

COUNTY OF HIDALGO COMMISSIONERS' COURT

**BE IT REMEMBERED that on the 16th day of
December,
1997 after notice having been given, a Regular Meeting of the
Commissioners' Court and the Drainage District #1 Board
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 whereupon the following proceedings were had, to-wit:

CONSENT AGENDA

ITEM 1. DRAINAGE DISTRICT #1

A. Permit - City of Weslaco
(See Exhibit A)

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

MOTION CARRIED.

REGULAR AGENDA

ITEM 1. DRAINAGE DISTRICT #1

- A. Exemption from bidding process - Professional Services - Melden & Hunt, Inc.
- B. Authorization to enter into contract with Melden & Hunt, Inc. - Study of North/South Main Junction

1/A

A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to authorize an exemption from the bidding process, under professional services, for Melden & Hunt, Inc.

MOTION CARRIED.
(See Exhibit B)

1/B

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approval a contract with Melden & Hunt, Inc. for a study of the North/South Main Junction.

MOTION CARRIED.
(See Exhibit B)

ITEM 2. PURCHASING DEPARTMENT FOR H.C.D.D. #1

- A. Recommending as to bid award for Pipes-Hidalgo County and Hidalgo County Drainage District No. 1 for Drainage District #1 to multi vendors
- B. Requesting approval of contract for Flood Control Structure at Mile 12 ³/₄ North - Summit Contractors for the amount of \$70,440.00
- C. Requesting approval of contract for Drainage Improvements for Barbosa-Lopez Project - Summit Contractors for the amount of \$170,000.00

2/A

Martha Salazar, County Purchasing Director, informed the Board that she had received six bids for "Pipes - Hidalgo County and Hidalgo County Drainage District #1). She was recommending that the bid be awarded to Varmicon Industries for reinforced concrete pipe and for heavy wall concrete pipe; Industrial International Inc. for polyethylene pipe (20 ft.) and Contech Construction Products, Inc. for the corrugated PVC storm sewer pipes. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit C)

2/B

A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve a contract with Summit Contractors in the amount of \$170,000.00 for the flood control structure at Mile 12 ³/₄ North.

MOTION CARRIED.
(See Exhibit C)

2/C

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve a contract with Summit Contractors in the amount of \$70,440.00 for drainage improvements for the Barbosa-Lopez project.

MOTION CARRIED.
(See Exhibit C)

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

MOTION CARRIED.

COMMISSIONERS' COURT

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

REGULAR AGENDA

ADD. 2. COMMISSIONER PCT. 1

- A. Proclamation declaring December 16, 1997 as "La Maquina Amarilla Day" in recognition of the Edcouch-Elsa High School Football team

After the reading of the proclamation, a motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the proclamation as presented.

MOTION CARRIED.
(See Exhibit D)

CONSENT AGENDA

ITEM 1. APPROVAL OF CHECK REGISTER AND PAYMENT OF CLAIMS/BILLS - HIDALGO COUNTY AUDITOR

ITEM 2. LINE ITEM TRANSFERS:

- A. Constable Pct. 5 - \$3,171.05
- B. Sheriff's Office - Jail - \$3,240.00 & \$5,100.00
- C. Elections Department - \$8,348.71
- D. Planning Department - \$1,191.00
- E. Auxiliary Court (BOJ Asst. Court Block) - \$27,529.00
- F. Drug Impact Court - \$100.00
- G. 332nd District Court - \$1,650.00
- H. 92nd District Court - \$2,300.00
- I. Adult Probation (General Fund) - \$1,042.00
- J. Adult Probation (Community Corrections) - \$15.00
- K. 275th District Court - \$3,510.00
- L. County Court at Law #2 - \$2,495.78
- M. Auditor's Office - \$1,509.02
- N. Library System - \$1,431.00 & \$135.00
- O. Child Welfare - \$3,000.00
- P. 206th District Court - \$350.00
- Q. Historical Commission - \$101.00
- R. J.P. Pct. 3 Pl. 1 - \$160.00
- S. J.P. Pct. 2 Pl. 1 - \$600.00
- T. Constable Pct. 2 - \$2,353.70
- U. J.P. Pct. 3 Pl. 2 - \$64.00
- V. 13th Court of Appeals - \$800.00
- W. Commissioner Pct. 4 - Road & Bridge - \$5,700.00
- X. Commissioner Pct. 4 - Administration - \$500.00

Y. Purchasing Department - \$25.00
(See Exhibit E)

ITEM 3. PLANNING DEPARTMENT

A. Subdivisions

1. Keystone Apartments Subdivision - Pct. 1
2. Re-Subdivision of Lot 4, Blk 1 - Tejas Development Subdivision - Pct. 1
3. Cantera Ridge Mobile Home Subdivision - Pct. 4
4. Serenity Hills Gardens & Extension of Blocks 22, 23 and 26 Section "C" Hillcrest Memorial park Cemetery - Pct. 4

(See Exhibit F)

ITEM 4. URBAN COUNTY PROGRAM

- A. HOME First Time Homebuyer Contract Agreement and Letter of Commitment to Mortgage Company (3 families)
- B. HOME/Homeowner Occupied Housing Rehab Application Cancellation (1 family)

(See Exhibit G)

ITEM 5. RIGHT OF WAY

A. Permits

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

(See Exhibit H)

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

MOTION CARRIED.

ADD. 1. CONSENT AGENDA

- A. Commissioner Pct. 3 - Line Item Transfer - \$8,500.00
- B. WIC Program - Line Item Transfer - \$5,000.00

C. Commissioner Pct. 4 - Canteraridge Mobile Home Subdivision
Final Plat Approval
(See Exhibit I)

A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the addendum to the Consent Agenda as presented.

MOTION CARRIED.

REGULAR AGENDA

ITEM 1. RIGHT OF WAY

A. Authorization to accept and execute 2 corrections Easements to Hidalgo County executed by Duane V. Bell and Gerald E. Bell

Vona Walker, Right of Way Director, came before the Court requesting acceptance and execution of two correction easements to Hidalgo. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve.

MOTION CARRIED.
(See Exhibit J)

ITEM 9. PURCHASING DEPARTMENT

H. Right of Way Department

1. Requesting approval of contract for Appraisal Services for Jackson Road Project with Perez Appraisal Service at rate not to exceed \$400.00 per parcel
2. Requesting approval of contract with Review Appraisal Services for Jackson Road Project with Professional Appraisal Services at a rate not to exceed \$200.00 per parcel
3. Requesting exemption from competitive bidding requirements for Professional Services/Engineering Services for "Irrigation Adjournments" for Jackson Road Project

4. Requesting approval of contract for Engineering Services with J.E. Saenz & Associates, Inc. for Irrigation Adjournment for Jackson Road Project

9/H/1

Martha Salazar, County Purchasing Director, informed the Court that she was requesting approval of a contract for appraisal services for the Jackson Road project. She indicated that there was an error on the agenda and this contract was with Professional Appraisal Service at a rate not to exceed \$400.00 per parcel. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve.

MOTION CARRIED.
(See Exhibit K)

9/H/2

A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve a contract for review appraisal services for the Jackson Road project with Perez Appraisal Services at a rate not to exceed \$200.00 per parcel.

MOTION CARRIED.
(See Exhibit K)

9/H/3

A motion was made by Commissioner Garces and seconded by Commissioner Handy to authorize an exemption from the competitive bidding requirements under professional services/engineering services for "Irrigation Adjustments" for the Jackson Road project.

MOTION CARRIED.
(See Exhibit K)

9/H/4

A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve a contract with J.E. Saenz & Associates for "Irrigation Adjustments" for the Jackson Road Project.

MOTION CARRIED.
(See Exhibit K)

ITEM 2. SHERIFF'S OFFICE - JAIL

- A. Authorization and approval to pay compensatory time hours to LVN (Position #146)

Chief Ramiro Castellano, from the Sheriff's Department, came before the Court to request authorization to pay compensatory time for hours worked by the LVN at the Jail. He indicated that she has accumulated approximately 240 hours and is requesting payment in the amount of \$3,232.80. After a brief discussion, a motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve.

MOTION CARRIED. (Commissioner Arcaute voted against the motion.)
(See Exhibit L)

ITEM 3. CHILD WELFARE

- A. Authorization to accept Doroteo L. Cordelo Jr. as a Hidalgo County Child Protective Service Board Member

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to authorize the acceptance of Doroteo L. Cordelo, Jr., as a board member to the Hidalgo County Child Protective Services Board.

MOTION CARRIED.
(See Exhibit M)

ITEM 4. COUNTY JUDGE

- A. Authorization for additional payroll deduction slots for voluntary employee paid benefits offered in conjunction with the existing Section 125 (Cafeteria Plan) for the 1998 calendar year
- B. Discussion on risk management proposal from Pentium Management Group and possible action
- C. Consider and approve Interlocal Agreement Cooperation Contract - Regional 911 System

- D. Consider and approval early dismissal for employees on the 24th of December (12:00)

4/A

Raymond Aguilar, Risk Manager, came before the Court requesting authorization for additional payroll deduction slots for voluntary employee paid benefits offered in conjunction with the now existing Section 125, Cafeteria Plan, for the 1998 calendar year. He stated that the Cafeteria Plan was adopted in 1995 and it allowed the employees pre-taxed benefits for their medical dependent or medical family coverage, as well as a pre-tax benefit on two different dental programs that are being offered. He continued by saying that this past year a vision package had been added to the Cafeteria Plan and it was part of an expansion of the benefits that would be offered to the employees. It also offered an off-the-job disability program along with a heart-stroke-cancer option benefit that the employees can choose to pick-up on their own. Mr. Aguilar stated that it was brought to his attention that the vision plan, the off-the-job disability and the cancer packages had to have Commissioners' Court approval for the additional deductions, as per Section 155.061. His request was for approval of the deductions not only on the off-the-job disability and the cancer but also on the vision package that was not brought before this Court. Commissioner Rosel asked when the amendment was approved by this Commissioners' Court and Mr. Aguilar indicated that this was done through correspondence, from the County Judge to the former County Auditor, Steve Austin, and it provided the addition of any vision plans or any other optional benefit programs, and this was done through an administrative decision. Commissioner Rosel then stated that in 1995 this Court had approved the Cafeteria Plan with a certain provider and he wanted to know the term of that contract. Mr. Aguilar mentioned that he had looked into this and it was for a term of one year, commencing on January 2, 1995. Commissioner Rosel asked if this Court had ever renewed this contract or gone out for bids on acquiring another contract and the response was that they had not. Commissioner Garces questioned the fact that it was done administratively the previous year and he wanted to know why they were doing it differently this year. Commissioner Rosel pointed out that Mr. Charles Clark had come in some time back requesting to sell his insurance wares to the employees and this Court had turned them down. Now they had a situation where they had a contract in place at one time and the request was to approve some amendments on a contract that was no longer in effect. Commissioner

Rosel felt that legal counsel had to go back and research this issue and then bring it back for Commissioners' Court consideration. Steve Crain, the County legal counsel, clarified the intent at this present time and indicated that they were not amending an expired contract, but amending the plan. He did say that yes there was a contract in place some time back and no action was being requested on this issue at this time. The one thing that had been done was that a company had been hired to administer the plan and their contract had expired. The issue at hand was separate and apart from these two issues. What Mr. Aguilar was bringing up was that the company that was last hired, whose contract was for one year, has been enrolling employees which is a requirement under the plan, and the IRS Code says that you have to enroll the employees once a year and if the benefits are not changed, then they keep the same benefits from the previous year. Mr. Crain added that in the enrollment process, these people are having the employees sign up for insurance products that this Court has never approved under the County's Cafeteria Plan and the issue on the agenda today is what to do about the sale of these products. Mr. Crain went back to clarify how the County would be liable for the sale of these insurance products. Commissioner Arcaute asked if a motion would be in order to approve the existing and then to approve the additional services and Mr. Crain explained that he was wanting to separate the issues and the present issue was what products are being offered under this plan; and under the plan document it indicates that this Commissioners' Court is supposed to approve those products. His concern was on the Court approving these products without review. Mr. Crain then read from the plan, Article 6.1, where it stated that "the Commissioners' Court has sole authority to cause the purchase of insurance policies or contracts to provide all or any part of the benefits contemplated by the plan". Commissioner Rosel cited that the correct thing to do at this point was to authorize the Purchasing Agent to prepare an RFP to go out for this specific kind of services, if not the "125" all together and in addition to that all of the other services offered, in order to contract them properly. Commissioner Garces asked Mr. Aguilar about the enrollment process and Mr. Aguilar replied that there was a window in November when this enrollment process had to be accomplished for the coming year. Commissioner Rosel also pointed out that the only company authorized to conduct this kind of business with the County was AFLAC and they had been turned down under the 125 Plan. He again voiced his opinion that it would be best to advertise for this service. Commissioner Arcaute differed with him and added that this County already had a vendor

that provides this service and the employees have been enrolled already and all they had to do was approve it. Commissioner Rosel and Garces pointed out that the intent this morning was not to approve this contract. Commissioner Arcaute asked what action was needed as per the item on the agenda and Mr. Crain stated that the item on the agenda was to authorize additional payroll deduction slots for the voluntary employee paid benefits offered in conjunction with the 125 Plan and the only issue before this Court today was whether or not they were going to approve products that the employees had enrolled in for next year that this Court has not previously approved. Commissioner Garces asked Mr. Crain if this Court could take action as per the agenda and Mr. Crain indicated that they could on the issue regarding whether they were going to approve the addition of certain products to this plan; and he felt that this carried with it the responsibility to determine whether these products are what they would want to offer to their employees and in order to do this they would have to know what the products are. After a brief discussion, Commissioner Arcaute made a motion that Item 4/A be approved. Commissioner Rosel argued that this was the not right thing to do and Commissioner Arcaute called attention to the fact that this item could not be discussed further without a second to the motion and he asked for the point of order. Commissioner Handy seconded his motion, because she still had some questions. Her first question had to do with the option of the employees to either purchase the insurance plans or not and Mr. Crain indicated that this was true, however there were some plans that had not be authorized by this Commissioners Court to be offered to the employees. Commissioner Handy then asked if the products that had been approved previously were still going to be offered and the response was that they were, but the present concern was only on those products that had not be approved previously. A discussion ensued with regards to how this issue could best be taken care of whether it be by action at this time or going out for RFPs. Commissioner Garces asked the County Auditor if he had some concerns with the way it was being done presently and Manuel Cavazos, the County Auditor, stated that his concern was in letting other vendors sell their wares without proper procurement. After further discussion, Commissioner Arcaute noted that he had a motion on the floor and Mr. Crain asked if he would accept an amendment to his motion to add the benefits that they are approving to add to the plan. Commissioner Arcaute asked Mr. Aguilar what the additional benefits were and he replied that they were an of-the-job disability policy, a heart-stroke-cancer, as well as the vision plan from the previous year. Commissioner Garces agreed with Commissioner

Rosel that they should maybe go out and properly procure these services. Commissioner Arcaute asked Mr. Aguilar if they could have the same services offered under the Cafeteria Plan and the response was that they could not. Commissioner Arcaute then asked him what services were presently being offered under the Cafeteria Plan and after Mr. Aguilar's response a discussion ensued with regards to some of the services already being offered. Legal Counsel asked if this could be brought back on a future agenda and Mr. Crain indicated that they would have to bring back some of the issues that are not before them at this time because no one can produce a current contract with the plan administrator. Another thing that this Court had to consider was whether they wanted an administrator that did or did not sell insurance. Commissioner Rosel again brought up the issue of going out for RFPs and Mr. Crain pointed out that the problem with that avenue was that they had to get the employees enrolled by the end of this year in order for them to have insurance or they would revert back to the present coverage. A discussion ensued with regards to past policy and what Commissioner Rosel believes may have occurred when the non-approved plans were presented to the employees. Commissioner Arcaute again asked if this issue could be brought back to Court next week and Mr. Crain asked that this issue could be taken care of today. Commissioner Arcaute then declared that his motion still stood. The County Judge asked that the motion be restated and Commissioner Arcaute stated that the motion was to authorize for additional payroll deduction slots for voluntary employee paid benefits offered in conjunction with the existing Section 125 for 1998. Mr. Crain noted that they had to name the products that they wanted to add. Mr. Aguilar indicated that the products were the off-the-job disability, cancer-heart-stroke policy and the vision program. After further discussion, Commissioner Arcaute called for the question and the motion was put to a vote.

MOTION CARRIED. (Commissioners Arcaute, Handy and the County Judge voted
(See Exhibit N) in favor of the motion; Commissioners Rosel and Garces
voted against.)

4/B

Juan Hinojosa came before the Court requesting the consideration of Pentium Management Group. This firm would give some insight and assist the Risk Management Department with regards to

lawsuits and possibly lower the litigation costs for the County. After some discussion, a motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the proposal from Pentium Management Group. The contract will be presented to Commissioners' Court for consideration at a later date.

MOTION CARRIED.
(See Exhibit N)

4/C

A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve an interlocal cooperation agreement with the Regional 911 System.

MOTION CARRIED.
(See Exhibit N)

4/D

A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve early dismissal for all County employees on December 24th, 1997.

MOTION CARRIED.
(See Exhibit N)

EXECUTIVE AGENDA

ITEM 1. CLOSED SESSION

Commissioners' Court may go into Closed Session pursuant to Chapter 551, Texas Government Code, Section 551.071 and 551.072 to discuss

the following matter:

A. Litigation

1. Potential litigation (Insurance Claim with TAC)

B. Property

1. Potential Real Property acquisition for Pct. 1

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

NO ACTION.

ITEM 2. OPEN SESSION

A. Litigation

1. Potential litigation (Insurance Claim with TAC)

B. Property

1. Potential Real Property acquisition for Pct. 1

The County Judge indicated that no action would be required on any of these items at this time.

NO ACTION.

(See Exhibit O)

REGULAR AGENDA

ADD. 4. PLANNING DEPARTMENT

A. Subdivision

1. El Nogal Mobile Home Subdivision - Pct. 1

A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the subdivision plat of El Nogal Mobile Home Subdivision in Precinct One subject to the approval by the Drainage District and the submittal to Melden & Hunt for their review.

MOTION CARRIED.

(See Exhibit P)

ITEM 5. COMMISSIONER PCT. 1

- A. Appropriation in Road & Bridge for equipment on bid awarded 10/21/97 \$339,877.00 and increase in other financial sources \$339,877.00

A motion was made by Commissioner Handy and seconded by Commissioner Rosel to authorize the appropriation of \$339,877.00 for a bid awarded for equipment for Precinct One.

MOTION CARRIED.
(See Exhibit Q)

ITEM 6. COMMISSIONER PCT. #4

- A. Rabies Eradication Program - January 5, 1998 - South Texas (Air)
Bait - Drop

Commissioner Garces informed the Court that this was a program that they were trying out for the first time. He then introduced Mr. Rick Scramek who explained how the bait drop on January 5, 1998 would be accomplished. After some discussion, no action was taken on this item at this time.

NO ACTION.
(See Exhibit R)

ITEM 7. URBAN COUNTY PROGRAM:

- A. Alton - Youth Services - Subrecipient Agreement - UCP Year 9, 1997 - City of Alton Boys & Girls Youth Club
- B. City of La Joya - Hearing on low bid awards to Solis & Chapa Construction Company and possible action bid to lowest, most responsible bids
- C. City of La Joya - Approval of two construction contract with Solis & Chapa Construction - Lift Station Rehabilitation Project (FY 1994, 1995 & 1996) and water Treatment Plan Off-Site Utilities Project (FY 1994, 1995 & 1996)
- D. Consideration and action on Change Order #1 for the City of San Juan and Fitzgerald Contracting PFI - Water/Sewer Improvements - 1997 - (YR 10)
- E. Approval of Payment of the Hidalgo County Water Development Board Invoice in the amount of \$40,000.00
- F. Approval of Interlocal Agreement with the Pharr Economic Corporation, Inc., for the purpose of the undertaking of certain

- promotional activities and the procurement of certain professional services in order to insure that U.S. Highway 281 becomes a component of the I-69 Nafta Highway
- G. Request by the City of Edinburg, on waiver of 60 day notice for public hearing held on November 25, 1997, and appointment of a representative to meet with the City to discuss the Re-investment Zone Financing Plan and the Project Plan
 - H. City of La Joya - HOME - Housing Rehabilitation Program - Construction Contract Award
 - I. City of Granjeno - HOME/Housing Rehabilitation Change Orders (2 families)
 - J. Public Hearing and Approval of a 1993 HOME Budget Amendment
 - K. Public Hearing and Approval of a 1994 HOME Budget Amendment
 - L. Public Hearing and Approval of a 1997 HOME Budget Amendment

7/A

Anthony Covacevich, Urban County Director, reported that the City of Alton was requesting approval of a subrecipient agreement with the City of Alton Boys & Girls Youth Club in the amount of \$10,000.00. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request, as presented.

MOTION CARRIED.
(See Exhibit S)

7/B

Mr. Covacevich continued with the following item which called for a hearing on a low bid award for Solis & Chapa Construction. He stated that State law requires that if they do not award a bid to a low bidder due to questions to responsiveness then they would need to provide that bidder with a hearing and after the hearing either award the bid to the low bidder or go to the next low bidder. Commissioner Rosel indicated that they would have to go through with the hearing and Mr. Covacevich read the request as posted. He stated that at last week's meeting there were some questions that were raised concerning the responsiveness of Solis & Chapa on previous work that they had done for the County and he therefore opened the public hearing to allow the representatives from this

firm to answer any questions there may be and also answer any issues there may be concerning their ability to perform under the contracts that are so listed on the agenda. Commissioner Rosel indicated that the key issue here was the firm's ability to perform and Commissioner Garces added that the issue was raised by the Hidalgo County Drainage District #1. Javier Solis from Solis & Chapa Construction came forward and presented some letters of recommendation from engineers as well as noted his years of service in this field. Commissioner Garces pointed out that the project in question was about two hundred yards north of the Precinct Four Warehouse and they were anticipating the closure of that project months ago and they have noticed that the Solis & Chapa crew kept going back and they asked the administrators of that building what the status was. Mr. Solis explained that he had gone through three price lists, he says that he does the work and Vona Walker will not approve it and this has been the problem. He indicated that he has come back every time to modify the work and even now he is still trying to put up three doors and he has never had any problems with anybody else. He did say that as far as he was concerned that project was completed, but that Ms. Walker would not approve it. Commissioner Rosel asked him if he had done any other work with the County or with Drainage District and the reply was that he had not. Commissioner Garces interjected and stated that some of the fire marshals had contacted him about the installation of a fire hydrant and Mr. Solis indicated that the hydrant had been installed but the work had not been completed and he himself had to come in and finish the job. Commissioner Garces asked him who had done the installation and Mr. Solis responded that he had subcontracted this job to other individuals. Mr. Covacevich commented that one of the things that they do in the Urban County Program is that they rely a lot on the engineers and architects that are hired, because they are being paid to be the liaison between the cities, the counties and the contractor. If there is a problem with the contractor then that engineer or architect needs to be involved and make the contractor perform and in this particular project the engineer was R.E. Garcia for the City of La Joya and they have always worked well with him and they will also be leaning on Mr. Garcia to make sure that the contractor performs. Commissioner Rosel wanted to know what the next step was and Mr. Covacevich indicated that they would continue with Item C. Commissioner Rosel asked that if they did not want to go to the low bidder then what and Mr. Covacevich replied that the Commission would make a determination on who was the lowest most responsive bid, after a finding was made that the low bidder was not a responsive low bidder and the next

low bidder would be Citrus Valley Inc., with a bid of \$68,888.88 on the off-site utility project and then on the lift station it would be Rio Grande Valley Environmental with a bid of \$23,900.00. Commissioner Rosel mentioned that he had some concerns and asked that the legal counsel come forward. He indicated that he had a concern about awarding it to the low bidder, because the low bidder may be involved in some litigation that may have to be pursued and he felt that they still had this project pending and he had talked to Vona Walker and she had indicated that part of the project had been done but it was not complete. The Commissioner then asked Steve Crain if this Court had the authority, because of this hearing, to not accept the low bid and go to the second lowest bidder. The response was that if the Court made a finding with regards to the responsibility of the low bid and they could substantiate these concerns then they could. The Commissioner then asked him if he felt that what had been discussed so far would substantiate going to the next low bidder and Mr. Crain indicated that he had only heard a concern regarding the responsiveness and if there were any other concerns that they could voice them. Commissioner Rosel also added that as per the department heads another concern was inadequate installation; the water seepage, the fire hydrant and there may be other concerns that he is not aware of. He had a concern with awarding this project to the low bidder at this time simply because the low bidder was not in his opinion responsive to what has already been done out there. He was therefore going to recommend that this Commissioners' Court not go with the low bidder, but instead award to the next low bidder. Mr. Crain asked the Commissioner if he knew when this project was supposed to be completed and the Commissioner responded that everyone had signed off on it some time ago (at least two months ago). Commissioner Arcaute asked if this vendor had submitted bids on other projects and Mr. Crain responded that this situation was not binding to other projects. Commissioner Garces stated that his position was that it was in Commissioner Rosel's area and only he knew what was out there. Commissioner Rosel said that they had had a similar problem in Hidalgo and he felt that this would put them in a position where they would have to be more cautious in the business that was conducted and that is why he would not recommend the awarding to the low bidder and that that particular company also not be involved in any civil litigation with the County. Mr. Covacevich again reiterated who the next low bidders were. Commissioner Arcaute voiced his concerns on this issue and Commissioner Rosel asked Mr. Covacevich about the next low bidders. A motion was then made by Commissioner Rosel that they do not award to

the low bid, but instead award to the second lowest most responsible bids that were received for the project in La Joya after the finding of this hearing. The second low bidders are Citrus Valley Incorporated for the water treatment off-site utility project in the amount of \$68,888.88 and on the lift station rehabilitation project to Rio Grande Valley Environmental for \$23,900.00. Commissioner Arcaute asked if there was a statement from the Drainage District indicating that Solis & Chapa had not complied with what they were going to do and Commissioner Garces stated that it was discussed in Executive Session about a week or two ago. Commissioner Arcaute stated that it had been discussed then but he wanted to know what had happened since and Commissioner Rosel indicated that he had talked to Ms. Walker and Commissioner Arcaute pointed out that that was not good enough for him and that he needed a statement from the Drainage District Manager saying whether or not this job has been completed. A discussion ensued with regards to the public hearing and the motion at hand and Mr. Covacevich informed them that this was not a public hearing but a hearing that was being afforded to the contractor. Oscar Cuellar, the City Manager for the City of La Joya, came forward and stated that the City was not promoting a particular contractor and he indicated that this firm had done prior work for the City and he has found that they have been responsive in their dealing with them. Commissioner Rosel reported that he had two recommendations, one being the motion that he had made and the other to table this until they have taken care of the problems, which he did not know if the City of La Joya was prepared to wait for. He still felt that there was a concern with regards to work that this firm has done with the Drainage District. He added that being that the City had not reviewed the agreements he was willing to withdraw his motion and make a motion to table until the City Manager has an opportunity to go and review the contracts for the next lowest bidders and at that time he can come back to this Commissioners' Court and accept the second lowest bidders. Raul E. Garcia, the engineer for the project, came forward and made some comments. Commissioner Garces asked the City Manager if one more week would hold them back and Mr. Cuellar replied that it would and he went on to explain why. Commissioner Arcaute made a motion to award to the lowest bid of Solis & Chapa Construction. After a brief discussion Commissioner Garces seconded the motion made by Commissioner Rosel as stated previously. After further comments, the motion was put to a vote; Commissioners Rosel and Garces and the County Judge voted in favor of the motion and Commissioners Arcaute and Handy voted against the motion.

MOTION CARRIED.

(See Exhibit S)

7/C

Mr. Covacevich indicated that no action would be required on this item at this time.

NO ACTION.

(See Exhibit S)

7/D

A motion was made by Commissioner Arcaute and seconded by Commissioner Rosel to approve a change order number one on a water/sewer contract between the City of San Juan and Fitzgerald Contracting for an extension of seven days due to weather.

MOTION CARRIED.

(See Exhibit S)

7/E

Mr. Covacevich indicated that no action would be required on this item at this time. He requested that this item be placed on a workshop session.

NO ACTION.

(See Exhibit S)

7/F

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve an interlocal agreement between the County of Hidalgo and the Pharr Economic Corporation, Inc., for the purpose of the undertaking of certain promotional activities and the procurement of certain professional services in order to insure that U.S. Highway 281 becomes a component of the I-69 Nafta Highway.

MOTION CARRIED.

(See Exhibit S)

7/G

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve a request by the City of Edinburg to waive the sixty (60) day notice for public hearing held on November 25, 1997, and the appointment of Commissioner Garces as a representative to meet with the City to discuss the Re-investment Zone Financing Plan and the Project Plan.

MOTION CARRIED.
(See Exhibit S)

7/H

A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to award a contract to J.D. Villarreal Construction for the City of La Joya's Home Housing Rehabilitation Program for four dwelling units.

MOTION CARRIED.
(See Exhibit S)

7/I

A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve change orders in the amounts of \$800.00 and \$300.00 for the HOME/Housing Rehabilitation Program for the City of Granjeno.

MOTION CARRIED.
(See Exhibit S)

7/J

The County Judge called a public hearing on a budget amendment to the 1993, 1994 and 1997 HOME Budgets. Mr. Covacevich then proceeded to explain the amendments for each budget. There being no questions and/or comments the public hearing was closed.

NO ACTION.
(See Exhibit S)

A motion was made by Commissioner Arcaute and seconded by Commissioner Rosel to approve the budget amendment for the 1993 HOME budget.

MOTION CARRIED.
(See Exhibit S)

7/K

A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the budget amendment for the 1994 HOME budget.

MOTION CARRIED.
(See Exhibit S)

7/L

A motion was made by Commissioner Arcaute and seconded by Commissioner Rosel to approve the budget amendment for the 1997 HOME budget.

MOTION CARRIED.
(See Exhibit S)

ITEM 8. HEALTH DEPARTMENT

- A. Approval of TB Prevention and Control Grant (TDH Doc. 746000717698-05)
- B. Authorization to appropriate TB Prevention and Control Grant in the amount of \$122,320.00
- C. Approval to set salaries

8/A

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the TB Prevention and Control Grant in the amount of \$122,320.00.

MOTION CARRIED.
(See Exhibit T)

8/B

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the appropriation of the TB Prevention and Control Grant in the amount of \$122,320.00.

MOTION CARRIED.
(See Exhibit T)

8/C

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to set the salaries under the TB Prevention and Control Grant.

MOTION CARRIED.
(See Exhibit T)

ITEM 9. PURCHASING DEPARTMENT

A. Hidalgo County

1. Recommending award of bid for "Vending Machines" - RGV Vending
2. Requesting approval of service contract for "Vending Machines"
3. Recommendation as to bid award for Pipes - Hidalgo County & Hidalgo County Drainage District #1 for Hidalgo County multi vendors

B. 13th Court of Appeals

1. Requesting an "L" shape divider (asset #029413) and an executive wooden desk (asset #018061) be declared surplus

C. 275th District Court

1. Requesting numerous pieces of office equipment be declared surplus

D. 332nd District Court

1. Requesting three (3) pieces of office equipment be declared surplus

E. Hidalgo County Computer Department

1. Requesting numerous pieces of computer equipment, software and miscellaneous items be declared surplus

F. County Judge's Office

1. Requesting a wooden desk (asset #22786) be declared surplus

H. Sheriff's Department

1. Requesting a 1996 Crown Victoria be declared surplus
2. Recommending award of bid for Two Washers & Three Dryers - Texas Laundry Service Company
3. Recommending award of bid on Vehicle Radio and Equipment to multiple vendors

I. Treasurer's Office

1. Requesting numerous pieces of office equipment be declared surplus

9/A/1

Martha Salazar, County Purchasing Director, addressed the Court and stated that there were three (3) bidders: Valley Coca Cola Bottling Company; A.J.P. Enterprises, out of McAllen; and RGV Vending, formally known as SAMCO from Pharr. She is recommending RGV Vending as the vending machine company for use by the County. She stated that they are the low bidders as far as overall mark up for the products but they are also allowing the departments to choose the variety of items that they wish to place in the machines. Commissioner Rosel wanted to know what exactly was the basis of her recommendation and she stated that it was the pricing of the product. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the recommendation of RGV Vending.

MOTION CARRIED.
(See Exhibit U)

9/A/2

A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve a service contract for "vending machines" with RGV Vending.

MOTION CARRIED.
(See Exhibit U)

9/A/3

Mrs. Salazar indicated that she had received six bids for "Pipes - Hidalgo County and Hidalgo County Drainage District #1). She was at this time recommending that the bid be awarded to Varmicon Industries for reinforced concrete pipe and for heavy wall concrete pipe; Industrial

International Inc. for polyethylene pipe (20 ft.) and Contech Construction Products, Inc. for the corrugated PVC storm sewer pipes. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit U)

9/B,C,D,E, H/1 & I/1

A motion was made by Commissioner Rosel and seconded by Commissioner Handy to authorize the declaration of items be declared surplus.

MOTION CARRIED.
(See Exhibit U)

9/F

Mrs. Salazar indicated that no action would be required on this item at this time.

NO ACTION.
(See Exhibit U)

9/H/2

Mrs. Salazar reported that she had received five bids for two washers and three dryers for the Sheriff's Department. She was recommending that the bid be awarded to Texas Laundry Service Company at a bid of \$8,630.00 for two washers and \$5,670.00 for three dryers. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit U)

9/H/3

She also announced that she had received bids for vehicle radio and equipment for the Sheriff's Department. She was requesting that the bid be awarded to the following low bidders: Valley Communications Corporation for ten 100 watt sirens at \$1,720.00; South Texas Communications for four 45 watt VHF radios at \$1,560.00; Video Sound

and Lights for twenty-five 5-watt sixteen channel VHF at \$14,664.00; Video Sound and Lights for ten 100-watt VHF radios \$8,380.00; South Texas Communications for ten emergency overhead lights at \$10,120.00; South Texas Communications for ten 100-watt exterior siren speakers at \$1,250.00; Valley-Comm Corporation for four 100-watt siren speakers at \$464.00; Valley-Comm Corporation for ten protective prisoner cages \$2,860.00; South Texas Communications for ten vehicle push bumpers at \$1,000.00; South Texas Communications for ten vehicle console mounting brackets at \$1,000.00; and South Texas Communications for ten overhead electronic shotgun racks at \$1,300.00. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to award the bid to multiple vendors, as presented, for the purchase of vehicle radio and equipment for the Sheriff's Department.

MOTION CARRIED.
(See Exhibit U)

ADD. 1. PURCHASING DEPARTMENT

A. Commissioner Pct. 3

1. Requesting exemption from competitive bidding requirements under Texas Local Government Code 262.024(a) (2)
2. Requesting approval of a ninety (90) day interim contract for Emergency Ambulance Services with Med/Care Emergency Ambulance Services at the same rate as present terminated contract of \$6,666.66 per month while authorized RFP process competed

Add.1/A/1

Mrs. Salazar announced that she first needed for Commissioners' Court to make a finding and an order of public necessity to preserve and protect the public safety of the residents of Precinct Three. After some discussion regarding the funding for this service, a motion was made by Commissioner Rosel and seconded by Commissioner Garces to make a finding that this County is in an emergency situation and it needs to act in the best interest of the residents of the rural areas of Precinct Three.

MOTION CARRIED.

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize an exemption from the competitive bidding requirements under the Texas Local Government Code Section 262.024(a)(2) for Med/Care Emergency Ambulance Services for ambulance services for Precinct Three.

MOTION CARRIED.
(See Exhibit V)

Add.1/A/2

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve a thirty (30) day contract with Med/Care Emergency Ambulance Services to provide emergency ambulance service for Precinct Three rural area citizens and also City of La Joya, Granjeno, Peñitas, Palmview and Alton, at a rate not to exceed \$6,666.66 per month while the RFP process is being completed.

MOTION CARRIED.
(See Exhibit V)

ADD. 3. COMMISSIONER PCT. 3

A. Discussion and possible action on Christmas Decorations

Commissioner Rosel indicated that about three weeks ago he had been approached by an individual who had requested permission to place a nativity scene on the Courthouse grounds. He continued by saying that legal counsel had done some research on this matter and Mr. Steve Crain proceeded to explain the law as it pertained to this item. After some discussion, it was recommended that this area around the Courthouse be kept closed at this time and that further research be done on this item. It was then suggested that no formal action be taken on this item at this time.

NO ACTION.
(See Exhibit W)

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

MOTION CARRIED.

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

Court, the meetings of Commissioners' Court and Drainage District

#1 be 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 28th 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 the _____ day of
_____, 1999.**

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