

## **COMMISSIONERS' COURT**

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

### **PUBLIC HEARING**

#### **Public Hearing to Discuss the Proposed Tax Rate for 1997**

The County Judge began the meeting by opening the public hearing on the proposed tax rate for 1997. Armando Barrera, the Tax Assessor-Collector then approached the podium and proceeded to read the notice that was published in the newspaper the week before with regards to the proposed tax rate and tax increase. He mentioned that the average home was valued at \$38,202.00 the previous year and this year it was valued at \$40,727.00 and there were no exemptions other than the over 65. He continued by saying that last year's tax rate was \$.4654 compared to the proposed tax rate of \$.4747. Mr. Barrera indicated that comparing the rates without adjusting for changes in property value the tax rate would increase by \$.0093 per hundred or 2%.

After Mr. Barrera's presentation, the County Judge asked if there were any public comments and Juan Fuentes came before the Court. Mr. Fuentes commented on the salary increases that the County has given, flooding problems in the County and the jail issue. Judge Cuellar proceeded asked if there were any more comments there being none he announced that on October 14, 1997 the proposed tax rate would be on the Commissioners' Court agenda to formally adopt the 1997 tax rate. He then closed the public hearing.

NO ACTION.  
(See Exhibit A)

### **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 - \$1,000.00
- B. Commissioner Pct. #1 - Road & Bridge - \$35,000.00
- C. Commissioner Pct. #2 - County Wide Shop - \$775.00
- D. Commissioner Pct. #2 - Road Administration - \$100.00
- E. Commissioner Pct. #3 - Paved/Unpaved Roads - 63,000.00
- F. Commissioner Pct. #3 - Landfill - \$2,893.05

- G. 370<sup>th</sup> District Court - \$800.00
- H. Sheriff's Department - \$3,000.00
- I. Juvenile Probation Department - \$144.00
- J. Computer Department - \$263.00
- K. Human Services - \$3,500.00
- L. Library System - \$10.00
- M. Youth Village - \$4,000.00
- N. TX. DPS - 279.00
- O. Buildings & Grounds - \$800.00

(See Exhibit B)

**ITEM 3. RIGHT OF WAY DEPARTMENT**

- A. Pct. #1
  - 1. North Alamo Water Supply
  - 2. Southwestern Bell Telephone Co.
  - 3. General Telephone Co.
- B. Pct. #2
  - 1. North Alamo Water Supply
- C. Pct. #3
  - 1. Southwestern Bell Telephone Co.
- D. Pct. #4
  - 1. North Alamo Water Supply

(See Exhibit C)

**ITEM 4. URBAN COUNTY PROGRAM:**

- A. HOME "First Time Homebuyer Contract Agreement and Letter of Commitment to Mortgage Company (12 Families)
- B. Extension of "Letter of Commitment" to Mortgage Company on HOME "First-Time Homebuyer Contract Agreement" (2 Families)

(See Exhibit D)

**ITEM 4. PLANNING DEPARTMENT**

- A. Subdivisions:
  - 1. Amended Plat of Tierra Santa - Golf Club & Community Phase I & II - Pct. 1
  - 2. Avendano Subdivision - Pct. 2
  - 3. Cornerstone Medical Park Phase II - Lot 1 Block 7 Resubdivision - Pct. 4

(See Exhibit E)

The County Judge presented the consented agenda and entertained a motion for its approval. Commissioner Rosel asked if there were any changes and there being

none a motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the consent agenda as presented.

MOTION CARRIED.

## **REGULAR AGENDA**

### **ITEM 1. COUNTY JUDGES OFFICE**

- A. Approval of resolution on Dentists Who Care Inc. - Mobile Dental Unit Program - Dr. Joe Peralez
- B. Authorization to accept resolution and order of the Commissioners' Court by provisions of Senate Bill 1534 to collect fees for indigent legal services

1/A

Dr. Joe Peralez came before the Court and mentioned that he represented approximately 145 dentist of the Rio Grande Valley Dental Society. He stated that they have noticed that there is a serious problem in Hidalgo, Cameron and Starr Counties in that many children are not being treated for dental problems on a timely manner. Dr. Peralez mentioned that they sought a solution to this problem and came up with a Mobile Dental Clinic, as was being done in California. He added that this was strictly on a volunteer basis and what these dentist would be doing was to go around the local and screen patients who are being recommended by the school nurses and the children would undergo comprehensive care. He did say that they have the support of the Cameron and Starr County Commissioners' Courts as well as that of twenty-three school districts. He added that they have acquired all the permits that are required and all they need now is funding and in order to get funding from private corporations they need to have the support of Hidalgo County. Commissioner Rosel asked about the age of the patients and Dr. Peralez noted that this would be specifically for school age children. Commissioner Garces asked him if this was a phase type of project and Dr. Peralez indicated that they will be starting with one mobile unit and then proceed in acquiring one for each County. He did say that they presently have \$40,000.00 and seventy-five (75) dentists who are willing to participate. A discussion ensued with regards to a similar type of program that was in place several years ago after which a motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the resolution as presented.

MOTION CARRIED.  
(See Exhibit F)

1/B

Manuel Cavazos, the County Auditor, explained that what they were trying to do was take 5% of the fees collected and put them into the General Fund for indigent legal services. A motion was made by Commissioner Rosel and seconded by Commissioner Garces and Handy to approve the request as presented.

MOTION CARRIED.

(See Exhibit F)

**ITEM 2. TAX OFFICE**

A. Tax Refunds

1. \$631.20 - Jose B. Herrera
2. \$3,093.71 - Gregory M. LaMantia

A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the tax refunds as presented.

MOTION CARRIED.

(See Exhibit G)

**ITEM 3. JUVENILE PROBATION**

A. Status Report presentation on the Hidalgo County Juvenile Boot Camp Project

Israel "Buddy" Silva, Juvenile Program Director, came before the Court and stated that he was here to provide a status report on the Hidalgo County Juvenile Boot Camp. He then proceeded with a summary on the grant application and he added that they are in the processing preparing an RFP for the architect and other services. He also added that the State had allocated \$250,000.00 for the operation of the proposed forty bed facility. After further discussion no action was needed.

NO ACTION.

(See Exhibit H)

**ITEM 4. ADULT PROBATION:**

A. Authorization to pay 12 CSCD employees overtime wages

Martha Salazar reported that Mr. Joe Lopez, the Adult Probation Director, was requesting no action on this matter at this time.

NO ACTION.

(See Exhibit I)

**ITEM 5. BOARD OF JUDGES**

A. Authorization to accept Petition and Order by the County Courts and District Court Judges and Court Reporters regarding indigent rate increase from \$3.00 a page to \$4.25 a page effective immediately

A motion was made by Commissioner Garces and seconded by Commissioner Handy to accept the petition and order, as presented.

MOTION CARRIED.

(See Exhibit J)

**ITEM 6. RIGHT OF WAY DEPARTMENT**

- A. Authorization to accept a Resolution Authorizing Condemnation - FM 495 from Conway to La Homa Road and South to US 83 Expressway
  - 1. World Center, Inc.
  - 2. Ramiro J. Flores and Rufino Garza

6/A

Vona Walker, Right of Way Director, announced that no action would be needed as both property owners had accepted the County's offer.

NO ACTION.

(See Exhibit K)

**ITEM 7. AUDITOR'S OFFICE**

- A. Budget Amendment in General Fund for Public Defense Payments

Manuel Cavazos, the County Auditor, stated that they were needing additional funding to finish the year on public defense expenditures. He added that they presently only have \$131,594.00 left in the budget and he has estimated that they will expending this amount before the end of the month. He was asking for a budget amendment in the amount of \$432,406.00. After a discussion regarding how the court appointments were being done, a motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.

(See Exhibit L)

**ITEM 8. HEALTH DEPARTMENT:**

- A. Approval of Change Order #1 for G.A.S. Enterprises, Inc. (Pulmonary Clinic)
- B. Approval of Budget Amendment in the amount of \$40,557.00 out of the General Fund - Acct. #7-010-441-700.90 for Change Order #1 (Pulmonary Clinic)
- C. Approval of Invoice #004 in the amount of \$3,041.78 to pay Alvarado Architects (Pulmonary Clinic)

8/A

James Michael Keenan, the County Health Director, came before the Court requesting approval of a change order #1 for G.A.S. Enterprises Inc. who were constructing and converting their building into a pulmonary clinic. Mr. Keenan reported on the reason for the change order, such as a new air conditioning unit, doors, etc., that were needed to eliminate the spread of tuberculosis within the health clinic. The change order was for an increase of \$40,557.00. After a discussion a motion was made

by Commissioner Handy and seconded by Commissioner Garces to approve change order #1 for G.A.S. Enterprises Inc. for the pulmonary clinic.

MOTION CARRIED.  
(See Exhibit M)

8/B

A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve a budget amendment in the amount of \$40,557.00 out of the General Fund Acct. #7-010-441-700.90 for change order #1 for the pulmonary clinic.

MOTION CARRIED.  
(See Exhibit M)

8/C

Mr. Keenan reported that the next item was for approval of an invoice #4 in the amount of \$3,041.78 to pay Alvarado Architects. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit M)

**ITEM 9. SHERIFF'S OFFICE**

- A. Authorization to appropriate unexpended fund balance in fund 111 (Sheriff's Federal Sharing - U.S. Treasury)
- B. Authorization to enter into an Interlocal agreement with the following counties for Housing Hidalgo County inmates
  - 1. Zavala County
  - 2. Limestone County
  - 3. Refugio County
- C. Acknowledgment of the sale of prescription drugs in stock
- D. Authorization to accept the amount of \$3,679.59 from the Medicine Shoppe from the sale
- E. Authorization to appropriate the monies into the Jail Budget Account for medicines and drugs

9/A

Emilia Uriegas came before the Court requesting authorization to appropriate the unexpended fund balance in Fund 111 (Sheriff's Federal Sharing). These monies would be used for the purchase of equipment. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit N)

9/B

Captain Joe Jackson informed the Court that the Sheriff's Department was requesting the approval of to enter into interlocal agreement with Zavala County, Limestone County and Refugio County for the housing of county inmates. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit N)

9/C

Lt. Ramiro Castellano came before the Court and said that when they had the other doctors on staff they were using their DEA number in order to stock some prescription pharmaceutical supplies. When these doctors left the Sheriff's Office found that they could not legally hold on to these drugs and they had The Medicine Shoppe come in and take those drugs out and give the department credit for them. The value of these drugs has been assessed at approximately \$3,679.59 and they are asking that this Commissioners' Court assign these funds back to the Sheriff's medical line item. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit N)

9/D

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to accept the amount of \$3,679.59 from The Medicine Shoppe from the sale as presented.

MOTION CARRIED.  
(See Exhibit N)

9/E

A motion was made by Commissioner Garces and seconded by Commissioner Handy to appropriate the monies into the jail budget account for medicines and drugs.

MOTION CARRIED.  
(See Exhibit N)

**ITEM 10. URBAN COUNTY PROGRAM**

- A. City of Elsa - Approval of Professional Services Agreement (Engineering) with Carter & Burgess, Inc. PFI - Water Sewer Improvements (FY 1994, 1995)

- B. City of Elsa - Approval of a Professional Services Agreement (Engineering) with L.L. Rodriguez and Associates, Inc., PFI - Water Sewer Improvements (FY 1997)
- C. City of Hidalgo - Approval of Budget Amendment (FY 1996)
- D. City of Hidalgo - Consideration and action on change order #1 - Street Improvements - Years 7 & 9 (1994 & 1996)
- E. HOME Rental Rehabilitation Contract (Agustin Hernandez, Modesto Hernandez & Manuel Hernandez)
- F. Pct. #4 - Approval of a budget amendment for year 1996

## 10/A

Sylvia Nunez-Garcia came before the Court and announced that the City of Elsa was requesting approval of a professional services agreement for engineering services with Carter & Burgess for water and sewer improvements under FY 1994 and 1995. The amount of the contract is \$17,630.00. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit O)

## 10/B

The City of Elsa was also requesting approval of a professional services agreement for engineering services with L.L. Rodriguez and Associates for water and sewer improvements for FY 1997. The amount of the contract is \$16,000.00. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit O)

## 10/C

The City of Hidalgo was requesting approval of a budget amendment under FY 1996. The amendment entails the movement of monies from their water/sewer improvement line item to their street improvement line item. A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit O)

## 10/D

The City of Hidalgo was requesting approval of a change order #1 under their street improvement project for FY 1994 and 1996. The change order is in the amount of \$51,505.87 for the Tejano Drive project. A motion was made by

Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit O)

10/E

Ms. Nuñez- Garcia was requesting approval of a HOME Rental Rehabilitation Contract with Agustin, Modesto and Manuel Hernandez. The amount of the contract is for \$17,000.00 and it is a matching 50-50 with the owner contributing \$8,500.00 and the Program contributing \$8,500.00. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit O)

10/F

Precinct #4 was requesting approval of a budget amendment for FY 1996. The amendment was to move monies from the Sidewalks line items to the Public Service Youth Services line item in the amount of \$5,000.00. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit O)

#### **ITEM 11. PURCHASING DEPARTMENT**

- A. Precincts #1 & #3:
  - 1. Authorization to advertise for "Security Services of all Parks and Pavilions"
- B. Precincts #3 & #4
  - 1. Authorization to include both Precincts 3 & 4 in the authorized advertisement for "Culvert Pipe Installation" Project along with Pct. #1
- C. County Wide Shop
  - 1. Recommending award of bid for one (1) 1985 or Newer Truck/Tractor
  - 2. Recommending award of bid for one (1) New 1997 mechanical folding gooseneck trailer
- D. Hidalgo County Adult Probation
  - 1. Requesting exemption from competitive bidding requirements Professional Services/Independent Audit Services for fiscal year 1997 for Hidalgo County Community Supervision & Corrections Department (Adult Probation)
  - 2. Requesting of a professional services contract with Ms. Rhonda L. Gillum, C.P.A. for the conducting of the 1997 fiscal independent audit

for the Hidalgo County C.S.C.D. (Adult Probation) at a contract amount not to exceed \$13,700.00

E. Computer Department

1. Requesting approval of maintenance agreement for service on equipment with Centauri Computer Systems, Inc.

F. Juvenile Probation

1. Requesting approval of authority to advertise for "Boot camp Architect Services" for the Juvenile Probation Department

G. Tax Office

1. Requesting approval of contract for "Printing of 1997 Tax Statement, Tax Rolls and folding inserting, Pre-Sorting and Delivering of Tax Statements to the Edinburg Post Office" with Hamer Enterprises

11/A

Martha Salazar, the Purchasing Director, came before the Court requesting authorization to advertise for "Security Services for all Parks and Pavilions for Precincts One and Three. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.

(See Exhibit P)

11/B

She was also requesting authorization to include Precincts Three and Four in the advertisement for "Culvert Pipe Installation" along with Precinct One. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.

(See Exhibit P)

11/C/1

Mrs. Salazar was recommending the award of bid for one 1985 or Newer Truck/Tractor for Hidalgo County Wide Shop. A bid opening was held on September 3<sup>rd</sup> and two bids were received; Trail-Nor Inc. with a bid of \$45,000.00 on a 1985 and Art's A & A Truck City USA with a bid of \$46,750.00 for a 1988 model. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to award bid to Arts A & A Truck City USA, as presented.

MOTION CARRIED.

(See Exhibit P)

11/C/2

She was also recommending the award of a bid for a new 1997 mechanical folding gooseneck trailer. A bid opening was held on September 3<sup>rd</sup> and four bids were received: Trail Nor Inc. had two bids one at \$31,266.00, which was a COD and the other at \$32,048.00 with a net of thirty days; Art's A & A Truck City bid

\$29,750.00; Kalyn-Siebert bid \$32,196.00 and Anderson Equipment Company bid \$42,448.00. Her recommendation was to award the bid to the low bidder being Art's A & A Truck City USA at \$29,750.00. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the recommendation as presented.

MOTION CARRIED.  
(See Exhibit P)

11/D/1

The Hidalgo County Adult Probation was requesting an exemption from competitive bidding requirements for professional services be-it independent audit services for FY 1997. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit P)

11/D/2

The following request was for approval of a contract for professional services with Ms. Rhonda L. Gillum, C.P.A. for the conducting of the 1997 independent audit for the Adult Probation Department. The contract is not to exceed \$13,700.00. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit P)

11/E

The Computer Department was requesting approval of a maintenance agreement for service on equipment with Centauri Computer Systems, Inc. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit P)

11/F

The Juvenile Probation Department is requesting authorization to advertise for an RFQ "Boot Camp Architect Services". Mrs. Salazar explained that this was in reference to the status report that was given by Mr. Silva earlier in the agenda. A discussion ensued with regards to the comparison of the proposed specs for the juvenile boot camp and the proposed detention facility. Commissioner Rosel mentioned that being that this Commissioners' Court could not discuss the matter with a proposers on the detention facility, he felt that the same should apply for the juvenile boot camp. After further discussion no action was taken at this time.

NO ACTION.  
(See Exhibit P)  
11/G

The Tax Office was requesting approval of a contract for the "Printing of 1997 Tax Statement, Tax Rolls and folding inserting, Pre-Sorting and Delivering of Tax Statements to the Edinburg Post Office" with Hamer Enterprises. This bid was awarded on September 16<sup>th</sup>. A motion was made by Commissioner Arcaute and seconded by Commissioner Rosel to approve the contract as presented.

MOTION CARRIED.  
(See Exhibit P)

The County Judge announced that the Court would recess Commissioner's Court until the parties involved in the Executive Session arrive. A motion was made by Commissioner Arcaute and seconded by Commissioner Rosel to recess Commissioners' Court.

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**  
(See Exhibit Q)

**ITEM 2. PERMITS**  
A. City of Edinburg  
B. Chateau Estates  
(See Exhibit R)

The County Judge introduced the Drainage District #1 Consent Agenda and there being no changes a motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve the Consent Agenda as presented.

MOTION CARRIED.

## **REGULAR AGENDA**

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

#### A. Drainage District

1. Requesting authority to advertise for "Hauling Services" in connection with El Sauz Ranch Project in Willacy County for Hidalgo County Drainage District #1

Martha Salazar, the Purchasing Director, informed the Board that they were requesting authority to advertise for hauling serviced in connection with the El Sauz Rancho Project. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit S)

There being no further business to come before the Drainage District #1 Board, a motion was made by Commissioner Rosel and seconded by Commissioner Garces that said meeting be hereby adjourned.

MOTION CARRIED.

## **EXECUTIVE SESSION**

The County Judge then reconvened the Commissioner Court meeting and proceeded to go into Closed Session.

### **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. Litigation:

1. Consultation with Attorney regarding civil action No. M-94-115 - Merida Sanchez, et al -vs- Hidalgo County

### **ITEM 3. CLOSED SESSION**

Commissioner' Court may reconvene into Closed Session for the discussion regarding agenda items listed

The County Judge and Commissioners went into closed session accompanied by Mr. Steve Crain and party.

NO ACTION.

**ITEM 2. OPEN SESSION:**

A. Litigation

1. Discussion and possible action regarding Civil Action No. M-94-115 - Merida Sanchez et al -vs- Hidalgo County

**ITEM 4. OPEN SESSION**

Commissioners' Court may reconvene into Open Session for the discussion regarding agenda items listed

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to give notice to proceed on the settlement agreement as discussed in closed session.

MOTION CARRIED.

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

MOTION CARRIED.