempt from competitive bidding requirements. The County Judge then asked if the motion was in order and Lt. Quintanilha came before the Court and commented that if they go out for bids, will they be able to specify that they want Chevrolet models and also the equipment that will be needed. He also pointed out that if the bids come in at a higher bid than the council of governments will they be able to come back and buy from the council of governments. Commissioner Arcaute asked that he explain the difference between the vehicles that are presently being used and Lt. Quintanilha complied. Mr. Crain then stated that being that the item was explained further this Court could now take action on Item 16/F/1. Upon putting the motion to a vote in carried.

MOTION CARRIED.  
(See Exhibit T)

16/F/2

Mrs. Salazar continued by saying that the Sheriff's Department was now requesting authority to purchase ten new 1998 Chevrolet Tahoe packaged utility vehicles through the State of Texas cooperative purchasing program of the General Services Commission. The vendor is Buddy Chevrolet, Inc. from Port Arthur, Texas at a price of \$25,999.00 for each vehicle for a total price of \$261,626.90; this priced includes \$1,636.90 for H-GAC administration fees. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the purchase as presented.

MOTION CARRIED. (COMM. ROSEL VOTED AGAINST THE MOTION.)  
(See Exhibit T)

16/F/3

The Sheriff's Department was also requesting authority to purchase four used vehicles from the Texas Department of Public Safety for use by the Criminal Investigation Division at a cost not to exceed \$34,000.00. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.  
(See Exhibit T)

16/F/4

Mrs. Salazar reported that the Sheriff's Department was also requesting authority to purchase two vehicles from GSC. The third vehicle was for an army bus and it has already been sold. The other two vehicles are two army trucks at \$4,050.00 each for a total price of \$8,100.00. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit T)

16/F/5

The next request was for authorization to advertise for two commercial washing machines and three commercial clothes dryers for the Sheriff's Department. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.  
(See Exhibit T)

16/F/6

This next item was for approval of the contract for radio and service repairs with South Texas Communications, Inc. This bid was awarded on September 2<sup>nd</sup>. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit T)

16/F/7

The last item under the Sheriff's Department was for authorization to re-advertise for digital telephone system. Commissioner Rosel asked why they were wanting to re-advertise and Mrs. Salazar indicated that no bids had been received. After a brief discussion, a motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit T)

15/G

A motion was made by Commissioner Rosel and seconded by Commissioner Handy to authorize the advertising for bids for breast-feeding supplies for the WIC Program.

MOTION CARRIED.  
(See Exhibit T)

15/H

Mrs. Salazar reported that the next item was for the Right of Way Department. She stated that this was for an RFP award for appraiser and review appraiser for the Jackson Road project. Mrs. Salazar stated that they had received four bids from Perez Appraisal Service, Leonel Garza Jr. and Associates, Professional Appraisal Services and Triple R Realty and Appraisal Services. She was at this time recommending for the review appraiser Perez Appraisal Services at \$200.00 per parcel; and for the appraiser she was recommending Professional Appraisal Services at \$400.00 per parcel. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit T)

## **ITEM 17. JAIL PROJECT AND JUVENILE DETENTION FACILITY**

### **A. Site Selection**

#### **1. City of Edinburg**

2. Acquiring Property
  3. Combination of present and new beds scenario
  4. Other Site
- B. Selection of Mode of Construction
1. Design Build Construction
  2. Construction Management
  3. Conventional Method
- C. Consideration and approval to advertise for Architects or other design professionals
1. Request for Qualifications - Professional Services Procurement Act
  2. Request for Proposals
- D. Project Financial Advisor Contract
- E. Bond Counsel
- F. Discussion of September 25, 1997 meeting with Texas Commission on Jail Standards

**JUDGE CUELLAR**  
**COMM. ARCAUTE**

Jail project and Juvenile Detention Facility.  
Agarrense.

**PAUL VAZALDUA**

Commissioners, Judge, what I'd like to do is go over the, the format of the packet that was just handed to you and then if you want to take the items one by one as they're listed on the agenda. Behind tab number one in your packet we have some mail that we received from the Texas Commission on Jail Standards and a couple of legal opinions from Atlas & Hall. The second tab talks about possible site locations and the cost of the different sites and tab number three talks about the different types of method of construction as well as a request for qualifications. Tab number four brings in the Juvenile Probation Department and Mr. Buddy Silva will be here to address that. Basically the Juvenile Probation Department currently is in a situation that the jail was in about two years ago and is headed in the same direction; and there's some directives that he has received from the State that we should address at this meeting. Tab number five talks about the financial advisor which is in contract, bond counsel and underwriters for the project and then tab number six has some city ordinances that we should review that will be required depending on which property the Commissioners' Court selects; and then tab number seven is a plan of action which is in draft form which we'll complete before Thursday that we go to the meeting on the Commission of Jail Standards. And with that in mind, the first agenda item is, talks about site locations, site locations. Behind tab number two you'll find that

Horizons Properties has given us the information. They are the official broker Realtor for that property. The K-Mart building right now is for sale for \$2.25 million, however behind that is also a neighborhood watch notice that we received in this Court back in 1996 opposing the County to select that site as a jail facility. In addition, Commissioner Garces, Judge Cuellar and myself met with Mayor Ochoa from the City of Edinburg and their City Manager and they expressed that at this time the City of Edinburg would not be in favor of supporting a jail facility to go up at that location. The City, in tab number six, where you see the city ordinances, there's a section in the city ordinances that talks about a special use permit. County buildings and County facilities including jails, fall under special use permits, so the County of Hidalgo would have to obtain a special use permit in order to be able to begin construction at that site. Pretty much, that, that K-Mart location is out the door for the County of Hidalgo. The next page shows another, another proposal from Horizon Properties which is the ten acre tract between the K-Mart building and the current County Jail. That property is for sale for approximately \$1 million and is up to, to negotiations. Now Mr. Rudy Ramirez also again is the official broker Realtor for that piece of property and he has met with Mayor Ochoa as of yesterday and he has determined that if the County were to purchase that piece of property that the City would be in favor of, of awarding a special use permit for that location.

**COMM. ROSEL  
PAUL VAZALDUA**

That's what direction, now?

That is the ten acre tract between the K-Mart Building and the County Jail.

**COMM. GARCES**

Juvenile, everything, it fronts on 281 and goes back east, right back to the back portion of the jail.

**PAUL VAZALDUA**

There's a schematic, in the package that shows the two five acre tracts, okay. I'll now divert your attention to tab number two the last page on tab number two that talks about construction costs. The last page on tab number two. A new construction for a jail facility based on industry standards is approximately \$26,000.00 per bed. A twelve hundred bed facility exclusive of the site for a new construction would be in the tune of \$31, 200,000.00. By remodeling the K-Mart site it's approxi.. , the, the standard goes to about fifteen thousand dollars per bed which is an \$18 million project. Keeping in

mind that the K-Mart building really is not a reality at this point for us so we're looking at a project of about \$31.2 million.

**COMM. GARCES**

Paul, let me say this, I think that even Jack Crump when he was here about two weeks ago, we asked him, what is the hard number of beds that you're looking for and he didn't give us a number a hard number on that. So, this is one that we're gonna have to take up with him probably Thursday, right.

**JUDGE CUELLAR**

Yes, and in one of the letters, he ----- a hundred, a little over eleven hundred beds.

**PAUL VAZALDUA**

There's, there is a document report that, that I'll be glad to, to bring to you all that, they're recommending eleven thirty-six plus. One thousand one hundred and thirty-six plus, by the year 2006. So, I'll get that for you. Going to tab number three tab number three these are options for consideration for the County for method of construction and I kind of put in a clock in there so that we can make reference to time, that we're... Conventional, a conventional new facility would take approximately seven hundred and sixty-eight days and I apologize for not putting in months for you but if you'll pencil in that's approximately twenty five months. That's two years and one month, approximately twenty-five months. All of the others I have in months so I wanted to convert the days into months for you all. Now, also keeping in mind that, some of the number of days that we allotted there in our estimations are, are put in, are being in the fast track so that may go over even a little more in a conventional method of construction.

**COMM. ARCAUTE**

So you divided seven sixty-eight by thirty.

**PAUL VAZALDUA**

Seven sixty-eight by thirty. PSJA math.

**COMM. ARCAUTE**

They work Saturdays and Sundays?

**PAUL VAZALDUA**

Right, that's...

**COMM. GARCES**

Paul, I don't think they will.

**PAUL VAZALDUA**

That's including all days.

**COMM. ARCAUTE**

Those are construction or work days.



- PAUL VAZALDUA** Those were not work days, Commissioner, I just divided it by thirty, so you're right it probably end up more like thirty months or thirty-one months. A construction management method of construction whether it's a remodel or a new facility would take twelve months for project completion. A design-build method of construction, whether it's a remodel or a new is an eighteen month for project completion. These estimations came through a twelve hundred bed facility estimation.
- COMM. ROSEL** So, what you're telling this Commissioners' Court, Paul if the fact, is this, is that under conventional you're gonna take five hundred and four days and, general construction is gonna take five hundred and four days?
- PAUL VAZALDUA** Right.
- COMM. ROSEL** And then you're saying under construction management they're gonna do a lot faster.
- PAUL VAZALDUA** Right.
- COMM. ROSEL** So, how are they gonna accomplish that when, in fact, that you may hire the same contractor on your conventional as you would have under construction management.
- PAUL VAZALDUA** Okay, the only, to my knowledge the difference there becomes, Judge, I mean, Commissioner, the bidding procedures for each component of the project and that, that in turn delays the, the readiness of the project. My...
- COMM. ROSEL** Lisa...
- PAUL VAZALDUA** ...my understanding, if we go through a conventional method we would have to bid out every component of the project and, and the County would become, in essence jail planners through the...
- COMM. ROSEL** Legal Counsel, I didn't hear you.
- COMM. GARCES** You all do that in cadence, one, two, three.
- STEVE CRAIN** When Godfrey, who's an engineer, I, I ask him -----, but from my experience in these kind of contracts, it's only one bid. You can bid out to the general contractor and that general



contractor makes his bid after he himself has gotten the bids of all the sub-contractors to come up with the total price. When he gives you that bid every component is in bid into that one price.

**COMM. ROSEL** Under conventional?

**STEVE CRAIN** Under conventional.

**COMM. GARCES** (Inaudible)

**COMM. ROSEL** Okay, so, you know, what he's saying to us at one point, he's saying five hundred four days, and this goes, they're guesstimates, I understand what you're doing...

**PAUL VAZALDUA** Right.

**COMM. ROSEL** Under conventional, he's saying under construction management, he's says they're not going to take that long. I find that very difficult to believe.

**STEVE CRAIN** I can't speak to the length of time, I can tell you each project is unique; sometimes it is faster to go with a, a construction management project other times it's not. It depends on the requirements of the project. I think a better person to ask is Godfrey.

**COMM. GARCES** Mr. Garza? (inaudible)

**COMM. ROSEL** Is it fair to put him on?

**COMM. ARCAUTE  
GODFREY GARZA** The first question is how many jails have you built? Built. (Laughter) Let me clarify that, Commissioner, I am not an engineer, Commissioners, but I have been involved in construction for many years. We have done a lot of work for Fortune 500 companies, like General Motors, Zenith, McDonald's and so forth. It seems to me that a jail is a jail has certain parameters, certain architects and engineers specialize in jails. It seems to me that there should be plans available somewhere for a size of jail that the County is looking for. So, you would cut down the time of the design of a jail, there might be some remodeling some re-design somewhere ...

**COMM. GARCES** Why re-invent the wheel. That's what I'm saying.

- GODFREY GARZA** Exactly.
- COMM. GARCES** Okay
- COMM. ROSEL** Whichever way you go.
- GODFREY GARZA** Whichever way you go and that to me would expedite the matter of getting your jail built; but I agree with legal counsel in when, when, when a project is bid out and a general contractor bids on it, he's already received bids from all of his subs, so you're not going to deal with the subs, it's one individual, one price. Construction management is different with respect which falls more in line with the fast track, which you give the parameters to a general contractor of what he's going to build and based on that he gives you a price. Then your construction manager and with the architect goes and designs specific items and starts fast-tracking where they are building them in place as you go. Sometimes that becomes more costly because there is no defined cost of the overall project. You have a maximum amount of money that you've got and that's it, and they have to work within those parameters. So, you know, it's up to the Commission to decide which way to go, you know, I can just give you what my experiences on products of this magnitude and that's why a lot of companies when it's something that needs to be build quickly you look for a footprint or a building that's already been designed that works and doesn't have to go through, the ----- procedures and you accept the procedure to make sure everything falls into place. So that's just, that's my opinion.
- COMM. ROSEL** That's all you can ask.
- GODFREY GARZA** And I have built a jail.
- JUDGE CUELLAR** How much time have you spent in them? (Laughter)  
**GODFREY GARZA** Trying to get in or getting out?
- COMM. ARCAUTE** Well, that's what I used to think until I saw this twenty-six thousand dollars per bed.
- COMM. ROSEL** So there's advantages and disadvantages to each...
- PAUL VAZALDUA** Each and every one of them.

- COMM. ROSEL** Each of the construction types.
- GODFREY GARZA** Commissioner, like I said a lot of, like the Fortune 500...
- PAUL VAZALDUA** (INAUDIBLE)
- GODFREY GARZA** ...well they need to get things done quickly to get on production, to get their products on line. So, that's why they have blueprints saying okay I built this in Chicago, I'm going to build it done here, with parameter changes well over there it's colder than it is down over here. So, your mechanical changes, but your shell and your footprint of the building, it's the same building. I think there's efficient special ----- addressed for different areas.
- COMM. ROSEL** Now, let me, let me ask you a question. On the construction management, are you gonna do a selection of your construction manager, your management team, right? So, they generally only charge you a percentage...
- GODFREY GARZA** That's correct.
- COMM. ROSEL** And then they will in turn recommend or this Commissioners' Court will hire an architect...
- GODFREY GARZA** Yes sir.
- COMM. ROSEL** ...and then they will charge also their percentage?
- GODFREY GARZA** Yes sir.
- COMM. ROSEL** So, we're at, we're seeing what we're seeing are construction management there's percentages added to the package as conventional what you see is only the architect being a perc..., the only one that's going to be drawing a percentage and then after that we don't have that.
- GODFREY GARZA** A lot of things have changed in the construction industry. Normally, as in, in the consultant phase if you hire an engineer you hire him to do the design work and he becomes your construction manager and inspector and everything of the project. Well, the professional industry is starting to deviate somewhat from that in which you hire an architect or an

engineer and they say “well, I was hired to do the design work of it” and that it. If you want somebody else to manage the project well we can manage it also, but it’s an additional fee.

**COMM. ROSEL**

Well, that’s why you can hire a consultant but the consultant can be paid in a salary rather than a percentage point.

**GODFREY GARZA**

Yes sir. Are you gonna turn at a percentage to the consultant that you hire as architect or engineer or whatever, to construction manage project at the same time and that to me makes more sense, because he’s already involved in the design of it and he’s more aware of what needs to be built out there than getting somebody to...

**COMM. ROSEL**

What your checks and balances would tell you to go outside and then get someone from the outside to be able to come in and, and supervise the construction and...

**GODFREY GARZA**

Is that he would be directly answerable to you.

**COMM. ROSEL**

Exactly.

**GODFREY GARZA**

Or the Court.

**PAUL VAZALDUA**

(Inaudible)

**COMM. ROSEL**

Thank you, Godfrey.

**GODFREY GARZA**

Yes sir.

**PAUL VAZALDUA**

Moving right along...

**COMM. ARCAUTE**

Before you do that...

**PAUL VAZALDUA**

Okay.

**COMM. ARCAUTE**

How much money do we want to spend on a new jail?

**COMM. GARCES**

Good question. Not only new, but how about re-..., re-doing the old jail, you know, bringing it up ‘cause there’s a lot of use over there.

**COMM. ARCAUTE**

(Inaudible)

- COMM. GARCES** And now we have Mr. Silva requesting, you know, some additional space...
- COMM. ARCAUTE** Can we make ...
- COMM. GARCES** ...for his facility, so, all that has to come in..., we need to define that first.
- COMM. ARCAUTE** Right. This, this is what I'm saying, we might, we may save a lot of time by, by determining how much money do we want to spend, okay. 'Cause I, well, you know me, I'm always coming up with all this stuff.
- COMM. GARCES** Yeah?
- COMM. ARCAUTE** If we, if we set, let's say, we're gonna spend twenty million, can we just or can not we just go out and say "hey, everybody out there you're in the jail construction business and management and everything, Hidalgo County has twenty million dollars and we want twelve hundred beds", do you think we would take any or, get any takers? If you operated or whatever, quickly...
- COMM. GARCES** I say fifteen million and we got a lot of takers.
- COMM. ROSEL** But you still have ...
- COMM. ARCAUTE** This is exactly what I'm saying...
- COMM. GARCES** Yeah..
- COMM. ARCAUTE** We've got to decide how much money we're wanting to spend.
- COMM. GARCES** A lot of money out there.
- COMM. ARCAUTE** I see twenty six thousand dollars a bed...
- COMM. ROSEL** Ridiculous.
- COMM. ARCAUTE** I don't know what else you can pay to...
- COMM. GARCES** (Inaudible)
- COMM. ARCAUTE** ...decides...

**PAUL VAZALDUA** Keeping in mind that, that is an issue...

**COMM. ARCAUTE** ...put in water beds or ceiling fans and all.  
**PAUL VAZALDUA** ...that is an industry standard, Commissioner and those...

**COMM. ARCAUTE** Thousands.

**PAUL VAZALDUA** ...and those, those figures are high for this area.

**COMM. GARCES** Very.

**MANUEL CAVAZOS** Judge, those figures are, are a maximum security cell.

**COMM. GARCES** Those figures, yeah, and those figures are probably up in Dallas...

**MANUEL CAVAZOS** As you go down...

**COMM. GARCES** ...higher rent, high ----- area.

**MANUEL CAVAZOS** ....----- it comes to fifteen thousand.

**PAUL VAZALDUA** I just didn't have anything else to go by.

**COMM. GARCES** I know, that's fine...

**PAUL VAZALDUA** I mean.

**COMM. GARCES** You need to let us know that, tambien, Paul.

**PAUL VAZALDUA** Yeah, and that's why I footnoted there that it's...

**COMM. GARCES** It's not compared to Denton County.

**PAUL VAZALDUA** ...that's an industry standard.

**COMM. ROSEL** Okay, I tend to agree with Commissioner Arcaute that's just, this would make it better for us, because I think, someone would be moved up there to make that jail for a lesser amount of money.

**COMM. GARCES** Very efficient.



- COMM. ROSEL** But the only problem we have is the, the architectural and engineering fees where are we gonna pay it, we're gonna have to pay it from this Commissioners' Court and not from this other end from the, from the contractor's end, 'cause he won't, he won't recommend that. Because what you're talking about is design build.
- MANUEL CAVAZOS** Just adding six hundred beds to the six hundred you already have. I think you buying the land right next to it. You don't have to build a...
- COMM. GARCES** What, and I think, Lalo, I think what, ah, Crump was also leading to, eluding to when he came is that we also have room for expansion beyond the year two thousand whatever he said. See with the ten acres, we're looking at those, you know, a lot of things come into play, once we kind of gear ourselves to those ten acres in the middle of K-Mart and the, the facility. I think that's one of the biggest issue is that, we have an allowed space to go beyond what we're gonna build for, for tomorrow.
- COMM. ARCAUTE** Well...
- COMM. GARCES** So, what you're saying has a lot of, a lot of credence to it.
- MANUEL CAVAZOS** And the thing you have to consider is that the, the utilities in the old jail may have to be re-done and the utilities in the new jail go the...
- COMM. GARCES** Part of the specs...
- MANUEL CAVAZOS** ...second jail, you can not keep them.
- COMM. ARCAUTE** Didn't he just cover something that that ten acre tract we would have problems with the City of Edinburg.
- MANUEL CAVAZOS** No, that's the...
- COMM. ARCAUTE** That was just the K-Mart building.
- COMM. GARCES** That's the K-Mart.
- COMM. ARCAUTE** It was the K-Mart building.

- STEVE CRAIN** But you would still, you would still have that same problem under zoning, under City of Edinburg if any property located within the city limits that if, and I haven't reviewed those zoning regulations in the packet, there's a couple of pages missing, but, but if I understand Paul correctly and what was said is that it would take a special use permit. Well, if it's a special use permit, it's probably gonna apply to any tract within the territorial boundaries of the City of Edinburg, if that is true.
- COMM. GARCES** Steve, but what Paul said was that as far as the, the support of the Council, at least the Mayor, all right, when we asked him point blank about that K-Mart building, he goes "we cannot help there"; and I, and I can understand 'cause I'm part of the EDC here in Edinburg and they're looking for that for commercial purposes, I don't...
- STEVE CRAIN** I understand, what I'm saying is the special use permit would still apply to any...
- COMM. GARCES** Go to the public, yes, go out to the public.
- STEVE CRAIN** ...tract in Edinburg.
- MANUEL CAVAZOS** That's a legal problem because a special use permit is usually applied to a beer joint...
- COMM. GARCES** Yeah.
- STEVE CRAIN** Correct.
- MANUEL CAVAZOS** ...all they're gonna do is be able to tell you...
- COMM. GARCES** Yeah.
- MANUEL CAVAZOS** ..."we don't want it here".
- STEVE CRAIN** Right.
- MANUEL CAVAZOS** But they're not gonna say we don't want it in Edinburg.
- STEVE CRAIN** Right. The only, the only thing I wanted to add to your discussion at this point is something that I think that you need to be thinking about and that is under the Texas Administrative Code, before you're able to go build a jail, you have to submit

certain things to the Commission. The first thing you're gonna have to submit is a projection, by the County, of how many beds you're going to need out, for "x" number of years and your proposed plans and specifications to erect that facility. And that all has to be submitted to the Commission on Jail Standards for their approval before you can do anything. So, I think if you want to focus on where you are you might be thinking about what is the projection and what kind of facility were you gonna build to start satisfying their requirements, regulatory requirements to move forward...

**COMM. GARCES**

And I think...

**STEVE CRAIN  
JUDGE CUELLAR**

...that's just a point of information.

And since they've already made a suggestion of the amount of beds we've got to commit to...

**COMM. GARCES**

Yeah.

**JUDGE CUELLAR**

Eleven thirty-six.

**COMM. GARCES**

But a big portion or a highlighted area of that plan that you're talking about, Steve, is addressing those parolees that the State is responsible for and has been bottle-necking in our facility for I don't know how many years.

**STEVE CRAIN**

Well, I understand.

**COMM. GARCES**

It's in the hundred, hundred fifty, hundred and seventy-eight. That has to be addressed also, so, that's what we need to say about this lawsuit on us after the twenty-fifth, we're gonna have to take the position also "hey, you're part of the problem". Bottom line, "you're part of that problem", I think that if we can deduct a hundred and seventy-five we'll be right at our cap.

**JUDGE CUELLAR**

I think aside from what Steve says, we have to have a couple of other things as well. We have to retain an architect, supposedly prior to the meeting, as well as a commitment to funding.

**COMM. ROSEL**

Well, I think, Judge, what there, we're going to do today is we're going to decide as to whether we're going to ask for a RFQ from, from architectural firms. Unless this Commissioners' Court wants to take a position architects,

because as I said before we have done that previously and we could if we wanted to now. But if it, the Commission, feels more comfortable in going out for RFQs again we could do that. I mean but that's one step that we have to take today, but I think that the other thing that we have to do is we have to decide as to the type of construction that we're going to pursue. Also is that, not part of the package, ah, Paul?

**PAUL VAZALDUA**

Yes.

**COMM. ROSEL**

And I, and I would come to this Commissioners' Court and ask the Commissioners to look at the three packages, the three, the types construction that are available: design-build, obviously our legal counsel is telling us that design-build is not something that we should pursue at this particular time. Is that your position?

**COMM. ARCAUTE**

All I was asking, gentlemen, is how money do we want to spend and... (Laughter)

**STEVE CRAIN**

Commissioner, that is my position, but more detail it's also conditioned upon how I wrote the letter and what I said in the letter had to happen. But I'm thinking, again just as a suggestion for what it's worth, if you hire an architect who's experienced in building jails and has worked with the Commission, the architect is also going to be able to give you a lot of input as to how to do things, because they've been through the process before. So, I think that may be one of the first things you may wish to consider.

**COMM. GARCES**

An architect that has a good history or at least a lot of projects in the jail industry.

**COMM. ROSEL**

So, the question is, does this Commissioners' Court want to take action on an architect today or do you want to go out for an RFQ?

**COMM. ARCAUTE**

We need to do something today.

**COMM. ROSEL**

Today, well...

**PAUL VAZALDUA**

The...

**COMM. ROSEL**

...I will..

**COMM. ARCAUTE** The meeting where you all are going...

**PAUL VAZALDUA** In, in tab number three...

**COMM. ROSEL** I will...

**COMM. ARCAUTE** It's Friday or when is it?

**COMM. ROSEL** Well, do you want, do you want me to make a motion on it?

**PAUL VAZALDUA** No.

**COMM. ROSEL** On the architect?

**COMM. GARCES** All we can do is shoot it down.

**PAUL VAZALDUA** Well we need to...

**COMM. ARCAUTE** We can probably bounce it around.

**COMM. ROSEL** Is that what, is that what you desire, Judge, that, before you go up there that for you to have an architect in place?

**JUDGE CUELLAR** I want to see what this Court wants to do. I just want to know that what they are requesting us to have. I think points that we're gonna make aside from that is as Commissioner Garces said, "how much of the problem are they".

**COMM. ROSEL** Well, we're not gonna get anywhere with that argument, because they're gonna vote on, they're not gonna consider that, they just want...

**JUDGE CUELLAR** That's the same as saying, "sue me".

**COMM. GARCES** They're the ones with the stick.

**COMM. ROSEL** Yeah.

**PAUL VAZALDUA** On, in tab number three, there's a request for qualifications, ahm, it's not page everybody, it's behind the time, the clock and that RFQ would, would allow the County to go out for requests for qualifications for construction management. Now that can be modified whatever the Court decides, ahm, the,

the keys, the key points here are the years of experience and the number of jail projects that they have completed and those are things that the Commission on Jail Standards likes to see with, with, with these things.

**COMM. ROSEL** Okay, let me, let me go back. I want to see if we're going to do something about this today or not.

**COMM. GARCES** We don't have much time.

**COMM. ROSEL** All right.

**COMM. GARCES** We're probably leaving tomorrow afternoon.

**COMM. ROSEL** Now, we discussed the design-build and the attorney said no; and his position is that it cannot be pursued at this time. Construction management, you're seeing a scenario in which you're going to you're going to bring in a construction manager, you're going to pay him a percentage, you're going to bring in an architect, you're going to pay him a percentage and then you're going to package the, the work out and that will bring in the total dollars and cents. I think that the construction time might be close to about the same time limitations, or the time limits. I don't see a, I don't see an advantage there. The other, the other scenario is a conventional type, where you hire your architect you tell him what you want, like Commissioner says tell him how much you want to spend and tell him to come back with a design and let's bid it out and see what we get. If it's too high we, we take some stuff out, if it's too low great, that's what we want. So, I feel a lot better if, if we would go on a conventional type of construction at this particular time, then, then pursuing a construction management or obviously a design-build.

**MANUEL CAVAZOS** I recommend the, the completed contract which is the best approach.

**COMM. ROSEL** Well, which one?

**MANUEL CAVAZOS** The completed, the completed contract which is the one you're talking about.

**COMM. ROSEL** The conventional.

- MANUEL CAVAZOS** Conventional.
- COMM. ROSEL** So, with this Commissioners' Court approval I'd like to make a recommendation at this time on the architectural firm if that's what you want and I'll do it now. I'll put it on the table.
- COMM. GARCES** Okay, but you want to make a comment on that, right? Steve, before you do so, on the construction management we can also sit down like Commissioner Arcaute was saying, we just have this amount of dollars to work with, so there's no magical element here because it's conventional or construction management. Even under construction management scenario, when we can say this is, this is this amount do it with that or else you don't...
- COMM. ROSEL** Exactly, but the only thing you're going deal with in construction management is you're going to deal with about two, two points. Two percentage points on the construction management. Plus on, on the architect you're going to probably be dealing somewhere in the area of about six to maybe eight points on, on the architectural fee, mas o menos, all right...
- COMM. GARCES** It's kind of high, but...
- COMM. ROSEL** ...so, you're talking about an additional two percent that's not needed to be spent. Now, conventional, what you do is you hire your architect then you go to what was brought up here just previously, you hire a consultant under salary to be able to supervise the construction and to be under us in case there's some situations that need to be addressed by us.
- COMM. ARCAUTE** And what's the percentage there?
- COMM. ROSEL** No, that's salary. You hire, you hire the consultant but on a salary basis.
- COMM. ARCAUTE** Well, how much?
- COMM. ROSEL** Well, that would be determined by this Commissioners' Court. Now, you could set a salary of, of seventy-five thousand dollars per, per year or ninety thousand dollars per year as the corporation had previously, they had set down somewhere in the area of ninety thousand dollars for, for trying to bring in someone that was experienced in this type of construction.



- COMM. GARCES** You're talking about the jail...
- COMM. ROSEL** the Hidalgo County Detention Facility corporation.
- COMM. ARCAUTE** With, with that, would that be a, ah, the equivalent of a project manager?
- COMM. ROSEL** It would be, but then when you talk about project manager your gonna talk about some guy who's gonna start saying "well, yeah, but my fee is two percent or something like that". I'd rather just call him a consultant that we're gonna hire at "x" number of dollars per year and he would supervise.
- COMM. ARCAUTE** So, consultants are cheaper than experts or whatever it is that the title or...
- COMM. ROSEL** Well, the consultant is going to be maybe that same guy as the project manager, but you're not going to give him the title of project manager, maybe you can.
- MANUEL CAVAZOS** Why don't we use Godfrey for free?
- COMM. ROSEL** What?
- MANUEL CAVAZOS** Why don't we use Godfrey for free? (Laughter) He...
- COMM. GARCES** He's got too many ties in Hidalgo County. That's a good idea.
- PAUL VAZALDUA** But Commis...
- COMM. GARCES** Vona can go back and run the District.
- COMM. ROSEL** And there are some available here...
- PAUL VAZALDUA** Commissioner Garces, you are correct in your statement that a construction management firm can be acquired for a set price. That's, that's up to this Commissioners' Court to negotiate with those types of firms as you can with a conventional method.
- COMM. ROSEL** Now, the other thing, legal counsel, is it properly posted for us to be able to take action on a particular architectural firm today?

- STEVE CRAIN** What's posted and that's what I wanted to address is what's posted is a request for qualifications in order to comply with the Professional Services Procurement Act...
- COMM. ROSEL** Which we have already.
- STEVE CRAIN** Well, you, you posted and I have yet to see what's been advertised or the response. The, you know, there is some, there is some concern about may we have done this before, but that was a year or two years ago when you posted and advertised. What I'm saying is if you're going to do a project this size and comply with the Professional Services Procurement Act you advertise for qualifications and then you take the person who has the best qualifications and then you negotiate with them as to the price. If you can't or you don't feel like you've ended up with a good negotiation at the end of that process then you go to your second best qualified in the request for qualifications and then you discuss price with them. But you can't advertise on price with an architect, engineer, etc. You have to go on qualifications.
- COMM. ROSEL** Or the other one is you use, whatever action you take today if it's to select a particular firm and make it contingent on the, on the, on the fee.
- STEVE CRAIN** You can't do it that way under Professional Services Procurement Act. You can't, you can't negotiate with somebody based upon fee.
- COMM. ROSEL** Why not? I'm gonna ask you, Judge, can you take that to Austin? What he's recommending.
- COMM. ARCAUTE** What do they expect from us in Austin, anyway?
- COMM. ROSEL** Well, I think we were just told...
- COMM. ARCAUTE** At this point.
- PAUL VAZALDUA** What, what Austin wants from us is a, a move forward. I think that we can all agree that the types of discussions that we're having here today are the types of discussions that we've had over and over again over the last two years; and what Austin wants....

**COMM. GARCES** Since '96, Paul.

**PAUL VAZALDUA** ....and what, what Austin wants to know is what proc..., what step have you taken to get closer to completing the project?

**JUDGE CUELLAR** I don't feel uncomfortable taking the best that we can take and if it means that we've, we've got to wait some then we do. All we have to do is convince them that this is not a delaying tactic, we're now ready to move, we're now ready to go and we're going to ask for their help and support.

**COMM. ROSEL** All right, then in doing that then I think the best thing to do is just go out for RFQs for architects.

**STEVE CRAIN** Exactly.

**COMM. ROSEL** Now, while, the, the first thing we need to do is decide what type of construction we're going to pursue.

**PAUL VAZALDUA** I think if we go on the agenda, Commissioner...

**COMM. ARCAUTE** ----- we require an architect regardless of what method we use.

**COMM. ROSEL** Exactly.

**COMM. ARCAUTE** Bottom line. Well let's decide on, on authorizing going for RFQs for an architect.

**COMM. GARCES** Lalo, but we're...

**COMM. ARCAUTE** Because we don't have to say right now, this is the method we're gonna use...

**COMM. ROSEL** Well...

**COMM. ARCAUTE** ...like we don't have to tell Austin, Tuesday or whenever.

**COMM. GARCES** No, I don't but I think...

**COMM. ROSEL** They've requested that.

- COMM. GARCES** ...that RFQ and the respondents are gonna say "well, what type of construction are you gonna have"...
- COMM. ROSEL** They requested it.
- COMM. GARCES** ...and it's gonna have a, I think it'll have an impact as to what they want to come in with.
- COMM. ARCAUTE** Well, I don't see where, I don't see where the Jail Standards Commission really cares what method we use as long as we alleviate the jail problem.
- COMM. GARCES** Yeah.
- COMM. ARCAUTE** So, what I'm saying is at this point and I think...
- COMM. ROSEL** They're gonna want to see the intent.
- COMM. ARCAUTE** ...it's a real good point, we can always come back and pursue this, but to Austin, we take the selection of the finance, of the financial advisor, the bond counsel and we'll go, let's go seventeen a, where's it's gonna be built, we already have the property or whatever it is and present all of that to the Jail Standards Commission which has never been presented to them.
- PAUL VAZALDUA** Does that...
- COMM. ARCAUTE** I think that would be a step in the right direction and at least, ah, convince them that we are working on it, okay. And then we can do the RFQs or the architect, you know, take a little bit more time but at least this is what we're doing, we're buying time.
- PAUL VAZALDUA** Comm..., Commissioner Rosel what you're saying is that we can select, we can go out for RFQs for an architectural firm and then that will not determine what mode of construction we're doing.
- COMM. ROSEL** Right, you know, but it's gonna sent a message to the, to Austin, saying "well, they're still undecided, they don't know what they're gonna do over there". No?

**COMM. ARCAUTE** No, they don't want a full package. I don't think they want a picture of our new jail Thursday, you know.

**JUDGE CUELLAR** They want a commitment for funding.

**PAUL VAZALDUA** They actually...

**COMM. ROSEL** That's all.

**COMM. ARCAUTE** Just to tell them that we're doing something...

**COMM. ROSEL** They don't want you're picture over there, they want you over there in Austin.

**JUDGE CUELLAR** They want a retention of an architect and I think if we have the plans to hire one, we say this is what we're doing, that'll make the difference.

**COMM. ARCAUTE** Sure.

**COMM. GARCES** The site -----...

**JUDGE CUELLAR** Basically in a past letter they said you should be prepared to discuss any effort to reduce the over-population.

**COMM. ARCAUTE** (INAUDIBLE)

**JUDGE CUELLAR** Something's got to be explained but...

**COMM. ROSEL** Well, I think the District Attorney is gonna take care of that portion.

**COMM. ARCAUTE** Take Godfrey with you.

**COMM. ROSEL** We're gonna have to worry about that.

**COMM. GARCES** What do you mean?

**JUDGE CUELLAR** I said pass.

**COMM. ARCAUTE** If I had a voice like that I'd go. That's my problem.

**JUDGE CUELLAR** I think if we have a positive program that we're gonna be starting on and continuing on I think that it should go well.

- COMM. ROSEL** The other thing, legal counsel and Commissioners' Court, is , is that I don't mind going out for RFQs on architects, I mean that's the intent that I had to come here when I came here today. But I think that it doesn't end there, I think that if you're going to pursue a type another type of mode of construction I think you need to talk about RFQing on the construction management also, so you can get those out and that'll bring all the packages in and we decide to go one or the other. The other ones we do it.
- PAUL VAZALDUA** Now, that's, that's a good scenario, Commissioner.
- COMM. ROSEL** But the best thing to do is to have an emergency meeting and have an exemption or have an exemption today to hire an architect that way he can take it back to the Commission and say "yeah, I already hired an architect".
- COMM. ARCAUTE** (INAUDIBLE) ----- recess here, you don't need an emergency meeting it's already -----
- PAUL VAZALDUA** One, one...
- COMM. ROSEL** Well, you're going with the Judge to Austin...
- PAUL VAZALDUA** One quick, one quick point, ah...
- COMM. ARCAUTE** When is it, the 25<sup>th</sup>, I'm supposed to get sick that night, the 24<sup>th</sup>. (Laughter)
- PAUL VAZALDUA** Ahm, Commissioner, I will make copies of this report for the, the Commissioners' Court. It's the, the official needs assessment by the Texas Commission on Jail Standards and the recommendation which is highlighted here is that the County build a eleven hundred twenty-one jail beds.
- COMM. ROSEL** And I think that the other thing we need to do...
- PAUL VAZALDUA** So...
- COMM. ROSEL** ...we need to take authorization to this Court of, of building as many as eleven hundred, ah, eleven hundred beds.

- COMM. ARCAUTE** Whatever happened to that sixty-five thousand dollar assessment, needs report. Nobody can find it, right?
- COMM. ROSEL** Well, no the author of that particular assessment is the firm that did the assessment was Vitteta and they're here today if you wanted to ask any questions in regards to that.
- COMM. ARCAUTE** No, I know they already submitted one, you know, what happened to our copy?
- PAUL VAZALDUA** Okay, going to agenda item 17/A, Site Selection, ahm, I guess the recommendation is that we begin negotiations with the acquisition of the ten acre tract between the K-Mart building and the current County Jail.
- COMM. ROSEL** Where is that on the...
- PAUL VAZALDUA** That is in tab number two.
- COMM. ARCAUTE** I think we should rule that one out.
- COMM. ROSEL** I found that, but I'm talking about here.
- COMM. ARCAUTE** Well, I shouldn't say that, but I already said it. Has there every been an estimate made as to what it would take to use the present facility and do whatever changes have to be made and add to it to comply or come up with twelve hundred beds?
- COMM. ROSEL** There...
- COMM. ARCAUTE** Has there ever been any...
- COMM. ROSEL** Yes there was.
- COMM. ARCAUTE** ...cost. Is there a figure on that?
- COMM. ROSEL** Yes, there is, I can't tell the, the exact numbers, but the recommendation from that particular, in that assessment was that it'd be better to build a totally new jail rather than depending on, on the present facility. It would be too costly.
- COMM. ARCAUTE** (INAUDIBLE)
- PAUL VAZALDUA** The jail is almost what's considered a -----.



- COMM. ARCAUTE** If I was in the business I'd make the same recommendation, you know.
- COMM. ROSEL** Yeah.
- COMM. ARCAUTE** But, but there hasn't been a, a, a definite cost, you know...
- COMM. ROSEL** Well, that...
- COMM. ARCAUTE** ...that a: do you tear this one up or do you go with whatever it is...
- COMM. ROSEL** I think there was, Commissioner, but I think you're right, I think when we hire the architect we're going to tell him what to do and he's going to put it together and then we approve it. Using the old facilities or not using the old facilities, we'll give him the direction.
- MANUEL CAVAZOS** The Jail Commission does not address the condition of the old jail, it only addresses the number of beds.
- COMM. ROSEL** The population.
- JUDGE CUELLAR** Over 5...
- MANUEL CAVAZOS** Nothing else.  
**COMM. ARCAUTE** Right.
- MANUEL CAVAZOS** It doesn't say that the old jail cannot be used.
- COMM. ROSEL** Addresses only one.
- MANUEL CAVAZOS** Only the number of beds.
- COMM. GARCES** Number of beds.
- COMM. ROSEL** Right, exactly.
- MANUEL CAVAZOS** (INAUDIBLE)
- COMM. GARCES** ----- about the old, there's a lot of use out there and that's what I'm saying. A lot of use out of that old jail.

- COMM. ARCAUTE** But that would be with the acquisition of the abutting ten acres, is that, -----.
- MANUEL CAVAZOS** With the acquisition of ten acres you can build or you can add, either way.
- COMM. ROSEL** And I think...
- COMM. GARCES** And not to disclose the amount, I was quoted about a million dollars for that place.
- COMM. ROSEL** The concern that I have is, is ten acres sufficient for recreation area, for the prisoners and etcetera. There's some standards that we have to meet there...
- COMM. ARCAUTE** No, the public would have a fall with that one.
- MANUEL CAVAZOS** Well, if you add it with what you have. ----- do you have -- ---- in jail.
- COMM. ROSEL** And then on those ten acres, how many, how many beds do you want to put on those ten acres.
- COMM. ARCAUTE** What was the, that site that we already bought and selected, I mean, whatever, how big is that?
- COMM. GARCES** 30.89, 90, forty acres, forty..
- COMM. ARCAUTE** Total forty...
- COMM. GARCES** I think there's thirty..
- PAUL VAZALDUA** Forty acres.
- COMM. ARCAUTE** Thirty acre site.
- VONA WALKER** Forty.
- COMM. GARCES** Forty and then they severed, what, where the boot camp is.
- VONA WALKER** Over sixty acres total, but twenty acres that were for the boot camp...
- COMM. ARCAUTE** Boot Camp.

**COMM. GARCES** Yeah.

**COMM. ARCAUTE** So, we got forty acres.

**VONA WALKER** Forty acres.

**COMM. GARCES** Yeah. Which is also city, Lalo.

**COMM. ROSEL** It's also in the city.

**COMM. GARCES** It's also city.

**COMM. ARCAUTE** Yeah, but ----- what it is out there, over they couldn't... we got a better chance of getting approved over there than over here.

**MANUEL CAVAZOS** Not necessarily, the location up there is not the best.

**COMM. ARCAUTE** I know, next to the sewer plant, I mean, that's why nobody lives there and we're going to build a jail there.

**COMM. ROSEL** Yeah.

**MANUEL CAVAZOS** (INAUDIBLE)

**COMM. GARCES** Lalo, I think, it almost forces us to, if we're going to build out there on Doolittle, it's going to force us to move everything out there and give a new Sheriff's, the law enforcement end of that building is gonna have to be re-done also, so that's gonna jack up the price.

**COMM. ARCAUTE** Well...

**MANUEL CAVAZOS** Then you're talking about...

**COMM. ARCAUTE** ...well, I'm not....

**MANUEL CAVAZOS** ...a totally new jail.

**COMM. ARCAUTE** Not necessarily, this is what I said a the Workshop, does the Sheriff's Department have to be housed in the same complex as the jail.

**COMM. GARCES** Statutory no.

- COMM. ARCAUTE** No, exactly.
- COMM. GARCES** You don't have to.
- COMM. ARCAUTE** So, why not leave this old building for the Sheriff's Department and build a jail.
- COMM. GARCES** The practicality behind it, like I mentioned last time. You're gonna have investigators, all day going to interview them, pull that inmate to take them back to interrogate, back and forth and arraignment and what not. It's got a lot of risk in there. Also in the traveling and transporting of, of prisoners to the jail...
- COMM. ARCAUTE** Well, has a pencil been put to that? See we don't know, there's a lot of, still a lot of loose ends, we keep saying "hey, it'll cost more to tear this one down then re-build the other one. How much? Well, I don't know, but I think it'll cost more", you know, see, we, we don't have anything to go by. See what I'm getting, it took me three years to say this. But I don't know I think we spent enough time on that. My idea was to get out of the jail business and last night I came up with some figures, based on our current jail budget and for thirty dollars a day per inmate per year...
- COMM. ROSEL** It's cheaper to have them somewhere else.
- COMM. ARCAUTE** Absolutely. Why can't we tell somebody, hey...
- COMM. ROSEL** And I agree with you.
- COMM. ARCAUTE** ...come build a jail here and, and, and you take care of the jail, we get out of the jail business, for thirty bucks.
- COMM. ROSEL** Can we...
- COMM. ARCAUTE** You can get a, you can get a better deal than that.
- COMM. ROSEL** I think so and I think you're right.
- COMM. ARCAUTE** (INAUDIBLE)

**COMM. ROSEL** But, we need to find out if we can make an interlocal, international agreement, so that we can maybe...

**COMM. GARCES** Mexico.

**COMM. ARCAUTE** Yeah it's going to be housed in Reynosa, that'll get them. Okay, but...

**PAUL VAZALDUA** Commissioner...

**COMM. ARCAUTE** I'm glad to throw that in there.

**PAUL VAZALDUA** Commissioners, on...

**COMM. ARCAUTE** ...(INAUDIBLE) ----- dollars and seven cents.

**COMM. GARCES** You forgot one thing on that one, Paul, that we also have to have the signature of the Sheriff to allow that to happen.

**PAUL VAZALDUA** Right, the Sheriff.

**COMM. GARCES** On that, on severing the Sheriff's Office from the Detention.

**COMM. ARCAUTE** Right now, let's get something ready for Thursday.

**PAUL VAZALDUA** Okay.

**COMM. ARCAUTE** To go to Austin.

**PAUL VAZALDUA** The site selection, Commissioners...

**JUDGE CUELLAR** The County Commissioners and Sheriffs has select a particular concept and retain the architect firm.

**COMM. ROSEL** The concept is the construction type, type that's what I was telling you. We need to decide today as to what type of construction we're going to use.

**COMM. ARCAUTE** It doesn't matter, Commissioner.

**COMM. ROSEL** But that's what they're asking for that's all -----

**COMM. ARCAUTE** they don't, they don't want to know what method we're gonna use -----

**COMM. ROSEL** Read it again ----- please.

**COMM. ARCAUTE** Yeah, I think that was -----.

**JUDGE CUELLAR** County Commissioners and Sheriff should select a particular concept and retain the architectural firm.

**COMM. ROSEL** What does that mean, legal counsel?

**COMM. ARCAUTE** By the twenty-fifth?

**COMM. ROSEL** Talk to me in English.

**JUDGE CUELLAR** No, but they say it would be nice if we had it when we run up there. Again, if we're working on it that's what we'll take up there.

**PAUL VAZALDUA** Okay.

**JUDGE CUELLAR** I think we had somebody in the audience -----.

**KATE BOSART** If I may, my name is...

**COMM. ARCAUTE** (INAUDIBLE)

**COMM. GARCES** I didn't, I didn't hear that.

**KATE BOSART** I'm sorry, ahm, I'm Kate Bosart with Vitteta Group and we did complete the, the jail study for you all about, I think it's been two years now, I think we did the study for about sixty thousand. We do, do five year projections on those studies. If you all, now I don't know if we could explain the contract, I'm not trying to sell ourselves again for a new contract, but if you needed us to come back and look at just update the cost per bed, inmate all of that type stuff that may be included as part of our work two years ago, I can check on that and I know, I know we know Jack Crump and Texas Jail Commission so if you needed to tell him that we were revisiting that study we could do that.

**JUDGE CUELLAR** If that's included why don't you go ahead and check with Paul, here.

**KATE BOSART** I'm, I'm sorry.

**JUDGE CUELLAR** If that's included....

**KATE BOSART** I could go make a call to our partners, as well, and to him. I hope I didn't speak out of line as far as...

**JUDGE CUELLAR** Not at all and let him have the information.

**KATE BOSART** Okay.

**JUDGE CUELLAR** To the precincts.

**PAUL VAZALDUA** Commissioners, ahm, if, if you go to tab number seven, tab number seven shows a plan of action that's in draft form. Basically what we need to do is, we need to based on what gets approved here today, ahm, based what gets, gets approved here today, we'll put down as completed tasks and then we will continue working on this plan of action and also add additional things that we, that we need to do to get closer to a jail, to completing the jail project and then once we do that, we're also gonna take this to Austin on Thursday and that's another document that the Judge will have to take to them to show that we are out, we are gonna try to operate on a timely basis. The agenda's calling for site selection and, ahm, I don't know if there's gonna be any motions made to, to that effect this afternoon.

**COMM. ROSEL** Well, the City of Edinburg's saying that they will...

**COMM. ARCAUTE** Looking at the clock...

**COMM. ROSEL** ...it will look favorably at...

**COMM. ARCAUTE** ...and starting a lot of new stuff.

**COMM. ROSEL** ...at the south side...

**VONA WALKER** No, it's the north.

**COMM. ROSEL** Huh?

**VONA WALKER** The north side of the jail.



- PAUL VAZALDUA** Mis...
- JUDGE CUELLAR** The south side of K-Mart is the north side of the jai.
- PAUL VAZALDUA** Mr. Rudy Ramirez...
- COMM. ROSEL** South side of K-Mart, okay, now I got you...
- PAUL VAZALDUA** Mr., Mr. Rudy Ramirez spoke to Mayor Ochoa yesterday on this particular issue.
- COMM. ROSEL** Okay.
- RUDY RAMIREZ** Good afternoon ladies and gentlemen, I did speak to Mayor Ochoa in reference to the ten acres next to the County jail and he said that he would be in favor of that site. Now the K-Mart building he did say that he wasn't in favor.
- COMM. ROSEL** Okay. Well, then what I would do today is I would make a, a motion that we consider the selection site of the area between the K-Mart building and the present jail, which is approximately ten acres, is that what I heard.
- RUDY RAMIREZ** That's correct.
- COMM. ROSEL** That's ten acres and that what else will we need in order to pursue this?
- COMM. ARCAUTE** Commissioner, we already have a site.
- COMM. ROSEL** No. Not according to what the Sheriff is telling us. The Sheriff's telling us, he gave his input, he wants to work with the present site.
- STEVE CRAIN** Commissioner, the only caution I would give you is there is a price stated and be careful how you make any motion, because you may end up with a contract.
- COMM. ROSEL** Well, then let's withdraw the motion and we're saying we're pursuing...
- STEVE CRAIN** I think you're pursuing investigation of site, I'm not sure that you can get down to selecting a site.

**COMM. ROSEL**  
**COMM. ARCAUTE** Okay, I think we need to pursue that area then.  
You're talking about a million dollars there, right, is that what he said.

**PAUL VAZALDUA** Right. Right.

**COMM. ARCAUTE** We already have a site.

**COMM. ROSEL** What do you want to do, do you want to pursue the area between the, the K-Mart and the jail.

**COMM. GARCES** (INAUDIBLE)

**COMM. ARCAUTE** (INAUDIBLE)

**COMM. ROSEL** Or do you want to go to the new site, what do you want to do?

**COMM. GARCES** The new site is gonna jack up the whole project -----  
.

**JUDGE CUELLAR** I think the Sheriff has to be a party -----.

**COMM. ROSEL** And he said that he wanted the present site, where he's got his, where he's, when he was here talking to us, he said that he wanted to be able to work with this, the present site that he's got, adjacent to that building.

**COMM. ARCAUTE** I thought he was objecting to the infrastructure, that's what they, why that site was not taken...

**JUDGE CUELLAR** No, that was an expansion.

**COMM. ROSEL** Where is, where is Chief Castellanos and whatever, I mean they're a part of this thing and they and they don't even, well I guess maybe we didn't notify them.

**COMM. ARCAUTE** Well, they're just like everybody else, Commissioner, everybody is tired of hearing the same story and we don't make any decisions.

**ROY QUINTANILHA** Commissioner with all due respect to that comment, we were not told that we were to be actively participating in this till two, two-o-five this afternoon, by Mr. Vazaldua. I talked to Chief Castellano, who is in committees right now, on application

interviews and he cannot be present. The Sheriff has a commitment. They were told, again at two-o-five. They want to have input into this, but you're, you're telling them, you know, twenty, thirty minutes before you start.

**COMM. ROSEL  
ROY QUINTANILHA**

But, but, let me ask you a question, do you get an agenda... We got the agenda, yesterday afternoon, yes sir.

**COMM. ROSEL**

And, and, and on the agenda doesn't it not read like mine? Where it says Item number 17, Jail Project, that should be a clue for the Sheriff that that has something to do with, with this department.

**ROY QUINTANILHA**

Okay.

**COMM. ROSEL**

Right? Right.

**COMM. ARCAUTE**

(INAUDIBLE) (LAUGHTER)

**COMM. ROSEL**

But I know what his input was and his input, correct me if I'm wrong, his input was to work with the present site.

**COMM. GARCES**

Yes.

**COMM. ROSEL**

Am I wrong?

**COMM. GARCES**

Yes, very much so.

**COMM. ROSEL**

Am I right?

**JUDGE CUELLAR**

I think when we hire the architect he's gonna tell us...

**COMM. ARCAUTE**

All right let's find out how much he costs. I asked that question earlier.

**COMM. GARCES**

And let me comment on that, Lalo, if I can. On the amount that you're doing the ten acres in between the old site, the present site and the old K-Mart...

**PAUL VAZALDUA**

Right.

**COMM. GARCES**

Even at that, I mean, we're not downtown New York -----.  
I don't know how or who came up with this or as to the, the...

**COMM. ARCAUTE** Don't let the Mayor hear you.

**COMM. GARCES** ....site that we can possibly pay for it -----.

**COMM. ARCAUTE** (INAUDIBLE)

**RUDY RAMIREZ** (INAUDIBLE)

**COMM. GARCES** Very much. (LAUGHTER) And I would venture to say that a third of that or even less is gonna take...

**COMM. ROSEL** Whatever, I mean, we have appraisers.

**PAUL VAZALDUA** Right.

**COMM. GARCES** We had that kind that family approach us last year -----.

**COMM. ROSEL** We have a process that we need to, we have a process.

**JUDGE CUELLAR** I think the architect would be able to give us the pros and cons on, on the site.

**COMM. GARCES** No, but as far as the, the site, Lalo, the current and Sheriff, ah, endorsing it, he did tell us that. He told me that also, that, to have it there because of, ----- I go back to law enforcement indicators.

**COMM. ARCAUTE** Well, I've already been proven wrong in the take or whatever -- ----- (LAUGHTER)

**COMM. ROSEL** So, I think that the, the direction of this Commissioners' Court is to give you a, a direction to pursue that particular property to see if we can do something with it.

**JUDGE CUELLAR** I think that's what we need, Commissioner, more than anything else, some sense of direction.

**COMM. ROSEL** Number two, go ahead, Judge, I'm sorry.

**JUDGE CUELLAR** No, no go ahead.

**PAUL VAZALDUA** Judge, Commissioner, can we have that in form of a motion, just...

**VONA WALKER** No.

**COMM. ROSEL** Well, he's looked, ah...

**JUDGE CUELLAR** Be careful...

**COMM. ROSEL** Legal counsel is concerned about the fact that we take any official action because it involves property which needs to go back in this room.

**PAUL VAZALDUA** So long as in the documentation that I provide to the Commission, that, that we will, that we have narrowed it down to pursuing to that, to that area.

**COMM. ROSEL** I hope that the Sheriff will be in Austin, because he is, he'll, the letter is written in Austin.

**JUDGE CUELLAR** I understood that he was going to go, is that correct?

**ROY QUINTANILHA** Yes sir.

**PAUL VAZALDUA** Yes, he is traveling.

**COMM. ROSEL** He will be able to confirm anything that we have said.

**PAUL VAZALDUA** (INAUDIBLE)

**JUDGE CUELLAR** When is the Sheriff leaving, do you know?'

**COMM. ROSEL** Friday.

**PAUL VAZALDUA** No. (LAUGHTER)

**ROY QUINTANILHA** (INAUDIBLE)

**COMM. ARCAUTE** To Austin. Not just leaving. (LAUGHTER)

**ROY QUINTANILHA** I don't know the itinerary, I know they will be in Austin, both him and the Chief Deputy.

**JUDGE CUELLAR** Tell him if possible, I'll be here in the morning and I'm gonna leave in the afternoon and I would like to touch base cause we're both gonna ----- time. He's sat, he's the star of the old population.

- ROY QUINTANILHA** Yes sir.
- JUDGE CUELLAR** I'm not, I'm on a -----.
- ROY QUINTANILHA** I'll let him know sir.
- COMM. ARCAUTE** Gentlemen, we, we don't need to take action on, on "17/A" and "B". If we take action on "C" and...
- PAUL VAZALDUA** Okay, on Item "B" I think that we can, we can, what is it table or no action, Commissioner, when we can come back to that is that...
- COMM. ROSEL** Which one?
- COMM. ARCAUTE** "B", 17/B.
- PAUL VAZALDUA** On, on 17/B...
- COMM. ROSEL** I strongly disagree with this Commissioners' Court. I think that they're asking for a concept meaning that I think that they're asking for a type of construction that we're going to pursue. I think that if we show them the direction they will see the intent of this Commissioners' Court to, to get down to business.
- COMM. ARCAUTE** But they're not asking that by the 25<sup>th</sup>, they're just saying that that's gonna be something that we need to do.
- COMM. ROSEL** Read it again, when you show up, up there it asks you to have those things prepared.
- JUDGE CUELLAR** Again, if we're working in that direction, I have no problem with telling them that. Again, if we haven't hired an architect we'll tell them that we're going to hire an architect and that's gonna answer some of these questions that they've asked.
- COMM. GARCES** Judge, and we can justify that by some of our counsel's opinions. I think that there's some questions on design-build through the State of Texas that is ----- of the facilities. WE need to have that cleared before we get into the same possible predicament -----, that's what you all should stand on.

- COMM. ARCAUTE** I know, all I'm saying...
- COMM. GARCES** If we do it today, the Commission might be ----- on this very issue.
- PAUL VAZALDUA** Make the motion, Commissioner.
- COMM. ARCAUTE** All I'm saying it doesn't have to happen on the 25<sup>th</sup>.
- COMM. ROSEL** I think it'd be better if we took action on...
- COMM. ARCAUTE** Well, no, it'd be better, it'd be better if the jail has been built already (LAUGHTER), but, I'm just talking about where, where we're at on Tuesday and we, and where we're gonna be on Friday as far as the Jail Standards Commission and I say we don't, we don't, ah...
- COMM. ROSEL** I say we tell, we send them a message and we tell them, look the Commissioners' Court of Hidalgo County has decided to do, to pursue a conventional method of construction and they'll say, "okay, good have you gone out for RFQs for architect" "yes we have" and we will be making a decision within forty-five days or however how many days we need. Where's the, where's the, what's her name...
- COMM. ARCAUTE** Is this -----.
- PAUL VAZALDUA** Commissioner.
- COMM. ROSEL** Commissioner Handy is asleep. I'd like to make a motion at this time that we adopt the, on the selection of the mode of construction that we adopt a conventional method of construction that we pursue this type of construction for the jail project of Hidalgo County. I make that motion. See if they're gonna out vote us there. I'm trying.
- COMM. ARCAUTE** No sirvio mi idea. ----- ten years from now when it's ----- --- say that I was right.
- PAUL VAZALDUA** Judge, you want to call for a second.
- COMM. GARCES** Well, the deal...
- COMM. ROSEL** Will the chair second it?



**PAUL VAZALDUA** Is there...

**COMM. ROSEL** Passing the load in Austin.

**PAUL VAZALDUA** No.

**JUDGE CUELLAR** I think there's a question between the two that I, I would, I would feel comfortable if you said conventional or the other one. We will select one of those two, we'll cut one out.

**COMM. ROSEL** For that reason we can say one of the above, you know.

**PAUL VAZALDUA** No, we cut design-build out.

**COMM. ARCAUTE** No, design is out.

**COMM. ROSEL** Let's take a stand, Judge. Take a chance.

**JUDGE CUELLAR** I did.  
**COMM. ARCAUTE** (INAUDIBLE)

**PAUL VAZALDUA** (INAUDIBLE)

**COMM. ROSEL** Go to Austin and say, you know we all ----- push them into this and we're gonna do it.

**PAUL VAZALDUA** Lalo, call the question. Call the question.

**COMM. ROSEL** We select the architect, we tell the architect what do to, he puts it out for bids, we bring, they bring in the bids...

**PAUL VAZALDUA** We be County jail...

**COMM. ROSEL** It's easy, really, real simple, we give direction under that type of construction.

**COMM. ARCAUTE** The motion just died for a lack of a second.

**PAUL VAZALDUA** Okay, Item...

**COMM. GARCES** (INAUDIBLE)

**COMM. ARCAUTE** Pound the gavel. There's no, there's no second for that.

**COMM. ROSEL** You're making a mistake, gentlemen.

**COMM. ARCAUTE** But it won't be the first time.

**JUDGE CUELLAR** That's not the first time I've been told that.

**COMM. ROSEL** I made some today.

**COMM. ARCAUTE** I just made my first one today, or was told about it.

**PAUL VAZALDUA** -----

**COMM. ARCAUTE** It's October or two more this year.

**PAUL VAZALDUA** Okay, for parliamentary procedure, did someone call the question on that, but it died for lack of a second. For the record.

**COMM. ROSEL** (INAUDIBLE)

**COMM. GARCES** Well, that's why I was asking, Judge.

**PAUL VAZALDUA** Okay, so can we move to Item "C", okay.

**JUDGE CUELLAR** You got the microphone.

**PAUL VAZALDUA** Item "C", consideration and approval to advertise for architects and other design professionals. Number one is request for qualifications to be in compliance with the Professional Services Procurement Act.

**JUDGE CUELLAR** I think that will give a good idea this morning and it's a start.

**COMM. ARCAUTE** Yeah, we don't have to tell them who it is. I so move that we go out for RFQs for architects or other design professionals.

**COMM. ROSEL** Well...

**COMM. GARCES** I second the motion.

**COMM. ROSEL** Yeah.

**JUDGE CUELLAR** Motion made and seconded, is there a question on the motion? Is there a question on the motion? There being none all those...

**PAUL VAZALDUA** Just for a point of clarification, before you vote, the Commissioner made a motion that, that we advertise for architects or other design professionals.

**COMM. ROSEL** We can't do that. I mean...

**JUDGE CUELLAR** (INAUDIBLE)

**COMM. GARCES** -----, Steve.

**COMM. ARCAUTE** No.

**COMM. ROSEL** It should be RFQs for architectural firms and RFQs...

**STEVE CRAIN** Right. The agenda is worded that way to give you some leeway in how to do it, but I think what you're trying to do is just advertise for architects.

**COMM. ARCAUTE** Architects it'll be.

**COMM. GARCES** Did you modify your motion?

**COMM. ROSEL** Is that all?

**COMM. ARCAUTE** Yeah.

**PAUL VAZALDUA** Did you want to do "C" and...  
**JUDGE CUELLAR** ----- architects.

**COMM. GARCES** Architect.

**COMM. ARCAUTE** (INAUDIBLE)

**PAUL VAZALDUA** Commissioner, there's gonna, an amendment to your...

**COMM. GARCES** No.

**JUDGE CUELLAR** Commissioner Arcaute clarified his motion.

**PAUL VAZALDUA** Okay.

**COMM. ARCAUTE** Yeah, the motion is to advertise for requests for qualifications....

**PAUL VAZALDUA** You're gonna have fun with this one.

**COMM. ARCAUTE** ...for a or architects.

**COMM. GARCES** And I second that motion.

**JUDGE CUELLAR** Motion made and seconded, is there a question on the motion? Is there a question on the motion? There being none all those in favor signify by saying aye.

**COMMISSIONERS** Aye.

**JUDGE CUELLAR** Opposed. Ayes have it so ordered.

**COMM. ROSEL** You got to vote in favor.

**COMM. GARCES** Okay.

**STEVE CRAIN** Now, that you've approved that...

**COMM. ROSEL** All right.

**STEVE CRAIN** ...do you want to give any direction to Purchasing as to trying to find RFQs other entities have used for jail design...

**COMM. GARCES** No. -----

**COMM. ROSEL** Well...

**STEVE CRAIN** Or do you want them to come up with something on their own.

**COMM. ROSEL** The question I have, how long do we have to advertise?

**PAUL VAZALDUA** That, what Steve just, ah, what Steve just requested, ah, Commissioner, just for clarification, I think that that's something that we can request Thursday when we're in Austin. Is a sample RFQ that is approved by the Texas Commission on Jail Standards.

**COMM. GARCES** Yeah, but you're assuming that whatever they have is gonna, fit our needs down here and that's...

**PAUL VAZALDUA** No, RFQs are real, I mean...

**COMM. GARCES** ...a bad habit...

**COMM. ROSEL** Well, they can fax that stuff down here, we don't have to go up there and get it. We can get it tomorrow morning.

**COMM. GARCES** Yeah.

**COMM. ARCAUTE** Tell them to give you a list of the...

**MARTHA SALAZAR** ----- any bid.

**COMM. ROSEL** I didn't hear you.

**MARTHA SALAZAR** It would be the same requirements as any bid, you cannot open before the fourteenth day after the first advertisement.

**COMM. ARCAUTE** (INAUDIBLE)

**MARTHA SALAZAR** So, it would be two, two consecutive weeks of, of ad and then you cannot accept before the fourteenth day. And we usually we hold our seventeen days to be on the safe side.

**JUDGE CUELLAR** What I'd like to do is to say we're looking at two sites, but we need to get together with the Sheriff so that we can agree before we take action.

**COMM. ARCAUTE** May I suggest that, that maybe the Jail Standards Commission, I'm sure they've got a list...

**COMM. ROSEL** Yeah.

**COMM. ARCAUTE** ...of all the professionals that are in this, this particular area.

**MARTHA SALAZAR** In this field. Yes sir.

**PAUL VAZALDUA** We have...

**COMM. GARCES** Via fax and have it before ----- tomorrow.

**PAUL VAZALDUA** We have, already faxed it to us, Friday.

**COMM. GARCES** Paul, I think, ah, ...

**MARTHA SALAZAR** May I just get some direction as to...

**ROY QUINTANILHA** Getting the packets that you were given when Mr. Crump was here, were a list of the architects that the State recommended or have built jails in the...

**COMM. ARCAUTE** That's, that's their list from the...

**ROY QUINTANILHA** ...from, we got that from the Texas Commission when we were there.

**COMM. GARCES** That's, that's...

**COMM. ROSEL** Make sure we fax them the request.

**MARTHA SALAZAR** Correct.

**COMM. ARCAUTE** That takes care of C/1 right?

**COMM. GARCES** Vamonos.

**COMM. ROSEL** What else we need?

**JUDGE CUELLAR** Funding.

**COMM. ARCAUTE** "A", Project Financial Advisor Contract. Right?

**COMM. ROSEL** What's that?

**COMM. GARCES** (INAUDIBLE)

**COMM. ROSEL** Yeah, but I think that what we need to do is take action on the...

**COMM. ARCAUTE** Big "A". Shouldn't it be a little "a" under the one and two?

**COMM. ROSEL** On the financial advisor, Commissioner, is that what you're requesting?

**COMM. ARCAUTE** Huh-hum.

**COMM. ROSEL** Well, I think it's some time in the back, in the past we named First Southwest as financial advisor but I think that what we need to do is go ahead and, and, what was your term that you, what's the term that they used last week about...

**COMM. GARCES** Let me ask Commissioner Handy to join us -----...

**COMM. HANDY** Sleep, you don't -----.

**MANUEL CAVAZOS** No action is necessary. You're a long way from financial advisors yet.

**COMM. ARCAUTE** Paul, did you find out, do we have a contract with First Southwest as financial advisor.

**PAUL VAZALDUA** Yeah, tab number five is the contract that's currently in place with First Southwest. It was a contract that was approved on March 26<sup>th</sup>, 1996. It's a five year contract that has a thirty day termination clause and as far as I could tell from the minutes there has been no termination of this contract. So, it is still in effect.

**COMM. ROSEL** So, we got a financial advisor...

**PAUL VAZALDUA** We have, we have a financial advisor.

**COMM. ROSEL** How about the bond counsel.

**COMM. GARCES** ----- today to concur and get a...

**PAUL VAZALDUA** On the, on the bond counsel, Ramirez and Montalvo had been selected as, as bond counsel in the past. I didn't have time to dig up their contract but I think I could do the same thing that I did with First Southwest, is I called Chris and he faxed us over a copy. I plan to do the same thing with, with Ramirez and Montalvo.

**COMM. ROSEL** (INAUDIBLE)

**COMM. GARCES** You have to establish that if, did we hire them for this project. Are we assuming that they just kind of like rolled over into this one.

**PAUL VAZALDUA** Okay.

**COMM. ROSEL** So, we hired on, for several projects and one of them was this particular project.



**COMM. GARCES** And I don't have no problem with them, but I think we need to confirm that contract and...

**COMM. ARCAUTE** Then let's do it, if it's not in the packet let's take action on it.

**COMM. GARCES** Okay.

**COMM. ROSEL** Do it.

**MANUEL CAVAZOS** I believe they were hired to work on the Corporation to build a jail under a separate entity.

**COMM. ROSEL** Financial Advisor's the one, ----- person we have to have in place as far as I'm concerned from the start. So, that he can begin to gives direction...

**COMM. GARCES** Are you gonna entertain a motion, Judge, for the bond counsel, Chuy Ramirez and Montalvo.

**JUDGE CUELLAR** Any problem with them?

**COMM. ARCAUTE** I so move to engage the service of Montalvo and Ramirez...

**COMM. ROSEL** As bond counsel?

**COMM. ARCAUTE** ...as bond counsel.

**COMM. ROSEL** Now, how about financial advisor, well that one's already taken care of.

**COMM. GARCES** Yeah, that's...

**COMM. ARCAUTE** Yeah, that...

**PAUL VAZALDUA** That one's taken care of.

**COMM. ARCAUTE** ...one's still in effect.

**COMM. ROSEL** I'll second that motion.

**COMM. ARCAUTE** Okay.

**JUDGE CUELLAR** We have a...

- STEVE CRAIN** Just one time, now, I'm working off what Commissioner Garces mentioned.
- COMM. GARCES** Confirming the, the actual...
- STEVE CRAIN** Confirming, number one that we have complied with the Professional Services Procurement Act...
- COMM. ROSEL** Yeah.
- STEVE CRAIN** ...with respect to this project and I've asked for information and, and no one can give it to me of the minutes for example, the contract is, I've not seen...
- COMM. GARCES** You have a document on it?
- STEVE CRAIN** ....I don't have any documents that my only cautionary note to you, is I don't know, I can recall from memory exactly what you did.
- MARTHA SALAZAR** I we just found this, yesterday, ah, there is a letter dated May 23<sup>rd</sup>, 1995 and it is accepted by Judge Ruiz in which, if you want to read from it.
- STEVE CRAIN** Judge, would like me to read this into the record?
- JUDGE CUELLAR** Please.
- STEVE CRAIN** This is a letter Judge Ruiz initially "Thank you and the County Commissioners for you confidence in the Law Firm of Montalvo and Ramirez to serve as your bond counsel. We understand the County will very likely issue certificates of obligation the proceeds of which, which will be used to pay the costs of construction of the County Detention Facility and possibly several, several health clinics. We further understand the bond insurance will probably be required to obtain a more competitive bond rating. Based on the foregoing our fee to serve as bond counsel [connects] on the issue of certificates of obligation will be \$20,000.00 regardless of the size of the issue and regardless of whether the sale is competitive or negotiated. As bond counsel Montalvo and Ramirez will prepare to assist the County in the preparation of all required legal documents and proceedings and will perform all necessary legal work in connection with the County's

authorization issuance and sale of the certificates. At the closing of the certificates, we will deliver and approve an opinion based on facts and law existing as of the day”...

**COMM. GARCES**

Another tape, Aaron? You all taped ten of them today, huh?

**STEVE CRAIN**

...and it also discusses (GAP IN MINUTES) They've been providing consulting, consultation services with respect to the County's option to use design build services in connection with the detention facilities, based on action to anticipate time required to draft requests for proposals and draft and negotiate the necessary contracts we project an additional attorney's fees in the amount of \$10,000.00". So, I'll give this to you, Judge, for the Court's review my only question is, is, is this project described in this letter the same as what you're doing now.

**JUDGE CUELLAR**

(INAUDIBLE)

**PAUL VAZALDUA**

I am sorry...

**MARTHA SALAZAR**

No, that's okay.

**COMM. ARCAUTE**

Isn't that ----- participation...

**STEVE CRAIN**

(INAUDIBLE)

**COMM. ARCAUTE**

Okay, that's what I mean, you know. So, we still got to decide...

**COMM. GARCES**

That doesn't tell us much, does it?

**STEVE CRAIN**

Well, the only thing it addresses, I guess, Commissioner, is it addresses the Detention Facility and the health facilities. So, I don't know.

**COMM. GARCES**

Lalo, maybe this was the intent, remember that one-stop we were looking at, at one point.

**COMM. ARCAUTE**

Huh-hum.

**COMM. ROSEL**

Do we have a motion and a, and a second? We've got a motion and we've got a second don't we? For the, ah, for the bond counsel?

**COMM. GARCES** Yes, motion and second.

**JUDGE CUELLAR** And second?

**COMM. ROSEL** Yes.

**COMM. ARCAUTE** For Montalvo and Ramirez for bond counsel.

**COMM. ROSEL** Bond counsel for the jail.

**JUDGE CUELLAR** Is there a question on the motion? Is there a question on the motion?

**MANUEL CAVAZOS** Well, Judge, you can go out for request for proposals, if it goes over \$15,000.00?

**COMM. ROSEL** No.

**COMM. GARCES** No, professional services?

**COMM. ROSEL** Well, it may go over that amount, but we have in, if we don't have it it's their fault for not having the RFQs in place in the, in the records wherever they keep them; but, we went over the RFQs for financial advisors, for bond counsel for underwriters...

**COMM. ARCAUTE** Architect.

**COMM. ROSEL** Vona, do you remember?

**MARTHA SALAZAR** I do, have a stamped...

**COMM. ROSEL** You better not forget.

**COMM. GARCES** Vona left after -----...

**MARTHA SALAZAR** I can confirm it, it was advertised.

**VONA WALKER** (INAUDIBLE)

**JUDGE CUELLAR** Any further discussion?

**COMM. ROSEL** Otherwise I wouldn't do it. I know we're right.

**JUDGE CUELLAR** Any further discussion?

**COMM. ARCAUTE** I was just gonna ask, this is in compliance with the Professional Services Procurement Act?

**STEVE CRAIN** For that project, absolutely.

**COMM. ROSEL** Yes.

**COMM. GARCES** Right.

**STEVE CRAIN** My question is, is that the same project.

**COMM. ARCAUTE** I'm sorry?  
**STEVE CRAIN** Is it the same project.

**COMM. ROSEL** Yes.

**COMM. ARCAUTE** No, for this project, no.

**PAUL VAZALDUA** Marty, Marty's staff did some research and they even went as far as back to the public library to obtain the copies of the...

**MARTHA SALAZAR** Ads.

**PAUL VAZALDUA** ...ads that went out for those projects and there was an advertisement, ah, and I'll let her tell you what she found.

**MARTHA SALAZAR** On Sunday, April the 9<sup>th</sup>, 1995, there was a request for statement of qualifications, I have a copy, in which the County of Hidalgo was accepting "requests for proposals for professional services in regards to the financing, planning, construction of the following facilities: County detention facility, Texas Jail Commission Standards, health clinics, courthouse and/or administration building renovation. The County will accept proposals for architectural firms, financial advisors, bond underwriters, bond counsel, project management and construction management for the services needed on the above projects". That was advertised April the 9<sup>th</sup>, 1995. The closing date for those was April 19<sup>th</sup>. This is something we just found yesterday afternoon, I apologize but they were in San Carlos, they'd been moved without our knowledge and we've been going through boxes of records.

**COMM. ARCAUTE** This only just verifies what we had always said.

**PAUL VAZALDUA** At one point...

**COMM. ARCAUTE** ...(INAUDIBLE)

**PAUL VAZALDUA** ...Montalvo and Ramirez was procured out and they did respond to an RFQ.

**MANUEL CAVAZOS** So, you're not re-appointing them, you're just re-affirming.

**PAUL VAZALDUA** Re-affirming.

**COMM. ROSEL** Exactly.

**PAUL VAZALDUA** And we're, we basically did the same thing with First Southwest.

**COMM. ROSEL** So, you see if we want to hire an architect today, we could do it because we've got all of that in place.

**COMM. ROSEL** Why not.

**JUDGE CUELLAR** Any further discussion? Any further discussion? There being none all those in favor signify by saying aye.

**COMMISSIONERS** Aye.

**JUDGE CUELLAR** Opposed? Ayes have it, so ordered.

**COMM. ROSEL** Now we got an RFQ for, ah, architects.

**COMM. ARCAUTE** Architects.

**COMM. ROSEL** And we approve the bond counsel and the financial advisor. That's it.

**COMM. GARCES** (INAUDIBLE)

**COMM. ARCAUTE** The mode of construction we, we don't, we don't decide now.

**PAUL VAZALDUA** And we per..., and we pursue the, the property next to the jail.

**COMM. ARCAUTE** That's, Commissioner what do you think?

**PAUL VAZALDUA** And...

**COMM. ARCAUTE** While you were gone we...

**PAUL VAZALDUA** And the mode of construction...

**COMM. ARCAUTE** Mode of construction...

**COMM. ROSEL** The mode of construction, I made a motion on the table that we go on conventional, conventional construction...

**COMM. ARCAUTE** Right.

**COMM. ROSEL** ...it died for a lack of second.

**COMM. ARCAUTE** Right.

**PAUL VAZALDUA** And we'll, we'll...

**COMM. ROSEL** Well, maybe she will second it.

**COMM. HANDY** I second it, if you already made it then...

**PAUL VAZALDUA** No, you have to restate your motion.

**COMM. ARCAUTE** (INAUDIBLE)

**PAUL VAZALDUA** You've got to go back...

**COMM. ROSEL** I made a motion. I'll make a motion that we select the type of construction that calls for a conventional, ah, a conventional type of construction, which is we hire the architect.

**COMM. ARCAUTE** That one already died. Let's not go through that again, we went through that...

**COMM. ROSEL** Can we bring it up again, counsel? Yes or no?

**COMM. ARCAUTE** It's up to the Chair.

**COMM. ROSEL** Up to the Chair? Chair?

**STEVE CRAIN** (INAUDIBLE)



- COMM. ROSEL** Leave it alone. You want to leave it alone? What do you want to do?
- JUDGE CUELLAR** I think so.
- PAUL VAZALDUA** I would, I would rec., I would request that the Court would allow me to bring further information on the three types.
- COMM. ROSEL** No, I already made up my mind, I know which one's good for us.
- COMM. ARCAUTE** In the meantime, may we...
- COMM. GARCES** Bring all the information...
- COMM. ARCAUTE** ...get...
- COMM. ROSEL** Don't come to me telling me it's gonna take shorter construction period.
- PAUL VAZALDUA** No, I think I have an, a little bit of better sense now what the Commission needs to know. Something having to do with financing, the finances, the actual dollar amount. Are going to put a cap on this, on this project and what can we base those figures on and I think we also have a good talk of information to take with us Thursday to the meeting at the Commission on the 25<sup>th</sup>.
- COMM. ROSEL** I make a motion that we send Commissioner Arcaute along with Judge Renato Cuellar to the, Austin, the meeting with the Jail Commission, so he can explain to them why we don't have to take certain actions today.
- COMM. GARCES** And I'll hold their hand, Juan.
- COMM. ROSEL** Can you second that?
- COMM. ARCAUTE** Don't hold my hand.
- COMM. CUELLAR** Do we have a choice.
- COMM. ARCAUTE** People will talk. Let's see...

**COMM. GARCES** Do we need to post something, Mrs. Etnire? Since we're going all as a team up to Austin.

**COMM. ARCAUTE** We didn't, we didn't...

**PAUL VAZALDUA** Is there a quorum going?

**COMM. ARCAUTE** We didn't decide...

**LOURA ETNIRE** (INAUDIBLE)

**COMM. ARCAUTE** That's why I wasn't going.

**COMM. GARCES** Right, it would -----.

**COMM. ARCAUTE** Thank you, Paul.

**COMM. GARCES** Ah, and God knows, well, never mind.

**COMM. ARCAUTE** We, we didn't...

**PAUL VAZALDUA** Because we haven't posted.

**COMM. ARCAUTE** I mean we don't have to decide and I know it's still early, but think about the, you know, what I mentioned as far as how much do we want to spend, because we also have those other projects and if I recall correctly those other projects totaled four point two or four point five million that's going to be included in the same issue for the bonds.

**COMM. ROSEL** Yeah, well...

**COMM. ARCAUTE** Into one package.

**PAUL VAZALDUA** This is just the first one, Judge.

**COMM. ROSEL** I think, that we, what we have to decide is how many beds are we going to pursue and I think...

**COMM. GARCES** That's gonna tell it all.

**COMM. ROSEL** ...after, after...

**COMM. ARCAUTE** Twenty million dollars worth.

**COMM. ROSEL** Mande?

**COMM. ARCAUTE** Twenty million dollars worth.

**COMM. GARCES** I say fifteen.

**COMM. ROSEL** Well, that's...

**COMM. GARCES** I say fifteen.

**COMM. ROSEL** ...fine, that's good figure...

**COMM. ARCAUTE** Fifteen million?

**COMM. GARCES** Yeah.

**COMM. ROSEL** (INAUDIBLE)

**COMM. ARCAUTE** Whatever, let's...

**COMM. GARCES** We're not looking for luxury, Lalo, and we, you know we've been up there, where they have in large bird cages that, and you can house I don't know how many, so...

**COMM. ARCAUTE** Yeah.

**COMM. GARCES** We're not looking for luxury.

**COMM. ROSEL** Well, that's where that twenty-six thousand per bed...

**COMM. ARCAUTE** ----- twenty-six thousand. I remember when they were sixteen thousand per bed.

**PAUL VAZALDUA** I would ask that you keep these and as we continue discussing this project we purposely selected this type of binder so that we can continue adding all the documentation, ahm, that, that we have for the project.

**JUDGE CUELLAR** Discussion of September 25<sup>th</sup> meeting with the Texas Commission of Jail Standards.

**PAUL VAZALDUA** Judge, Commissioners the only thing that I wanted to point out on that is that, again, tab number seven, that's the format that we're gonna take up to Austin for the ----- and then the information that happened here today will be included.

- JUDGE CUELLAR** Do we, do we need to get on the next agenda, so that we can give a report on what the outcome of that meeting?
- PAUL VAZALDUA** Well, we'll ask them, oh, for, for next week's agenda? I think that that would be a good idea that we could provide a briefing on what happened. I'm sure the media will be there tomorrow to assist.
- JUDGE CUELLAR** You'll read it in the press.
- PAUL VAZALDUA** As well.
- COMM. ARCAUTE** I think they gave up on you.
- PAUL VAZALDUA** That's all I have, any questions or comments?
- COMM. GARCES** Paul, good job.
- JUDGE CUELLAR** Is there any problem with coming back and reporting as of next session so we can put it on the agenda.
- COMM. GARCES** No, yeah, we need to keep it going. Judge, I was gonna suggest that, this thing about just meeting on Tuesdays, because we need -----, we're under the gun....

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

MOTION CARRIED.

## **DRAINAGE DISTRICT #1**

The Honorable Renato Cuellar, County Judge called the Drainage District #1 Board meeting to order, whereupon the following proceedings were had, to-wit:

### **CONSENT AGENDA**

**ITEM 1. LINE ITEM TRANSFER - \$13,600.00**  
(See Exhibit U)

**ITEM 2. PERMITS**

- A. City of McAllen
  - 1. Villa Norte Subdivision
  - 2. Madison Park, Phase V
- B. City of Edinburg
  - 1. Paloma Del Valle Phase III
  - 2. Canton Ridge Phase II
- C. Rabe York, Inc. - Morocco Subdivision
- D. City of Pharr - La Vista Park

(See Exhibit V)

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

MOTION CARRIED.

## **REGULAR AGENDA**

**ITEM 1. BUDGET AMENDMENT IN THE AMOUNT OF \$724,940.00**

Godfrey Garza, Drainage District Manager, came before the Court requesting a budget amendment in the amount of \$724,940.00. These funds would be used to cover the costs for expenditures expected for the Home Depot project which is a contract for Sascon, Inc. and also the engineering fees associated with the project. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.

(See Exhibit W)

**ITEM 2. PURCHASING DEPARTMENT**

- A. Requesting authority to advertise for one 1998 - one Ton - 4 Wheel Drive Crew Cab Pick-Up Truck
- B. Recommending award of bid on "McAllen Lateral Drain Ditch" to low bidder

2/A

A motion was made by Commissioner Arcaute and seconded by Commissioner Rosel to authorize the advertising for bids for one 1998 one ton 4-wheel drive crew cab pick-up truck.

MOTION CARRIED.  
(See Exhibit X)

2/B

Martha Salazar, County Purchasing Director, came before the Board and reported that this was for an awarding of bid on the "McAllen Lateral Drain Ditch". She stated that they had received three bids: Sascon, Inc. at \$671,240.00; South Texas Utility Construction at \$698,189.50 and McAllen Construction, Inc. with a printed bid of \$674,000.00 that was later corrected as per calculation should be \$673,.000.00. Mrs. Salazar indicated that she was recommending the low bidder being Sascon, Inc. at a bid of \$671,240.00. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit X)

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 that said meeting be hereby adjourned.

MOTION CARRIED.