

**COUNTY OF HIDALGO COMMISSIONERS' COURT**

**BE IT REMEMBERED that on the 4<sup>th</sup> day of  
November, 1997 after notice duly having been given, a  
Special  
Meeting of the Commissioners' Court and Drainage District  
#1 was  
begun and holden in the Commissioners' Courtroom, in the  
County  
Administration Building, in the City of Edinburg, County of  
Hidalgo,  
State of Texas, with the following being members of said  
Court:**

**HONORABLE RENATO CUELLAR  
COUNTY JUDGE**

**HONORABLE SYLVIA HANDY  
COUNTY COMMISSIONER, PRECINCT 1**

**HONORABLE ABELARDO "LALO" ARCAUTE  
COUNTY COMMISSIONER, PRECINCT 2**

**HONORABLE JUAN ROSEL  
COUNTY COMMISSIONER, PRECINCT 3**

**HONORABLE GUADALUPE "LUPE" GARCES**

## **COUNTY COMMISSIONER, PRECINCT 4**

**and where the following proceedings were had to-wit:**

### **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 - \$35,000.00**

(See Exhibit A)

#### **ITEM 2. PERMITS - CITY OF EDINBURG**

A. RCI Mobile Home Sub.

B. Condessa Subdivision

C. North Alamo Water Supply - RCI Mobile Home Subdivision

(See Exhibit B)

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

MOTION CARRIED.

### **EXECUTIVE SESSION**

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

Commissioners' Court may go into Closed Session pursuant to Chapter 551, Texas Government Code, Section 551.071 to discuss the following matter:

A. Litigation

1. Drainage District Administration Building

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

NO ACTION.

**ITEM 2. OPEN SESSION:**

A. Litigation:

1. Drainage District Administration Building

A motion was made by Commissioner Garces and seconded by Commissioner Handy to go ahead and allow counsel to proceed with the demand letter on the entity that's doing the construction work for the Drainage District at this time.

MOTION CARRIED.

(See Exhibit C)

**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. #2 - Road Administration - \$160.00
- B. Commissioner Pct. #3 - Paved/Unpaved - \$1,500.00
- C. Commissioner Pct. #3 - Park - \$12,200.00
- D. Commissioner Pct. #3 - Administration - \$3,000.00
- E. Commissioner Pct. #4 - Road and Bridge - \$40,500.00

- F. Commissioner Pct. #4 - Landfill - \$1,500.00
- G. Treasury Department - \$19.00
- H. 370<sup>th</sup> District Court - \$400.00
- I. Constable Pct. #5 - \$195.00
- J. County Extension Service - \$450.00
- K. Health Department - Title V - \$1,500.00
- L. Health Department - Administration - \$700.00
- M. Historical Commission - \$2,600.00
- N. Human Services - \$5,047.00
- O. Sheriff's Department - \$2,000.00
- P. Youth Village - \$7,000.00

(See Exhibit D)

### **ITEM 3. PLANNING DEPARTMENT**

- A. Release of Letter of Credit
  - 1. Cielo Azul Subdivision Unit #1 & #2 - Pct. #1

(See Exhibit E)

### **ITEM 4. RIGHT OF WAY DEPARTMENT**

- A. Permits
  - 1. Pct. #2 - Southwestern Bell Telephone
  - 2. Pct. #4 - Southwestern Bell Telephone

(See Exhibit F)

### **ITEM 5. URBAN COUNTY DEPARTMENT**

- A. HOME First-Time Homebuyer Contract Agreement and letter of Commitment to Mortgage Company - 3 families

(See Exhibit G)

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

MOTION CARRIED.

## **REGULAR AGENDA**

### **ITEM 6. COUNTY JUDGE'S OFFICE**

B. Discussion on County Court at Law Judges' auto allowance - Mrs. Etnire

County Court at Law Judge Rudy Delgado came before the Court to discuss the issue of the \$5,400.00 auto allowance for the County Court at Law Judges. He added that a statute had been passed in the State Legislature and he was requesting that the Commissioners' Court approve this request. After some discussion, with comments from the Commissioners, Manuel Cavazos, the County Auditor, and Juan "Chuy" Hinojosa, the author of this piece of legislation, County Court at Law Judge Homer Garza and Steve Crain, the County legal counsel, a motion was made by Commissioner Rosel to approve the County Court at Law Judges auto allowance in the amount of \$5,400.00. The County Judge then ruled the motion out of order and no action was taken on this item at this time.

NO ACTION.  
(See Exhibit H)

**ITEM 1. RIGHT OF WAY DEPARTMENT**

A. Authorization for the County Judge to execute Loan Agreements with IBC Bank regarding financing of the equipment being purchased by Pct. #1

Vona Walker, Right of Way Director, came before the Court requesting authorization for the County Judge to execute a loan agreement for the financing of equipment for Precinct One with IBC Bank. This is for the purchase of one new backhoe loader, a pneumatic roller and a vibratory compactor roller. The amount of the loan agreement is \$125,077.00 to be paid over a four year period. A motion was made by Commissioner Handy and seconded by Commissioner Garces to authorize the County Judge to execute the loan agreement with IBC Bank regarding the financing of the equipment being purchased by Precinct One, except for the motor graders.

MOTION CARRIED.  
(See Exhibit I)

## **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. Potential Real Property Acquisition

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

NO ACTION.

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

- A. Property
  - 1. Potential Real Property Acquisition

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to authorize the County Judge to pick up an option and get with counsel to proceed with the land acquisition addressing the jail facility.

MOTION CARRIED.  
(See Exhibit J)

## **REGULAR AGENDA**

### **ITEM 2. PLANNING DEPARTMENT**

- A. Subdivisions:
  - 1. Monalisa Subdivision - Pct. #3
  - 2. Heraclio B. Garcia Subdivision - Pct. #4
- B. Discussion and Possible Action on Jennifer Harbury - Texas Rural Legal Aid, Inc. - Pct. #2

2/A/1

Emilio Garcia, Chief Planner, came before the Court requesting approval of Monalisa Subdivision. This subdivision is in Precinct Three located approximately 1261 feet north of FM 492 on the east side of Minnesota Road. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit K)

2/A/2

Mr. Garcia was also requesting the approval of Heraclio B. Garcia Subdivision. This subdivision is in Precinct Four located 715 feet east from "I" Road on the north side of Trenton Road. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit K)

2/B

Mr. Garcia reported that this variance request was brought before this Commissioners' Court the previous week. He stated that as per legal counsel no action was being required at this time, as legal counsel still needed to go over some items that he had requested from Ms. Jennifer Harbury.

NO ACTION.  
(See Exhibit K)

## **ADD. 2. DISTRICT CLERK'S OFFICE**

### **A. Budget Amendment in the amount of \$7,881.52**

Pauline Gonzalez, District Clerk, came before the Commissioners' Court to request authorization to hire an assistant Bookkeeper at a salary of \$17,500.00 and an Accountant I position at a salary of \$23,500.00. She was wanting to fill these positions and the budget amendment was for the salaries prorated until the end of the year. A motion was made by

Commissioner Garces and seconded by Commissioner Handy to approve a budget amendment in the amount of \$7,881.52 as requested.

MOTION CARRIED.  
(See Exhibit L)

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

- A. Discussion to clarify action to approve 5% cost of living as approved on Tuesday, October 28, 1997 (Office of Employment and Training - Item 4A)

Commissioner Rosel indicated that he wanted to clarify that the 5% cost of living that was granted to the employees of the Office of Employment and Training the previous week, also included the Executive Director with the same effective date. He then made a motion to that effect and this was seconded by Commissioner Handy.

MOTION CARRIED.  
(See Exhibit M)

**ITEM 4. DISTRICT ATTORNEY'S OFFICE**

- A. Line Item Transfer - General Fund

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve a line item transfer in the amount of \$8,350.00 to be used for court costs, telephone and travel.

MOTION CARRIED.  
(See Exhibit N)

**ITEM 5. SHERIFF'S DEPARTMENT**

- A. Authorization to pay bill for professional services in the amount of \$6,200.00

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the payment of bill to Philip Ethridge for professional services in the amount of \$6,200.00.

MOTION CARRIED.  
(See Exhibit O)

**ITEM 6. COUNTY JUDGE'S OFFICE**

- A. Approval of Resolution to support the Rio Grande River/Rio Bravo River as an American Heritage River - Lisa Saucedo

Lisa Saucedo, Administrative Assistant to the County Judge, came before the Court requesting that they bring this item back to Court the following week pending a meeting that will be held about the American Heritage River designation.

NO ACTION.  
(See Exhibit P)

**ITEM 7. TAX OFFICE**

- A. Approval of 1997 Assessment Tax Roll Summary

A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the 1997 Assessment Tax Roll Summary in the grand total of \$149,252,889.00.

MOTION CARRIED.  
(See Exhibit Q)

**ITEM 8. JUVENILE PROBATION**

- A. Approval of budget amendment in the amount of \$84,661.00 to record the Texas Juvenile probation Commission Grant JJAEP-P-98-108 (Juvenile Justice Alternative Education Program) FY 9/1/97 thru 8/31/98

Israel "Buddy" Silva, Juvenile Probation Director, came before the Court requesting approval of a budget amendment in the amount of \$84,661.00 for the Texas Juvenile Probation Commission Grant JJAEP-P-98-108. This grant was to fund the Juvenile Justice Alternative Education Program from September 1, 1997 through August 31, 1998. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

### **ITEM 9. AUDITOR'S OFFICE**

- A. Authorization to create in 1997, two (2) out of the three (3) County Auditor's clerical positions approved for 1998
- B. Court Reporters Fund Budget Amendment in the amount of \$36,491.01

9/A

Manuel Cavazos, County Auditor, was requesting authorization to create two of the three clerical positions that were approved for 1998. He indicated that he had monies within his budget to cover for the salaries through the end of the year. A motion was made by the County Judge and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit S)

9/B

A motion was made by Commissioner Garces and seconded by Commissioner Handy to authorize a budget amendment in the amount of \$36,491.01 to fund the Court Reporters Fund Budget.

MOTION CARRIED.  
(See Exhibit S)

### **ITEM 10. COMMISSIONER PCT. #1**

- A. Approval to authorize County Judge to sign contract with TNRCC for the Solid Waste Enforcement Grant in the amount of \$53,000.00
- B. Authorization to create two (2) positions for Solid Waste Enforcement Grant
- C. Set Salaries for the two (2) positions
  - a. Office Manager \$16,940
  - b. Certified Peace Officer \$21,360.00
- D. Approval of Budget amendment in the amount of \$15,000.00
- E. Approval to appropriate the same from Paved/Unpaved unreserved fund balance to Administration \$3,000.00 and Road and Bridge \$12,000

10/A

A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to authorize the County Judge to sign a contract with TNRCC for the Solid Waste Enforcement Grant in the amount of \$53,000.00.

MOTION CARRIED.  
(See Exhibit T)

10/B

A motion was made by Commissioner Handy and seconded by Commissioner Garces to authorize the creation of an Office Manager and a Litter Abatement Officer under the Solid Waste Enforcement Grant.

MOTION CARRIED.  
(See Exhibit T)

10/C

A motion was made by Commissioner Handy and seconded by Commissioner Garces to set the salaries at \$16,940.00 for the Office Manager and at \$21,360.00 for the Litter Abatement Officer.

MOTION CARRIED.  
(See Exhibit T)

10/D

A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve a budget amendment in the amount of \$15,000.00.

MOTION CARRIED.  
(See Exhibit T)

10/E

A motion was made by Commissioner Handy and seconded by Commissioner Garces to authorize the appropriation of \$3,000.00 for Pct. #1 Administration and \$12,000.00 for Pct. #1 Road and Bridge.

MOTION CARRIED.  
(See Exhibit T)

**ITEM 11. HEALTH DEPARTMENT**

- A. Approval of Regional Administrative Services Grant (TDH Document #746000717698-04)
- B. Authorization to appropriate Regional Administrative Services Grant in the amount of \$139,485.00
- C. Approval to set Salaries
- D. Authorization for line item transfer in the amount of \$11,767.00 to cover fringe benefits
- E. Approval of Immunization - IAP Contract Amendment (TDH Document #746000717698-03)
- F. Authorization to appropriate Immunization - IAP Grant funds in the amount of \$20,781.00 increasing the current budget to \$132,983.00
- G. Approval to set salaries
- H. Request authorization for line item transfer in the amount of \$489.00 to cover fringe benefits

11/A,B&C

A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve, appropriate and set the salaries for the Regional Administrative Services Grant in the amount of \$139,485.00 for the Health Department.

MOTION CARRIED.  
(See Exhibit U)

11/D

A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to authorize a line item transfer in the amount of \$11,767.00 to cover fringe benefits for the Regional Administrative Services Grant.

MOTION CARRIED.  
(See Exhibit U)

11/E,F&G

A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve, appropriate and set the salaries for the Immunization-IAP contract amendment in the amount of \$20,781.00.

MOTION CARRIED.  
(See Exhibit U)

11/H

A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to authorize a line item transfer in the amount of \$489.00 to cover fringe benefits for the Immunization-IAP contract amendment.

MOTION CARRIED.  
(See Exhibit U).

**ITEM 12. URBAN COUNTY PROGRAM**

- A. City of Elsa - Approval of Subrecipient Agreement with Commonwealth Community Services, Inc. Public Services - Education FY 1997
- B. City of Elsa - Approval of a subrecipient Agreement with Amigos Del Valle, Inc. PFI Senior Services FY 1996
- C. City of Elsa - Approval of a Construction Contract with Modesto Hernandez, PFI Demolition and Clearance Activities, FY 1996

- D. City of Weslaco - Approval of Subrecipient Agreement with Mujeres Unidas, Women Together Year 10, 1997
- E. City of Weslaco - Approval of Subrecipient Agreement with Weslaco Public Library Year 10 - 1997
- F. Precinct #1 - Approval of Subrecipient Agreement with Boys & Girls Club of Weslaco Year 10 - 1997
- G. Approval of Pct. #2 - Youth Services - Subrecipient Agreement - City of Pharr Boys & Girls Club UCP Year 8 - 1995, year 9 - 1996 and Year 10 - 1997
- H. Approval to enter into contract with Habitat for Humanity-Exodus as a Community Housing Development Organization (CHDO) for County's PY 1997 HOME Program

## 12/A

Anthony Covacevich, Urban County Director, reported that the City of Elsa was requesting approval of a subrecipient agreement with Commonwealth Community Services in the amount of \$5,000.00. A motion was made by Commissioner Handy and seconded by Commissioners Garces and Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit V)

## 12/B

The City of Elsa was requesting approval of a subrecipient agreement with Amigos Del Valle in the amount of \$5,000.00. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit V)

## 12/C

The City of Elsa was requesting approval of a construction contract with Modesto Hernandez for demolition and clearance activities in the amount of \$5,400.00. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit V)

12/D

The City of Weslaco was requesting approval of a subrecipient agreement with Mujeres Unidas/Women Together in the amount of \$6,000.00. A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.

(See Exhibit V)

12/E

The City of Weslaco was requesting approval of a subrecipient agreement with the Weslaco Public Library in the amount of \$22,211.00. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.

(See Exhibit V)

12/F

Precinct One was requesting approval of a subrecipient agreement with the Boys and Girls Club of Weslaco in the amount of \$5,000.00. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit V)

12/G

Precinct Two was requesting approval of a subrecipient agreement with the City of Pharr Boys and Girls Club in the amount of \$20,000.00, from Years 8, 9 and 10. A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.

(See Exhibit V)

12/H

A motion was made by Commissioner Garces and seconded by Commissioner Handy to enter into a contract with Habitat for Humanity-Exodus as a Community Housing Development Organization for the County's PY 1997 HOME Program in the amount of \$50,000.00.

MOTION CARRIED.  
(See Exhibit V)

### **ITEM 13. PURCHASING DEPARTMENT**

#### A. Precinct #1

1. Authorization to advertise for Pothole Repairs

#### B. Precinct #4 - Recommending award for bids for the following

1. One (1) 1990 or newer pneumatic roller
2. One (1) 1992 or newer backhoe loader

#### C. Buildings & Grounds

1. Requesting numerous miscellaneous equipment be declared surplus for auction
2. Requesting seven (7) vehicles be declared surplus for auction

#### D. District Attorney's Office

1. Requesting authority to declare various items of office equipment surplus for the purpose of auction
2. Requesting authority to declare several vehicles seized and awarded, through by court proceedings for the purpose of auction
3. Requesting one (1) vehicle be declared surplus

#### E. Sheriff's Department

1. Requesting numerous pieces of equipment be declared surplus for auction
2. Authorization to declare sixteen (16) vests to be surplus for destruction

#### 13/A

A motion was made by Commissioner Handy and seconded by Commissioner Garces to authorize the advertising for bids for pothole repairs for Precinct One.

MOTION CARRIED.

(See Exhibit W)

13/B/1

Martha Salazar, County Purchasing Director, informed the Court that she had received five bids for one 1990 or newer pneumatic roller for Precinct Four. She was at this time requesting that the bid be awarded to Anderson Equipment Company at a price of \$31,950.00 as the low bid meeting all specifications. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.

(See Exhibit W)

13/B/2

Mrs. Salazar reported that she had received two bids for one 1992 or newer backhoe loader for Precinct Four. She was at this time requesting that the bid be awarded to Anderson Equipment Company at a price of \$45,000.00 as the low bid meeting all specifications. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.

(See Exhibit W)

13/C

A motion was made by Commissioner Rosel and seconded by Commissioner Handy to authorize the declaration of numerous miscellaneous equipment and seven vehicles from Buildings and Grounds be declared surplus for auction.

MOTION CARRIED.

(See Exhibit W)

13/D/1

A motion was made by Commissioner Handy and seconded by Commissioner Garces to authorize the declaration of various items of office equipment from the District Attorney's Office be declared surplus for auction.

MOTION CARRIED.  
(See Exhibit W)

13/D/2

A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to authorize the declaration of several vehicles seized and awarded by the Court for the District Attorney's Office be declared surplus for auction.

MOTION CARRIED.  
(See Exhibit W)

13/D/3

A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to authorize the declaration of one vehicle from the District Attorney's Office be declared surplus for auction.

MOTION CARRIED.  
(See Exhibit W)

13/E/1

A motion was made by Commissioner Rosel and seconded by Commissioner Handy to authorize the declaration of numerous pieces of equipment from the Sheriff's Department be declared surplus for auction.

MOTION CARRIED.  
(See Exhibit W)

13/E/2

A motion was made by Commissioner Rosel and seconded by Commissioner Arcaute to authorize the declaration of sixteen vests from the Sheriff's Department be declared surplus for auction.

MOTION CARRIED.  
(See Exhibit W)

**ADD. 1. PURCHASING DEPARTMENT**

A. Hidalgo County "Adult Detention Facility" (Jail Project)

Martha Salazar indicated that this was coming from the RFQ that they presently had for the architectural and engineering services. She did say that they had made a provision that questions could only be submitted in writing. Most of the questions that they had received were for the size and scope of the project. After some discussion, no action was taken on this item at this time.

NO ACTION.  
(See Exhibit X)

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

MOTION CARRIED.

**There being no further business to come before  
said**

**Court, the meetings of Commissioners' Court and Drainage  
District**

**#1 were hereby adjourned.**

**RENATO  
CUELLAR** \_\_\_\_\_  
**COUNTY JUDGE**

**SYLVIA  
HANDY** \_\_\_\_\_  
**COUNTY COMMISSIONER, PRECINCT 1**

**ABELARDO "LALO"  
ARCAUTE** \_\_\_\_\_  
**COUNTY COMMISSIONER, PRECINCT 2**

**JUAN  
ROSEL** \_\_\_\_\_  
**COUNTY COMMISSIONER, PRECINCT 3**

**GUADALUPE "LUPE"  
GARCES** \_\_\_\_\_  
**COUNTY COMMISSIONER, PRECINCT 4**

**Dated this 20<sup>th</sup> day of September, 1999.**

**JUAN D. SALINAS, III, COUNTY CLERK  
HIDALGO COUNTY, TEXAS**

**By:** \_\_\_\_\_  
**Jennifer Castillo, Deputy**

**Minutes approved by Commissioners' Court and Drainage  
District #1 on \_\_\_\_\_ day of \_\_\_\_\_, 1999.**