

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

The County Judge introduced the Consent Agenda after which a motion was made by Commissioner Garces and seconded by Commissioners Handy and Arcaute to approve it as presented.

MOTION CARRIED.
(See Exhibit A)

REGULAR AGENDA

ITEM 1. APPROVE ESTIMATE #1 - Home Depot Project - Sascon, Inc.

Godfrey Garza, the Drainage District Manager, informed the Court that the estimate was for \$32,728.50 and it was the first estimate. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit B)

ITEM 2. AUTHORIZE PAYMENT OF ESTIMATE #1 - \$32,728.50

Mr. Garza explained that this item was for the authorization for payment of estimate #1 in the amount of \$32,728.50. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit B)

ITEM 3. BUDGET AMENDMENT - 1998 BUDGET

Mr. Garza indicated that this item was for a budget amendment in the 1998 budget to cover slot #48 which had been approved the previous year. The total amount of the budget amendment is \$13,024.00. A motion was made by Commissioner Garces and seconded by Commissioners Rosel and Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit C)

There being no further business to come before the Drainage District #1 Board, a motion was made by Commissioner Arcaute and seconded by Commissioners Handy and Garces 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:

CONSENT AGENDA

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

ITEM 2. LINE ITEM TRANSFERS:

- A. Master Court #2 - \$386.00
- B. Treasury Department - \$329.17
- C. County Court at Law #1 - \$2,173.37
- D. Sheriff's Department - \$3,200.00
- E. Sheriff's Department - Jail - \$136,000.00
- F. County Clerk - Records Management - \$3,047.26

- G. County Clerk - \$1,000.00
- H. Health Department - Administration - \$771.00 & \$1,192.00
- I. Health Department - Mobile Clinic - \$212.00 & \$2,038.00
- J. Health Department - Health Clinic - \$1,560.00
- K. Health Department - Sanitation - \$122.00
- L. Human Services - \$265.00

(See Exhibit D)

ITEM 3. URBAN COUNTY PROGRAM

- A. Extension of "Letter of Commitment" to Mortgage Company on HOME "First-Time Homebuyer Contract Agreement" - 1 family

(See Exhibit E)

ITEM 4. PLANNING DEPARTMENT

- A. Subdivisions:
 - 1. Re-Subdivision of Lots 3, 4, 5, 6 and 7, Block 2 - El Texano Subdivision - Pct. 1
 - 2. Banda Subdivision - Pct. 2
 - 3. Treats N Eats Subdivision - Pct. 3
 - 4. Brittni Plaza Subdivision - Pct. 3
 - 5. The Village of Westlakes Unit 5 - Pct. 4
- B. Release of the Letter of Credit
 - 1. Hidden Valley Ranch R.V. & Mobile Home Park Phase I - Pct. 3

(See Exhibit F)

ITEM 5. RIGHT OF WAY:

- A. Permits:
 - 1. Pct. #3 - Sharyland Water Supply Corporation
 - Southwestern Bell Telephone
 - 2. Pct. #2 - North Alamo Water Supply - 12" sewer lines in San Carlos and Hargill
 - North Alamo Water Supply - 2" water line to cross Kenyan Road 2000 feet north of Mile 19 and a road crossing in Bar #3 Subdivision
 - 3. Pct. #1 - North Alamo Water Supply

(See Exhibit G)

The County Judge introduced the Consent Agenda and Commissioner Rosel brought up the issue of the subdivisions and some of these in some way affect both the Planning Department and the Drainage District. His question to the Drainage District was if the cities provided some type of preliminary drainage plan to the Drainage District, before final approval. He felt that this was

important because on some of these subdivisions that are approved by the cities and we find that months later they have an impact in the County Drainage System. Commissioner Arcaute tried to respond to his concerns and Commissioner Garces finally asked the Drainage District Manager for his thoughts on the issue. Mr. Garza indicated that both Commissioners Rosel and Arcaute were correct, but there were certain entities and consultants that were not following this protocol of informing the Drainage District #1 of these subdivisions. He did not think that they had a policy in place to enforce the cities to submit the preliminary plats to them; they have sent letters to these entities and there are still some that are not following this protocol. The discussion continued with Commissioner Rosel having a problem with the lack of protocol and he indicated that he would like to have something drawn up on that. Mr. Garza stated that the problem was not in the central part of the County, but more so in the rural areas. Commissioner Arcaute then brought up the issue of the cities that approve subdivisions that do not require County approval and that have an out fall system he felt this gave the cities the need to contact the County. Commissioner Garces then recommended that they should go back to the cities and advise them that the amount of subdivisions has gone up twenty-, thirty-fold and they need to all get together and decide how they are going to handle this issue. After further discussion, 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. PLANNING DEPARTMENT:

A. Ravenswood Subdivision - Pct. 4

Emilio Garcia, the County Chief Planner, came before the Court requesting approval of Ravenswood Subdivision. This subdivision is in Precinct Four located on the northwest corner of Chapin Road and 23rd Street. It has been approved by the City of McAllen and it is a forty-three lot subdivision to be used for single family residence and Sharyland Water Supply Corporation will service this subdivision. The City of McAllen has done all the inspections on the improvements and they have met the requirements of the City of McAllen and the County. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the subdivision as presented.

MOTION CARRIED.
(See Exhibit H)

is Virgilio Garcia, he is the Commander of the Veteran's of Vietnam. We, we're across the board here and I might add that, ah, Commissioner Handy, they heard you at Delta and I've had two or three calls on your speech over there, thank you.

COMM. HANDY

You're welcome.

FRANK PLUMMER

Ah, is anybody else, I don't want to go all of you, I see Pepe, I see all of you and I'm sure you recognize most of them, but ah, thank you very much and we appreciate it. I see Ray Chapa and Dr. Chapa back there.

JUDGE CUELLAR

Because of the people present, Colonel, we, the Commissioners' Court approved passing some of our agenda towards the end so that we could give you time at this.

FRANK PLUMMER

Oh, thank you, thank you, that's, we certainly appreciate it and of course, Colonel Bob Tdla here is, born and raised here in Mission and a member of the Catholic War Veterans of which we have support all across Hidalgo County. We just quickly bring you up to date on this in case there is a question. We have the 3 ½ acres over here in McAllen, at 29th Street and the Expressway in that area. We came to the County when we started this back in 1989 and they were the second people we talked to and we talked to Judge Ruiz and the group and said we want to build this because we want to build an educational and historical memorial not one with just names, but something that our children can pick up the rich heritage that comes out of this Valley. So we started of, we came up with the design, we worked on it, we have a central building, it's about 120 feet across and it has, ah, coming right down the middle of it, will be a granite obelisk, will come out like this, slope down the middle and go up and you'd be able to stand and see all the way up eighty-three feet to the top of that obelisk. It's unusual, but it's, it'll be very attractive. On the walls such as you have right here, completely round will be pictures of murals of all of the wars and conflicts we've been in since the beginning of time, from the revolutionary days. We've done this so that teachers and children and you who will have your

children's' children walk up here one day; they'll walk up and say "My gosh look at that, that's the Civil War, four hundred thousand people killed", "lookey here, this why they were fighting and in the end we brought a nation together". We'll be using cassettes where, that the students and visitors will be able to put up their ears and pick out the ones they want to; we'll have about a three to five minute talk on each one of those areas. We're developing it for historical purposes. So, that's going to be one of the highlights; we'll also have a small chapel, but probably more important, ah, of everything is going to be your history. We will ask each one of you to give us one to three pages about your life. Now remember anyone may participate, it was designed for participation by all Americans to pay homage to that 1.3 billion Americans that have given their lives in all of our wars and conflicts. Now that's eye-ball to eyeball fighting, not the ones, thousands and hundreds that were not killed, or the people who lost limbs and got wounded and came back from war. This is those that were actually killed 1.3 million, since we started the revolutionary day war. That will be our main building, now we said "how are we going to tell the children about these wars, so we came up with five war sights, World War I, II, Korea, Vietnam and all wars. Now remember we're in the most dynamic era this nation has ever been in. We still have people who were in World War I that are part of our Committee and couldn't make it today. So, we're going to say we got eight walls, they're granite walls, and they're going to be hooked together in an octagonal configuration and on the walls we're going to tell the story of those wars so that a child with an eighth grade education will be able to go over here and get a grasp of that war. We're going to use a lot of pictures and we're going to use short sentences and we'll start of "on December 7th, 1941, the Japanese Imperial Fleet attacked" and we'll have a picture of that attack, with words out to the children. We won't be in controversy because we're going to state it just like it is and when we come to the end of it "the Atomic Bomb dropped" we're just going to say it was dropped, this is the number that was killed. I might add, I was happy it was dropped because I was in the Philippines aboard a ship and ready to be with the 300 2nd Lieutenant Infantry ready

to be sent in as a replacements for the invasion of Japan. The casualties, we had several boat loads missing, how many casualties were they expecting. We also, when they build that, we're going to place around the entire configuration there, one hundred flags. These are called organizational guardian sites, they're about ten by fifteen probably from here to the Judge, ah and about ten feet wide. They're going to have bricks in there, they'll have a flag pole and they'll have little granite pedestals about three feet high with a forty-five degree front on it, so that organizations such as VFW, ah, Harley, Harley Automobile, ah Harley Motorcycle Club, has one of these. Any organization, who, who believes in what we're doing has the ability to come in and get one of these. We're selling the bricks and the flag and everything for about \$5,000.00, it's very cheap at this stage. We only have a hundred, we have thirty-nine committed to various organizations now. Total cost is going to be about \$2.37 million. We have the land, as you know, worth about \$350,000.00 now estimated cost. We are going to build in phases, so we didn't bite of too much, we are going to build a World War II phase, because most of us of World War II are heading down the road and we need to get that particular part out. We missed the World War I, we had about nine people in World War I that were going to be working with us and we only have one left; but we will pick that up down the road. We, gonna cost us about a hundred, \$230,000.00 to get the Phase I in, we're working hand-in-glove with the City of McAllen, we have a contract with them on various things to do. We are expecting absolutely thousands of visitors per day coming in to this memorial there. We've been told by the 38th Superintendents that Region One who have endorsed this that we, that they in fact will bring in, most of them said they would bring their classes over here and use this as an outside schoolroom. I might add that the school of Brownsville with their, with their giant school system has endorsed this memorial and is supporting us. So, we have wide community support right now and one of the highlights of this entire project is going to be the Hispanic Medal of Honor Plaza. It's called the Hidalgo County Medal of Honor Plaza. In this we're going to place in there the thirty-eight Medal of Honor

recipients, the Hispanic Medal of Honor recipients. This is the largest number of any ethnic group that's in the United States. I might add for some of you who may not know this, it's the highest award that you can give for combat, in action. It's above and beyond the call of duty and I'm sure you know, of course, Freddy Gonzalez, we have others, Benavides, Lopez, Danny Lopez, which was supporting us, died not long ago. So we in Hidalgo County we have three, possibly four that have lived in here, and that's quite a percentage. It will become a highlight, it will be something at Mrs. Archer, at Sharyland School, when we briefed the Sharyland School, she was the Principal of Middle School. She said "you know what, I'm going to support you because I want that Medal of Honor Plaza". She said we need roll models down here and she said I want it for my children and I want you to know that within one year she raised five thousand dollars and got one of the organizational guardians for her school, first of all. We have a lot of classes coming in now and giving us one brick per classroom, we have several schools that are going to get these organizational guardians. We're, we're in a very upbeat mood, we've been working since 1989 and with the helps of these people back here and I might want to point out one of our experts is Homer Gallegos, who is the past district Commander over there, has been working on the Medal of Honor for quite a while. He's, he's quite a man with this. We have a lot of people who've been working on this, so our purpose today, ah, ladies and gentlemen is to ask you for an appropriation of a grant of \$83,000.00, there's a copy in your, in your file there, to, for us to put together this Hispanic Medal of Honor Plaza and I think that just about sums it up. Bob?

JUDGE CUELLAR

We appreciate you, this is not the first time that, that you come before us. We have some, some legal questions that need to be answered and our Counsel is here to kind of point them out towards you. One of them, ah, David, why don't you just lay out the problems that we have with this type of situation...

DAVID GIRAULT

Okay.

JUDGE CUELLAR

...and in what circumstances can we furnish help.

DAVID GIRAULT

Okay. Ah, Judge and Commissioners, in speaking to a couple of you before the meeting and you are asking specifically about the County's authority and so just let me quickly read you the provision out of the Local Government Code, it's Section 318.011. "The Commissioners' Court may make arrangements with governmental entities or private organizations and may appropriate funds from the general fund of the County for purpose of: 1) erecting historical markers, monuments and medallions and then it goes on through some other, ahm, historical, ah, collections and that's type, sort of item. We believe that this sort of grant fits within that authorization under the Local Government Code, ah, the concerns that we have raised with you previously in some correspondence to your Veterans Department, ah, address the issue of, ah, basically, the, the accountability for the funds and so our recommendation is that if the Commissioners wish to make a grant on this sort of project, that it be made under a grant contract agreement and that it be on a cost reimbursement type basis, ah, in order, in other word that, ah, once the construction begins and you get to the point where your contractor comes to you with their first draw request, ah, that you would then present that with the certification from your officers that the construction has actually been completed and then, ah, based on that, ah, authentication process an advance could be made under the, under the grant amount; ah, because we feel that the County's only authority is for the actual construction of the memorial or monument, ah, we couldn't allow County funds to go to defray overhead costs of the organization or that sort of thing. So, that being said, I don't think that's a particular complicated thing to do, it's, it's actually basically the same type of grant contracts that we use on a regular basis in programs like Urban County and OET. So, we have that sort of precedent already established with, with some of our Federally funded programs that we do, a cost reimbursement, where you present invoices and we authenticate them and that sort of thing, but that would be our concern just to provide the County with the necessary accountability of, that the funds are being used only for authorized

purposes, ah, to prevent the need of having to go back and, and review after the fact how the funds were spent and perhaps try to recoup funds that weren't spent appropriately.

JUDGE CUELLAR

I believe also you said that it's only monies that are going to be spent in that budget year.

DAVID GIRAULT

Exactly that goes to just our, our general concern that we talked about with long term contracts, we would either, ah, need to be able to fund it out of current funds or if we're going to obligate future funds, then we would have to, to jump through some hurdles in terms of the way we were going to structure the actual authorization of that and I don't know what the current situation is in terms of the Veterans budget or any other availability of funds, so I don't know that we can actually act on approving the grant today without a look, ah with Mr. Cavazos, on where the money is going to come from. If we're going to obligate it out of the current year budget then it's not a problem, if we're going to, to lay it out over a couple of three years then we would have to jump through some additional hurdles in terms of obligating future budget funds for that, ah, which is not different than what we do with, ah, for example when some of the Commissioners' Precincts purchase equipment and pay it out over a couple of three years, we just have to, ah, pass the specific resolution obligating future funds for that purpose so we would need to have that item on the agenda. Any other questions, Commissioners? Let me, ah...

COMMISSIONER ARCAUTE

I was just ----- from the other...

FRANK PLUMMER

We are, we are in receipt of David's letter and explaining all this and it's very thorough and he's, all the accounting procedures there, we see no problem. We are, didn't ask for the funds last year, because we didn't want to go through these extra hurdles, but out of the general funds, this year, we intend to have it completed by the end of December. We start, ah, in October with the preliminary we'll have the, and you'll be invited to the shoveling of the dirt when we start on November 11 at our annual, ah, ceremony out there

and we can accept everything that he's said and I think it's good business.

COMM. ARCAUTE

In October of last year we got a copy of a letter from our Veterans Service Officer that, I guess you could say it's a, a word of caution and legal counsel, I hear what you said on the statute, but is the statute clear enough to say that the County should own the land where these monies are going to.

FRANK PLUMMER

Let me answer that, ah...

COMM. ARCAUTE

A legal, ah, concern.

FRANK PLUMMER

In my reading and let the expert answer, in my reading I didn't see that, It's said as a contract, we couldn't pass title to it, and I don't think you really want to take the title where you would maintain it, for all the years in the future.

COMM. ARCAUTE

Yea, no, I understand that, we're just talking about the legals that...

DAVID GIRAULT

Commissioner, I think that the, the statute provides that the County may contract with a private organization for the erection of the monument, ah, we would need to build into the grant agreement, of course, obligations for them to continue maintaining the monument and make it open to the public. I think that's sufficient in order to, to cover that since the statute specifically addresses contracts with private organizations. Usually we don't have that kind of language in our statutes that we're dealing with, but this statute does specifically say the County may contract with a private organization for the erection of a, of a monument or historical marker.

COMM. ARCAUTE

Well, I was not referring...

DAVID GIRAULT

Yes.

COMM. ARCAUTE

..to the statute that is looking at historical markers. I'm looking at the statute...

DAVID GIRAULT

Well, the, th..., well, but, but this is a specific, a specific authorization would override the general

requirement, in general terms of statutory construction. If a, if a general contract, a general County statute says, you know, the county would have to, can only grant funds for a public purpose, a specific statute that says, basically the specific statute finds that a, a historical marker or a monument, ah, that's open to the public would be a public purpose and so would be a legitimate expenditure under, under the specific provision, where it may not be under a different project.

COMM. ARCAUTE

But that's not, for the erection or preservation?

DAVID GIRAULT

Correct.

COMM. ARCAUTE

Either or, or both.

DAVID GIRAULT

Either or, or both.

COMM. GARCES

It's inclusive.

COMM. ARCAUTE

May I ask for the record that this be a verbatim deal in the minutes. This...

COMM. GARCES

I'm glad you asked that, Commissioner.

COMM. ARCAUTE

...in case there's some problems here in the future.

COMM. GARCES

I asked, ah...

COMM. ARCAUTE

I don't have any problem with that.

COMM. GARCES

Judge, I asked our Veterans Officer back in October 16th to, ahm, to research it for us and I think that's where it landed in the hands of Atlas & Hall to research it further, we..

DAVID GIRAULT

That was the, that was what I think pre--- our letter to the -----

COMM. GARCES

This is an outstanding project, but we just opted that we needed to get legal on it and make sure that we do things the right way and, and not fall on our face and I think that, ah, after today's discussion with you David, ah, I'm reassured that it can be done and, ah, if it appeases the Veterans Officer to, ah, to work in a

cost reimbursement, if he can afford that, ah, I'd like to make a motion that we approve the \$83,000.00 grant to construct or erect the Hidalgo County Hispanic Medal of Honor Plaza as part of the Veterans War Memorial in the State of Texas.

COMM. HANDY

I second.

COMM. ARCAUTE

Can we just make it Medal of Honor, without having any, ah...

COMM. GARCES

Yea that would be fine. Este, let me just, let me correct it Aaron, verbatim. Hidalgo County Medal of Honor Plaza.

COMM. ARCAUTE

Second.

JUDGE CUELLAR

Motion made and motion second to approve the grant, is there a question on the motion? Is there a question on the motion? There being none...

MANUEL CAVAZOS

Is this going to be subject to coming up with the contractual contract?

DAVID GIRAULT

Yea, if you'd like Commissioners, we could put together a proposed grant contract and get it to them and we could get back next week or the week after.

JUDGE CUELLAR

He understood what you laid out, which means that you must bring out the facts to our Auditor..

DAVID GIRAULT

Yes sir.

JUDGE CUELLAR

So that he can approve those expenses.

COMM. GARCES

David in awarding let's include the proper wording for the budget amendment included in the...

DAVID GIRAULT

Okay, when we bring the contract, when we bring the grant agreement back we will also get on the agenda an item for...

MANUEL CAVAZOS

The appropriation.

DAVID GIRAULT

..for the appropriate, ah, appropriations of that, those funds.

COMM. GARCES Okay.

COMM. ARCAUTE What line item would this come under, Auditor?

MANUEL CAVAZOS I have one.

COMM. GARCES That's the Auditor's...

COMM. ARCAUTE Which is

MANUEL CAVAZOS Object 94 (inaudible)(laughter)

FRANK PLUMMER Sir, we would like to also thank, ahm, Valde who works with Mr. Cavazos before, we've gotten excellent guidance come from your people and you, you don't know how much we do appreciate this.

JUDGE CUELLAR We haven't voted yet.

FRANK PLUMMER Oh, please vote first (laughter)

COMM. GARCES In Hidalgo County strange when it comes to last calls vote.

JUDGE CUELLAR Any further discussion, any further discussion, there being none all those in favor signify by saying aye.

COMMISSIONERS Aye.

JUDGE CUELLAR Opposed. Ayes have it. (applause)

FRANK PLUMMER Well, I think you made us very happy and I think you'd be very proud of what you see out there and we do invite any advise or criticism that you may have during the period of time. If you can convince them we can do it.

JUDGE CUELLAR Let me tell you one of the favorable reasons that the Commission looked at this is because of the way that Commissioners' Court has been spending money and looking at these questions this year, we had the possibility of having some money left over for a project like this which we think is very, very necessary. We need some people to look up to and Medal of Honor winners are certainly people that you

can't ask them to give any more. Also we thank all the people present, we see some very distinguished folks out here in the audience. This is what this country is made of, people that not only went out and defended us in war, but they come and defend the peace also. So, we thank you for being present today, God bless you.

AUDIENCE
(See Exhibit I)

Thank you.

ITEM 3. ELECTIONS ADMINISTRATION:

- A. Approval of appointment of election judges, alternate judges, polling places, early voting substations, schedules, retail/mobile voting schedule and locations for the March 10, 1998 Primary Election
- B. Approval of overtime for office staff during early voting and election day of the 1998 Primary, Runoff and General Elections
- C. Approval of pay rate for election judges and clerks
- D. Approval of Time and ½ pay for election judges and clerks (early voting) for the 1998 Primaries and General Elections
- E. Approval of budget amendment and appropriations of \$25,000.00 for overtime on the 1998 Elections

3/A

Oscar Cantu, from the Elections Department, came before the Court requesting approval of the appointment of elections judges, alternate judges, the polling places, early voting substations and the schedules, retail/mobile voting schedule and locations for the March 10th primary of this year. On the early voting substations he mentioned that they had a little bit of a problem with Commissioner Handy, where they did not know what the outcome would be as far as the location that they normally use there. Commissioner Handy stated that she had talked to the City of Weslaco and they would be using the building that is normally used for voting. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the appointment of elections judges, alternate judges, polling places, early voting substations, schedules, retail/mobile voting schedules and locations for the March 10th Primary Election.

MOTION CARRIED
(See Exhibit J)

3/B

Oscar Cantu informed the Court that this next item was for approval of overtime for office staff during early voting and election day of the

1998 Primary, Runoff and General elections. Commissioner Arcaute inquired as to why there would be overtime and later commented that this would not qualify under the FSLA. Commissioner Garces asked the County Auditor if it would qualify and Mr. Noe Perez, the Elections Administrator indicated that anytime over the 40 hours was considered overtime. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit J)

3/C

Mr. Cantu stated that they were requesting that the pay rate for the election judges and clerks be \$6.00 per hour. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit J)

3/D

This next item was for approval of time and a half for election judges and clerks, for the early voting for the 1998 Primary, runoff and General election. He explained that they will incur overtime during the early voting period. Commissioner Garces indicated if these workers were on a contractual basis and asked David Girault, the County Legal Counsel on this. Mr. Girault replied that this issue had been looked at but he could not remember what the specifics were on this and he mentioned that he would go back and look at this again. He did mention that this question was directed to the Department of Labor and they did not know how to address this as well. Commissioner Arcaute wanted to know who was holding the election and it was established that the County ran the early voting and the political parties were responsible for election day. The discussion continued with regards to how much overtime they would be putting in and Mr. Cantu explained that they would be putting in a combined total of approximately \$6,000.00 in overtime. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit J)

3/E

Mr. Cantu explained that no action was needed on this item at this time.

NO ACTION.

ITEM 4. URBAN COUNTY PROGRAM:

- A. City of Alamo - Approval of change order #1 with Alamo Undergrounds Utilities - Year 9 PFI Water/Sewer Improvements
- B. City of Hidalgo - Approval of Budget Amendment, Year 10, FY-1997
- C. City of La Villa - Approval of Budget Amendment, Year 10, FY - 1997
- D. City of La Villa - Water/Sewer Improvements, Years 7, 8 and 10, FY's 1994, 1995, 1997, Approval of Amended Contract amount with Lambda Construction
- E. City of Mercedes - Approval of a Budget Amendment for Year 1994, 1995, 1996 and 1997

4/A

Anthony Covacevich, Urban County Director, came before the Court stating that the City of Alamo was requesting approval of a change order with Alamo Underground Utilities. The change order would increase the time to sixty days. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit K)

4/B

Mr. Covacevich indicated that the City of Hidalgo was requesting approval of a budget amendment on their Year 10. The amendment involved moving \$214,000.00 from Water/Sewer Improvements to Non-Residential Historical Preservation, which was the Pump House Project and \$80,000.00 to Public Service. A motion was made by Commissioner Arcaute and seconded by Commissioners Garces and Handy to approve the request as presented.

MOTION CARRIED.

(See Exhibit K)

4/C

Mr. Covacevich stated that the City of La Villa was also requesting budget amendment on their year 10. They were wanting to move take money from Neighborhood Facilities and increase their Water/Sewer Improvement budget and to fund the water station equipment line item from \$25,239.42. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit K)

4/D

Mr. Covacevich continued by saying that the City of La Villa was also requesting approval of a contract amendment with Lambda Construction. This was a contract that would go through Years 7, 8, and 10 and being that the Empowerment Zone backed off on this project, the City of La Villa was having to amend their budget in order to cover the costs. The total amount of the contract is \$871,000. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the project as presented.

MOTION CARRIED.
(See Exhibit K)

4/E

Mr. Covacevich explained that the City of Mercedes was requesting approval of a budget amendment on their Years 7, 8, 9 and 10. The amendment was explained in the exhibit and he was requesting approval. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit K)

ITEM 5. PURCHASING DEPARTMENT

A. HIDALGO COUNTY:

1. Requesting authority to advertise for "Bio-hazardous Waste Disposal"
2. Recommending a presentation by Interco International as to their product - Re-manufactured toner cartridges

B. DISTRICT CLERK'S OFFICE:

1. Requesting exemption from the competitive bidding process by purchasing through GSC cooperative purchase program
2. Requesting authority to enter into a purchase agreement to replace two (2) Xerox Copiers presently installed

C. HEALTH DEPARTMENT:

1. Requesting approval of modified lease for Mercedes Health Clinic - Laura Salinas

5/A/1

Martha Salazar, the Purchasing Director, came before the Court requesting authority to advertise for biohazardous waste disposal. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit L)

5/A/2

Mrs. Salazar informed the Court that there was no action required on this next item, it was merely a request by a vendor to make a presentation with regards to feasibility and/or possibility of the County going out on an overall bid for toner cartridges. She added that she had indicated to him that being that most of the County Departments go under a general services commission for most of their copiers the supplies of toner are part of the contract. She indicated again that no action was needed.

NO ACTION.
(See Exhibit L)

5/B/1

Mrs. Salazar stated that the District Clerks Office was requesting and exemption from the competitive bidding by utilizing the General Services Commission cooperative purchase program. She added that this was a state contract for copiers. They were wanting to replace two old copiers with two brand new copiers. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit L)

5/B/2

A motion was made by Commissioner Rosel and seconded by Commissioner Handy to enter into a purchase agreement to replace two copiers.

MOTION CARRIED.
(See Exhibit L)

5/C

Mrs. Salazar announced that the this next item was a modified lease for the Mercedes Health Clinic with Mrs. Laura Salinas for the Health Department. The modification entailed the removal of carpeting since the Texas Department of Health requires that the health clinic be sanitized and as antiseptic as possible. It will be a contribution of \$1,800.00 by the Health Department and they will be reducing the usable space by 1200 feet and in turn the landlord will be paying all of their utilities making the savings for the Health Department of about \$5,200.00 plus per year. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit L)

ADD. 1. PURCHASING DEPARTMENT:

- A. Approval of Purchase Agreement, Software License Agreement, Client Support and Software Update Services Agreement with the Software Group for the Integrated Management Information System (Judicial, Elections, Tax Office and Budget Administration)

Mrs. Salazar pointed out that on December 23rd this Commissioners Court had approved the purchase of the upgrade of the management information system, which included the judicial, elections, tax office and budget administration. She indicated that legal counsel has reviewed the purchase agreement, the software license agreement and the client support and software update service agreement. These agreements were with The Software Group and the auditor had raised some questions with regards to the funding aspect of the purchase. David Girault, the County Legal Counsel explained that they had made some modifications and acquired some clarifications on the agreements. With regards to the funding, \$100,000.00 had been set aside for this project and she was informed that this amount was now being considered as part of the projected fund balance for 1998. This resulted in a discussion after which a motion was made by Commissioner Arcaute and seconded by Commissioner Rosel to table this item until it was established where the funds for this project would come from.

MOTION CARRIED.
(See Exhibit M)

ADD. 2. APPROVAL OF APPROPRIATION OF BUDGET AMENDMENT IN THE AMOUNT OF \$142,889.77 FOR THE JAIL COMMISSARY ACCOUNT #8-795-423-200

Emilia Uriegas came before the Court requesting approval of a budget amendment in the amount of \$142,889.77 for the jail commissary account. Ms. Uriegas explained that this request was totally funded by the jail commissary bank account. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit N)

EXECUTIVE 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:

- A. Potential Real Property Acquisition

ITEM 2. OPEN SESSION:

- A. Property

- 1. Potential Real Property Acquisition

ITEM 3. CLOSED SESSION:

- A. Commissioners' Court may reconvene into Closed Session for the discussion regarding the agenda item listed

The County Judge and Commissioners went into Executive Session accompanied by legal counsel.

ITEM 4. OPEN SESSION:

Commissioners' Court may reconvene into Open Session for the discussion

regarding the agenda item listed

Commissioner Handy announced that no action would be needed on any of the items on the Executive Agenda.

NO ACTION.

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

MOTION CARRIED.