

## **DRAINAGE DISTRICT #1**

The Honorable Renato Cuellar, County Judge, called the Drainage District No. 1 Board of Directors meeting to order, whereupon the following proceedings were had to wit:

### **CONSENT AGENDA**

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

#### **ITEM 2. 1997 LINE ITEM TRANSFER - \$36,866.00**

(See Exhibit A)

#### **ITEM 3. PERMITS:**

- A. City of Pharr
- B. Rabe-York, Inc.
- C. Home Depot

(See Exhibit B)

The County Judge introduced the Consent Agenda and Godfrey Garza explained that there was one change with regards to the line item transfers. He stated that it called for 1997 line item transfers, but they also had some 1998 line item transfers. There was also a change with regards to Item 1, with a check that was issued to Sascon Inc., this was going to be canceled and a corrected one would be issued. A motion was then made by Commissioner Garces and seconded by Commissioners Rosel and Arcaute to approve the Consent Agenda along with the changes as presented.

MOTION CARRIED.

(See Exhibits A&B)

### **REGULAR AGENDA**

#### **ITEM 1. APPROVAL OF ESTIMATE #3 - \$210,040.20 SASCON INC. HOME DEPOT PROJECT**

Godfrey Garza, Drainage District Manager, indicated that this was the third estimate from Sascon Inc., for the Home Depot Project. A motion was

made by Commissioner Garces and seconded by Commissioner Rosel to approve the estimate as presented.

MOTION CARRIED.  
(See Exhibit C)

**ITEM 2. AUTHORIZATION TO EXECUTE PARTIAL RELEASE OF EASEMENT  
- HOME  
DEPOT PROJECT**

Mr. Garza reported that part of the Home Depot Project was for the placement of the drain ditch and the box and release part of the easement back for the development of that area. He was therefore requesting for authorization for a section of that easement to be released. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the execution of the partial release of easement, as presented.

MOTION CARRIED.  
(See Exhibit D)

**ITEM 3. PURCHASING DEPARTMENT:**

- A. Requesting approval of contract(s) for Pipes - Varmicon Industries, Industrial International Inc., Contech Construction Products Inc.

Martha Salazar, the Purchasing Director, came before the Court requesting approval of contracts for pipes what were awarded back on December 16, 1997. The contracts are with Varmicon Industries, Industrial International Inc. and Contech Construction Products Inc.. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the contracts.

MOTION CARRIED.  
(See Exhibit E)

There being no further business to come before the Drainage District #1 Board of Directors, a motion was made by Commissioner Arcaute and seconded by Commissioner 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. Computer Department - \$19,050.00
- B. Buildings & Grounds - \$150.00
- C. County Clerk - \$1,015.00
- D. Commissioner Pct. 3 - Paved/Unpaved - \$6,700.00

(See Exhibit F)

##### **ITEM 3. RIGHT OF WAY DEPARTMENT:**

- A. Pct. #1 - Southwestern Bell Telephone
  - North Alamo Water Supply
- B. Pct. #4 - North Alamo Water Supply

(See Exhibit G)

##### **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 Applications - 15 families

(See Exhibit H)

##### **ITEM 5. COUNTY CLERK:**

- A. 1997 Annual Report - \$3,126,759.15
- B. 1998 Monthly Fee Report for the Month of January 1998 - \$260,801.34
- C. Approval of Commissioners' Court Minutes
  - June 03, 1997
  - June 09, 1997
  - June 17, 1997

(See Exhibit I)

**ITEM 6. PLANNING DEPARTMENT:**

## A. Subdivisions:

1. Caballero No. 1 Subdivision - Pct. 1
2. Vega Subdivision - Pct. 1
3. Beamsley Subdivision - Pct. 2

(See Exhibit J)

**ITEM 7. COUNTY AUDITOR:**

A. JP Rene O. Torrez 1997	\$12,767.62	September
B. JP Rene O. Torrez 1997	\$12,691.10	October
C. JP Rene O. Torrez 1997	\$13,376.55	November
D. Sheriff Enrique Escalon 1997	\$39,075.89	December
E. Anzalduas Park	\$ 680.00	December 1997
F. Law Library	\$ 1,091.24	December 1997
G. Constable Horacio Aguirre	\$ 90.00	December 1997
H. Constable Gilberto Alaniz	\$ 385.00	December 1997
I. Constable Eduardo Bazan	\$ 00.00	December 1997
J. Constable Rumaldo Cerda	\$ 270.00	December 1997
K. Constable Roberto Pena 1997	\$ 520.00	December
L. JP Arnaldo Corpus	\$ 4,324.52	December 1997
M. JP E. Speedy Jackson	\$ 8,318.50	December 1997
N. JP Dario L. Martinez	\$ 8,036.13	December 1997
O. JP. Jesus E. Morales	\$11,825.24	December 1997
P. JP Ismael "Melo" Ochoa 1997	\$18,410.88	December
Q. JP Gilberto Saenz 1997	\$12,882.68	December
R. JP Rosa E. Trevino 1997	\$19,790.57	December

(See Exhibit K)

The County Judge introduced the Consent Agenda and asked if there were any changes, whereupon Emilio Garcia, the Planning Director, indicated that there would be no action on item 6/A./2 with regards to Vega Subdivision. There being no further changes, a motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve the consent with change of 6/A/2.

MOTION CARRIED.  
(See Exhibit F&K)

## **REGULAR AGENDA**

### **ITEM 9. MASTER COURT #1:**

#### A. General Fund Budget Amendment

Judge J.M. Ramirez came before the Court requesting approval of a budget amendment in the amount of \$1,475.00 from the General Fund. The budget amendment would be used to purchase furniture and to cover administrative and costs of the court. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit L)

### **ITEM 16. URBAN COUNTY**

#### G. Cancel 1996 CHDO Contract with Proyecto Azteca under the 1996 HOME Program

Anthony Covacevich, Urban County Director, came before the Court requesting authorization to cancel the 1996 CHDO contract with Proyecto Azteca. He added that they had been in communication with Proyecto Azteca concerning their lack of progress on various years under the HOME Program. He stated that Proyecto Azteca carries on a self-help housing project where the families themselves provide labor to build their own homes. The Urban County Department has been in contact with Proyecto Azteca for the last six months and they have been trying to get some closing on some of the projects that they have begun and have not yet terminated. The Department does not feel that the progress by Proyecto azteca has been very satisfactory and that is why they are bringing it before the Commissioners' Court for consideration. Mr. Covacevich reported that some of the member from Proyecto Azteca were present and they would like to make a presentation. Mr. Jesus Limon then came before the Court and agreed that there were some problems that they have encountered with this program, but they have been trying to work these issues with the Urban County Program and they would like the opportunity to continue to work with the program. Commissioner Arcaute stated that he had reviewed a copy of the report of Proyecto Azteca and he feels that they have done a great amount of progress. He then addressed Mr. Covacevich and asked if there was a way that

they could meet with the directors of this project and maybe work something out that would help to speed up the use of the allocated monies. Commissioner Garces added that it was not a matter of the quality of the construction but the timing of it and he felt that the concern was the monitoring of the overseeing agency. He said that they needed to not only meet with the program people but also with the planning agency to see if they could find a way to justify more time on those projects considering the type of project that it is. The County Judge agreed that with the work that they were doing and their willingness to sit down and work this out and he felt that if there was no problem with it they should postpone any action on this item until next week in order to allow the Urban County Program and the Proyecto Azteca to get together and work it out. Mr. Covacevich informed the Court that he would like to sit down with them and establish some bench-marks that needed to be met and in that way he would be able to show not only to the Commissioners Court but also HUD that some progress has been made. Juanita Cox added that maybe if the guidelines were amended in order to make it easier for Proyecto Azteca to comply, being that it was a pilot project, it would help them very much. Commissioner Garces pointed out that he would like for the Regional Director to be at a meeting of the Urban County program and Proyecto Azteca. After further discussion, no action was taken on this item.

NO ACTION.  
(See Exhibit M)

## **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:

A. Property:

1. Potential Acquisition of Real Property - City of Weslaco

B. Litigation:

1. Civil Action C-3175-96-D - Luciano Ozuna et ux -vs- Hidalgo County

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

A. Property:

1. Potential Acquisition of Real Property - City of Weslaco

B. Litigation:

1. Civil Action C-3175-96-D - Luciano Ozuna et ux -vs- Hidalgo County

**ITEM 3. CLOSED SESSION:**

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

The County Judge, the County Commissioners and Mr. Steve Crain, the County Legal Counsel, went into Closed Session accompanied by Mr. Barry Jones and Raul Lozano for the item on property and by Mr. Raymond Aguilar for the item on litigation.

**ITEM 4. OPEN SESSION:**

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

A motion was made by Commissioner Handy and seconded by Commissioners Arcaute and Garces to approve an interlocal agreement between the County of Hidalgo, desiring to acquire new facilities for its precinct No. One offices, including new facilities so that Precinct No. One Justices of the Peace and the City of Weslaco, who desires to acquire certain properties presently owned by the County including the existing Precinct One offices and other surplus property with the changes discussed in Executive Session.

MOTION CARRIED.

A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the settlement agreement in civil case C-3175-96-D and also instruct the legal counsel to proceed with same. The amount of the settlement is \$85,000.00.

MOTION CARRIED.

**REGULAR AGENDA**

**ITEM 1. PLANNING DEPARTMENT:**

- A. Subdivisions:
  - 1. Los Tres Regalos Subdivision - Pct. 3
  - 2. Mi Tierra Subdivision - Pct. 4
- B. Preliminary Approval:
  - 1. Magnolia Village Subdivision - Pct. 4

## C. Final Plat Approval:

1. Texas Valley Estates #5 - Pct. 1

## D. Discussion &amp; Possible Action:

1. Walker Subdivision - Pct. 4
2. Cactus Land Phase IV - Pct. 4
3. Vista Del Sol Phase I - Pct. 4
4. Vista Del Sol Phase II - Pct. 4
5. Vista Del Sol Phase III - Pct. 4

## 1/A/1

Emilio Garcia, Chief Planner, came before the Court and reported that Los Tres Regalos Subdivision was in Precinct Three, located 544 feet west of Taylor Road on the north side of the 4 Mile Line, within the McAllen ETJ. This is a one lot subdivision and has met all the requirements of the County and the City. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve.

MOTION CARRIED.

(See Exhibit N)

## 1/A/2

Mr. Garcia stated that Mi Tierra Subdivision was located in Precinct 4, approximately 330 feet north of the 6 Mile Line on the east side of Bentsen Road. It was approved by the City of McAllen and it was also a one lot subdivision. A motion was made by Commissioner Garces and seconded by Commissioners Rosel and Arcaute to approve.

MOTION CARRIED.

(See Exhibit N)

## 1/B

Mr. Garcia indicated that this subdivision was in Precinct Four on the southeast corner of Sharp Road and Tex-Mex Road. This was a 78-lot subdivision which would be used for residential. Water services would be provided by North Alamo Water Supply Corporation. On lots #15,18,29 and 44 the property owners will install the culvert pipes before the final on the septic tank systems. The Planning Department was recommending preliminary approval subject to the street signs, traffic control devices, testing of the streets and the final letter from the water supply corporation. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the subdivision as presented.

MOTION CARRIED.

(See Exhibit N)

## 1/C

Mr. Garcia mentioned that this was for the final approval of Texas Valley Estates #5. This subdivision was in Precinct One, and it was given preliminary approval on August 26, 1997 and since then all the improvements have been done in accordance to the City of Donna and the County. He was recommending approval of this subdivision and it was a 30 ½ acre lot subdivision. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the subdivision as presented.

MOTION CARRIED.  
(See Exhibit N)

1/D/1

Mr. Garcia reported that on December 8, 1997, Walker Subdivision was presented for consideration and at that time no action was taken. He did have a letter from the engineer requesting that this subdivision be considered at this time. He then turned the podium over to Gilbert Gracia, the engineer on this subdivision. Mr. Gracia informed the Court that he was there in order to try to reach some type of agreement in order to allow the developer to subdivide and sell the lots. He indicated that the basic problem was with a part of the subdivision having a small portion of a "B" zone on the property and a "AH" zone. The latter was the main concern at this time. The elevation of the latter was at a flood of '73, according to the FEMA maps, which he added were compiled prior to the County's drainage system being constructed during the '80's. He added that what the "B" zone implied was that there was a portion of that property that was going to have about four or five inches of flood during a hundred storm. He pointed out that this property was on the fringe of the "AH" zone and because of this it would be able to be modified if the drainage study for the entire water shed was done. He indicated that there should be no need for flooding of this subdivision because of the county drainage system. Godfrey Garza, the Drainage District Manager, stated that the maps that they were going by were FEMA maps that were done back in 1969. At that time the drainage system within the County was not to the capacity that it is now and a lot of areas have been improved. He did add that there was no way that they could guarantee that these areas would not flood, but what he could say was that they had not seen water in this area in a long time. He did say that if the developer was going to want to get "AH" zone certification then he was going to have to pick the finished floor to four feet. He could not say that it would not flood, but he did add that they were now writing letters to their representatives to try to get funding to get the FEMA maps updated. Commissioner Garces stated that he had been out there back in March and the area that is being discussed here was dry, in comparison to the area that he was examining for flooding. He feels that this area will not flood and Mr. Garza concurred by saying that his recommendation was that this area would not flood based on the ground conditions around it. After further discussion, a motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve Walker Subdivision.

MOTION CARRIED.  
(See Exhibit N)

1/D/2-5

Mr. Garcia informed the Court that this next item was on the monies in escrow that was placed for the driveway culvert pipes when the subdivisions were presented to the Court for approval. Since then the City of Edinburg has annexed these subdivisions and they have their own subdivision rules and regulations. Commissioner Garces stated that as the issue was that the County reimburse the developers as the City's requirements go beyond just the installation of the culvert. He was going to recommend that this Court authorize the reimbursements. Mr. Garcia indicated that they had met with the City's Planning Department as well as the developer and they had agreed that it would be in the best interest to reimburse those funds. Commissioner Arcaute added that being that these subdivisions were no longer within the County's jurisdiction, would the City of Edinburg assure that the people buying lots there would have proper drainage. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to reimburse the escrow for the driveway culverts in the following subdivisions: Cactus Land Phase IV, Vista Del Sol Phases I, II and III to Mr. Richard Ruppert in the amount of \$10,656.00.

MOTION CARRIED.  
(See Exhibit N)

**ITEM 2. RIGHT OF WAY DEPARTMENT:**

- A. Authorization to execute Agreement with Texas Department of Transportation, Texas Parks and Wildlife Dept. and Hidalgo County

Vona Walker, Right of Way Director, came before the Court and reported that the Texas Parks and Wildlife had bought considerable property south of Donna and east of FM 493. They, in connection with the Texas Highway Department, are proposing to take over an unimproved County road that is located a mile south of Lott Road and it goes east of FM 493 to Victoria Road and then it goes south on Victoria Road for about 1/2 mile to allow people to come to this center that Texas Parks and Wildlife is building. They are wanting to take over this county road, with they will improve and forever maintain to be used as one of their park road systems. She has an agreement with the Texas Highway Department and Texas Parks and Wildlife. She did add that they were having a few changes made in the contract but she would like to have it approved subject to the changes recommended by the attorneys. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the execution of the agreement contingent on the changes.

MOTION CARRIED.

(See Exhibit O)

**ITEM 3. VALLEY PROUD ENVIRONMENT COUNCIL:**

- A. Approval of Valley Proud Environmental Council Sponsorship Agreement
- B. Approval of budget amendment
- C. Approval of payment

3/A&B

Commissioner Rosel indicated that this was a membership that was paid by the County on an annual basis. Mrs. Laura Etnire pointed out that they needed to amend the budget by \$100.00. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the agreement and amend the budget by \$100.00 in order to pay Valley Proud.

MOTION CARRIED.

(See Exhibit P)

3/C

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve payment of \$2,500.00 to Valley Proud.

MOTION CARRIED.

(See Exhibit P)

**ITEM 4. DRUG ABUSE PREVENTION/REHAB:**

- A. Appropriation of confiscated funds - \$100,346.00 (Surplus Funds)

A discussion arose over the amount that needed to be appropriated and it was finally established that the correct amount was \$100,346.00; out of this \$25,000.00 would be used to pay the contract with Palmer Drug Abuse. Commissioner Garces pointed out that the funding for Palmer Drug Abuse would have to be looked at because this Court could no longer commit to more than just one year, because of changes in funding. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to authorize the appropriation of the confiscated funds.

MOTION CARRIED.

(See Exhibit Q)

**ITEM 5. CONSTABLE PCT. 4:**

- A. Authorization for a budget amendment and appropriation of funds

NO ACTION.  
(See Exhibit R)

**ITEM 6. COUNTY CONSTABLES PCT. #2, 3, 4:**

- A. Approval of appointment of deputy constables as prescribed TLGC Section 86.011 for Constables Pct. #2, 3, 4

Constable Cerda came before the Court requesting approval of appointment of deputy constables. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve deputy constables as prescribed by Texas Local Government Code Section 86.011 for Constables for Precinct Two, Three and Four to have an additional deputy. Steve Crain, the County's Legal Counsel, reported that Section 86.011 required that the constable show that it is necessary to have a deputy and that they bring the name of a deputy to be hired. Deputy Ricardo Pena indicated that they had met all requirements and Commissioner Handy pointed out that the Constable for Precinct One was not included due to illness and as a result their paperwork was not complete. For the record the names of the deputy constable appointees are Francisco Sanchez, for Precinct Two; Agustin Garcia for Precinct Three and Frank Iglesias for Precinct Four. After further discussion the motion was put to a vote and it carried.

MOTION CARRIED.  
(See Exhibit S)

**ITEM 7. JUVENILE PROBATION:**

- A. Progress report on the Interlocal Agreement between the McAllen ISD and Hidalgo County Juvenile Probation Department (STAR) Specialized Treatment and Rehabilitation Project
- B. Report Budget Amendment from General Fund to 8-010-423-610, to hire two STAR Program Drill Instructors for expansion of the STAR Program

7/A

Buddy Silva, Juvenile Probation Director, informed the Court that State District Judge Mario Ramirez and Yolanda Chapa, an Asst. Superintendent with McAllen ISD would give the progress report on the Specialized Treatment and Rehabilitation (STAR) Project. He indicated that this program was begun about three years ago and that it was a program geared towards providing

services for problem kids that attend McAllen ISD middle schools. He continued by saying that when this program was implemented it had only two drill instructors and on this the third year they had added one more drill instructor. He stated that this program was very successful and he then turned the podium over the Judge Ramirez. Judge Ramirez indicated that he came as a representative of the Board of Judges to let the Commissioners' Court know that this program has their full support. He in turn allowed Ms. Chapa to give a more detailed explanation of the STAR program. She began by asking that other representatives of this program to please come forward. She continued by give a history of the program, explaining what the program consisted of and also what they have been doing in the past three years.

NO ACTION.  
(See Exhibit T)

7/B

Mrs. Chapa presented the Commission with a booklet containing the budget that the McAllen ISD has contributed for the past two years. Commissioner Garces commented on the success of program and the fact that other school districts are wanting to implement it. His concern was on how the County would facilitate the budget in these needed areas, after today. The County Judge stated that what they had to do was to see what the alternative was costing the County, they could not just see it as an expense. Ms. Chapa added that McAllen ISD had provided the funding three years in advance and Commissioner Garces pointed out that the County currently had a Criminal Justice grant that could possibly be used to fund some of these types of programs. Ms. Chapa stated that the reason that they had not asked the County for funds from the onset was because they were not sure the program would work and they were no wanting to ask the County for funds not knowing if the program would work. Mr. Silva then requested a budget amendment from the General Fund in the amount of \$55,011.00. These funds would be used to hire two more drill instructors for the STAR Program. Commissioner Arcaute asked if they would have enough room to expand the program and Mr. Silva indicated that the school district would be providing additional space. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request for budget amendment from the General Fund to account number 8-010-423-610, to hire to STAR Program instructors for expansion of the STAR Program in the amount of \$55,011.00.

MOTION CARRIED.  
(See Exhibit T)

**ITEM 10. COUNTY JUDGE'S OFFICE:**

- A. Presentation by TAC - 1998 Safety Audit
- B. Approval of Resolution on 1998 Accident Prevention Plan

10/A

Raymond Aguilar, Risk Coordinator, informed the Court that the Texas Association of County (TAC) would be doing a presentation on the proposed safety audit. He then introduced Tipton Scruggs, from TAC, who gave an explanation of the safety audit and what it entailed. He added that they were wanting to identify seven basic components that have been identified by the Texas Workers' Compensation Commission as being part of an effective safety program. He added that they were also looking at the effectiveness of those components, where already implemented. He stated that they would be conducting a preliminary audit where they will evaluate the existing safety program and make recommendations on improvements of the existing safety program and they would like to have that plan in place by early May. He continued by saying that what this would mean to the County is an additional 10% savings in the County's workers' compensation premium for 1998 which would total \$94,694.00. He added that they have also included the Headstart program with is an additional savings of \$45,000.00. Lori Hunicutt also came up and stated that the County's premium was determined by the claims activity and by the pool equity that TAC was putting back into the program. She then went into a detailed explanation of how this County's premium was determined after which no action was needed.

NO ACTION.  
(See Exhibit U)

10/B

Mr. Scruggs did indicated that this Commissioners' Court had to approve the resolution approving participation by February 27. Commissioner Garces pointed out that approving the resolution would be the easy part, the hard part would be in getting the department heads willing to participate. Commissioner Arcaute asked why the Sheriff's Department was singled-out and Ms. Hunicutt responded that it was because they had the largest exposure and that there were a lot of losses within this department. Commissioner Arcaute questioned the issue that the County would be getting \$94,600.00 to implement safety programs and the County would have to pay for someone to come in and give these presentations. Mr. Scruggs stressed that this would have to be an internal program and Chief Ramiro Castellano, from the Sheriff's Office, announced that presently there was a person within his staff that was doing this for their department. He added that this implementation would not cost the County, because TAC would provide the training and all they had to worry about was making sure the employees attended the meetings. He did state that the \$94,600.00 was a reimbursement in anticipation of the County's participation. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the resolution and the safety program that was presented today, by TAC.

MOTION CARRIED.

(See Exhibit U)

**ITEM 8. DISTRICT CLERK'S OFFICE:**

- A. Authorization for a budget amendment - (Records Management Appropriation of funds)

Loura Etnire explained that they were requesting a budget amendment from their records management program and the amount was \$31,040.00. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit V)

**ITEM 10. COUNTY JUDGE'S OFFICE:**

- C. 1998 Budget Amendment for Traffic Engineering & Design Systems, Inc.  
D. Approval of job description for the Head Start Director  
E. Approval to Advertise for the Head Start Director

10/C

Lisa Saucedo informed the Court that they were requesting approval of a budget amendment by moving some monies from 1997 into 1998, in the amount of \$16,900.00. These monies would be used in order to pay some 1998 bills for the Traffic Engineering and Design System. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented. Commissioner Arcaute made a clarification that the agreement was that the General Fund would pay for the retainer, but not the individual Precincts. Commissioner Garces indicated that they could do that. Ms. Saucedo announced that this contract would end on April of this year and this was the last of the funds that were budgeted. Commissioner Rosel pointed out that he had met on several occasions with Traffic Engineering and Design Systems and I had talked to them about the approaching this Commissioners' Court, especially in their precincts, and coming together and to give them some type of plan as to what they can do to prepare for the future, because he feels that most of their work in the past has been done on a reactionary level. He felt that they are today facing a critical situation in which they must begin to invest money for the future and in order to do that they need to know where they will have to invest for the infrastructure that they are going to need to address the problems that they will have to face in the future. He continued by saying that he was going to encourage them to come to this Commissioners' Court in order to address some of these issues.

MOTION CARRIED.  
(See Exhibit W)

10/D&E

Ms. Saucedo explained that this next item was for the job description for the Headstart Director and it was her understanding that an agreement had been reached therefore they were able to advertise and put out a job description in order to fill this vacancy. She mentioned that she had provided each member of the Commission with a job description and she added that they would like to advertise for this as soon as possible pending approval. She did say that they would like to go out on a State-wide search for at least thirty days. Commissioner Garces pointed out that he had just received the handout and he would like more time to look at it before making a decision. The County Judge offered some input on what the job description should include. Commissioner Garces asked if the Parental Council had looked at this document and Ms. Saucedo responded that nobody outside this Commissioners' Court, but that it did have to be approved by the Parent Council. After further discussion, a motion was made by Commissioner Garces and seconded by Commissioner Rosel to table this item.

MOTION CARRIED.  
(See Exhibit W)

**ITEM 11. HISTORICAL MUSEUM:**

- A. Approval of Agreement between Hidalgo County Historical Museum and Hidalgo County

Sharon Rankin came before the Court requesting approval of the agreement between the Hidalgo County Historical Museum and the County of Hidalgo. The amount of the contract is \$110,000.00. She briefed the Commissioners' Court on the history of the museum and gave a progress report on current and future projects. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the agreement as requested.

MOTION CARRIED.  
(See Exhibit X)

**ITEM 12. TAX OFFICE:**

- A. Tax Refund for AVANCE RGV (M1950-99-062-0005-07)

Yolanda Villescás, from the Tax Office came before the Court requesting approval of a tax refund in the amount of 927.01 to AVANCE RGV. She explained that this was a non-profit organization and they qualified for an exemption. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute, to approve the tax refund as presented.

MOTION CARRIED.  
(See Exhibit Y)

**ITEM 13. J.P. DARIO L. MARTINEZ:**

A. Authorization to bank with Lone Star National Bank

Commissioner Rosel informed the Court that according to the request it was being done mostly for safety reasons, because it was more convenient to just cross the street and bank at Lone Star National Bank. He added that even though it may seem feasible, this County had gone out for proposals for depository and he felt that if they granted this request then it would open the door for other departments. He felt that they should just stick with the contract. Mr. Cavazos expressed his concern about the matter that they wanted to bank with Lone Star National Bank and he pointed out that this entity would not pay any interest, being that the current County Depository was paying interest on all bank accounts. Commissioner clarified that the request was that the JPs office continue banking with Lone Star National Bank. After further discussion a motion was made by Commissioner Rosel and seconded by Commissioner Garces to reject the request by the JP in Precinct Two, Dario Martinez, to bank with Lone Star Bank and that he be directed to bank with the bank that the County has the contract with, being IBC. Commissioner Arcaute pointed out that there should be no action being that this request was being denied and the Commissioners concurred. A motion was then made by Commissioner Rosel and seconded by Commissioner Garces to abide by the contract regarding IBC as the County depository.

MOTION CARRIED.

**ITEM 14. COMMISSIONER PCT. 3:**

A. Approval of Agreement between Hidalgo County Pct. 3 and Hinojosa Engineering

Commissioner Rosel reported that he has been in contact with the City of Mission and some other parties about doing a road that his south of the hospital. This road is Bryan Road and the area concerns the part where the paving ends all the way to FM 1016. He indicated that he is requesting approval of the

agreement between Hidalgo County Precinct Three and Hinojosa Engineering, who is the engineer who will be designing the road. The amount of the agreement will be a flat fee of \$42,647.67. He added that the contract called for County standards, but he felt that there may be a need in the future to address State standards as the State may be working on this road in the future and he did not see a need for the State to come in and tear it up in order for it to meet their standards. So there may be an amendment that would need to be brought back next week. With that in mind he requested that no action be taken at this time.

MOTION CARRIED.

(See Exhibit Z)

**ITEM 15. COMMISSIONER PCT. 1:**

- A. Budget Amendment and Authorization to appropriate 1998 General Funds for the purchase of a used Roll-off tandem truck
- B. Budget Amendment and Authorization to appropriate General Fund to cover 1997 landfill expenditures

15/A

Commissioner Handy informed the Court that she was requesting a budget amendment and authorization to appropriate 1998 General Funds for the purchase of a used roll-off tandem truck. She added that both Commissioner Rosel and Mr. Cavazos had just advised her that there were some monies in the Enterprise Fund that had not been transferred. Commissioner Rosel then asked that the Auditor explain if these monies could be made available to them to utilize as in the present request from Commissioner Handy and Mr. Cavazos replied that they could. Commissioner Garces pointed out that there was an post-closure amount that had to be budgeted and it was showing in their liabilities. Mr. Cavazos explained that this was the reason that this fund was never closed. Raul Lozano, Precinct One Foreman, reported that the guidance that they had received from the Auditor's Office called for the budget amendment from the General Fund and then the General Fund could be reimbursed and the Commissioners concurred. After further discussion, a motion was made by Commissioner Handy and seconded by Commissioner Garces to approve a budget amendment and for authorization to appropriate 1998 General Funds for the purchase of a used roll-off tandem truck in the amount of \$46,900.00. Mr. Lozano pointed out that they had gone through the procurement process and an award for this vehicle would be made next week.

MOTION CARRIED.

(See Exhibit AA)

15/B

Commissioner Handy stated that the next item was for a budget amendment and authorization to appropriate General Funds to cover 1997 landfill expenditures in the amount of \$16,000.00. She added that this was to pay pending bills from BFI. A motion was made by Commissioner Handy and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.  
(See Exhibit AA)

**ITEM 16. URBAN COUNTY PROGRAM:**

- A. Approval of Professional Service Engineering Contract - City of Alamo PFI Parks and Recreational Improvements, Year 7 & 9 (1994-1996)
- B. Approval of Professional Service Engineering Contract - City of Alamo PFI Street Improvements, Year 10 (1997)
- C. Increase the grant from \$1,200.00 to \$3,000.00 on all rural Development applicants applying on the HOME First-Time Homebuyer Program
- D. City of Edcouch - HOME - Housing Rehabilitation Program - Construction Contract Award
- E. HOME/Homeowner Occupied Housing Rehab Contract Cancellation - 1 family
- F. City of Progreso - HOME - Housing Rehabilitation Program - Award construction Contract to Second Low Bidder
- H. Approval to update Urban County Program Travel Policy Per Diem Rates

16/A

Anthony Covacevich, Urban County Director, came before the Court and reported that the first item was for approval of professional services engineering contract with the City of Alamo. He added that this was for parks and recreational improvements for Years 7 and 9 and the amount of the contract is \$4,000.00. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit AB)

16/B

Mr. Covacevich reported that the next item was for approval of professional services engineering contract with the City of Alamo for their Year 10 project. This was for the Duranta Street project and it was in conjunction with the Texas Department of Transportation and the total project was over \$500,000.00 of which \$200,000.00 will be matching funds from the Urban County Program. The engineering contract for the total project is \$40,000.00. A

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

MOTION CARRIED.  
(See Exhibit AB)

16/C

Mr. Covacevich stated that they were requesting approval of the increase of the grant from \$1,200.00 to \$3,000.00 on all rural development applicants applying for the HOME/First Time Homebuyer Program. He was doing this at the request of Rural Development, formerly the Farmers Home Administration. A motion was made by Commissioner Handy and seconded by Commissioners Garces and Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit AB)

16/D

Mr. Covacevich indicated that the next item was from the City of Edcouch, on the HOME Housing Rehab Program, and it was for a construction contract award. The award was for seven dwelling units in the amount of \$148,800.00 and it was a low bid submitted by J.D. Villarreal Construction and it would be on Option No. 1. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit AB)

16/E

Mr. Covacevich stated that this was for the Homeowner Housing Rehab contract cancellation of one family. This was a cancellation of a contract with Cypress Construction. The reason for the cancellation was because the company went out of business. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit AB)

16/F

The next item was in relation to the previous item. It was for the awarding of a construction contract award to the second low bidder, this being J.D. Villarreal in the amount of \$13,360.00. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.

(See Exhibit AB)

16/H

Mr. Covacevich explained that this next item was for approval to update the Urban County Program travel policy per diem rates. He added that several years ago this Commissioners' Court had approved a per diem rate for the Urban County Program following the HUD rates and he was presenting the current per diem rates. A motion was made by Commissioner Handy and seconded by Commissioners Garces and Rosel to approve the request as presented.

MOTION CARRIED.  
(See Exhibit AB)

**ADD. PUBLIC HEARING - Consolidated Plan for Community Planning & Development (CDBG, HOME and ESG)**

The Honorable Renato Cuellar, County Judge, called the public hearing open whereupon Mr. Covacevich explained that one of their planning processes for the consolidated plan was that they have need assessment public hearings. He added that they have been having these hearing throughout the County and this was a public hearing on needs assessment for the County. He mentioned that HUD was really stressing the need to have public hearings on needs assessment and at a later date they would be holding a public hearing on the actual applications that have been approve within the particular budgets. He indicated that these hearings were held in order to provide an opportunity for the public to communicate any needs that they may have. He then requested that the hearing be opened up to the public in order to hear any comments from the audience. Chief Ramiro Castellano, from the Sheriff's Office, came up and stated that they had looked at this program and found out that some of these funds can be utilized for law enforcement purposes. He added that they had some needs such as maybe the acquisition of two or three portable buildings for sub-stations to be placed out there in the different areas where they feel that they need to have these sub-stations located. He has received some commitments for land to place these portable buildings at no additional charge to the County. Commissioner Rosel asked him what would be the approximate cost for these units and Chief Castellano explained that they had hoped that each of the Precincts could allocate \$25,000.00 to put into a pool to be used to purchase the portable buildings plus any equipment that may be needed. Commissioner Rosel commented that some of the cities had mobile sub-stations and also that Commissioner Handy was looking at acquiring some property and maybe she could put up some space for a sub-station. Chief Castellano added that the sub-station are meant to be a convenience to the people and not a response site. The County Judge stated that it could also be used as a quick

response and Chief Castellano responded that his staff were trained to where if it was an emergency they would shut that place down and respond until the other deputies get there but he did not feel that this was the intent of a sub-station. Commissioner Rosel reminded him that the public concern is not that they had to drive all the way to Edinburg to sign a complaint but the response time when there is a problem. The County Judge reported that they had increased the County law enforcement by three peace officers. Commissioner Rosel stated that some of the interlocal with the cities for community centers were making their centers available to the Sheriff's Department for that type of service and the County Judge agreed so long as the Sheriff was in agreement. Chief Castellano added that this could be done as a CEED project and they could apply for additional grant monies to staff the sub-stations.

Mike Keenan, Health Department Director, stated that he had learned that Hidalgo County had the highest incidence of hepatitis A in the State. The City of La Joya was at a high risk and there was no health clinic in this city. He added that anything that could improve sewage treatment in Hidalgo County can be considered to be a good thing for the public health. He did say that he had some windfall funds and he would like that this Court would consider having a combined substation with both a health and WIC clinic. Commissioner Rosel concurred. A discussion ensued with regards to the placing of the clinic in Sullivan City and the problems that they have had in staffing this locale. Commissioner Garces pointed out that rural growth has increased by 46% and yet the County is still budgeted at the same amount and sooner or later they are going to have to re-appropriate the funds.

Mr. Covacevich indicated that the Urban County Program had also received needs from different entities and person and he provided the Court with a copy of those needs. Among these was El Paraiso Community Center, water line construction in the McCook area and north of Edinburg; sewer construction in Colonia Linda Vista, South Texas Community College and the County platting of two colonias. There being no further comments the public hearing was hereby closed.

NO ACTION.  
(Exhibit AC)

**ITEM 17. PURCHASING DEPARTMENT:**

A. Hidalgo County:

1. Requesting approval to contracts for Pipes - Varmicon Industries, Industrial International Inc., Contech Construction Products
2. Pct. #1 - Recommending award of bid for Pothole Repairs to low bidder

3. Health Department:
  - a. Requesting exemption from competitive bidding requirements for Professional Service/Medical Service with Ivan Melendez, MD for the Hidalgo County Health Department
  - b. Requesting approval of Medical Services contract with Dr. Ivan Melendez, MD
4. Sheriff's Department:
  - a. Requesting approval of contract for digital telephone system - Contract Services
5. WIC Program:
  - a. Recommending rejection of bid on "Breast Feeding Supplies" due to lack of funding

17/A/1

Martha Salazar, Purchasing Director, came before the Court requesting approval of contracts for pipes. She was recommending that the contract be awarded to Varmicon Industries, Industrial International Inc. and Contech Construction Products. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.  
(See Exhibit AD)

17/A/2

Ms. Salazar reported that this was for a project in Precinct One and it was on a bid opening that was held on February 4, for pot-hole repairs. She stated that they had three bidders and at this time she was requesting that the bid be awarded to the low bidder being Pot Holes Express, out of Weslaco, at \$150.00 per ton. Commissioner Rosel asked Commissioner Handy that if this award meant that her crew would not be filling any more pot holes and Commissioner Handy indicated that they were not turning this responsibility completely to the low bidder. This was only on a needs basis. Commissioner Rosel asked the Purchasing Director if there was a gauge on this and Mrs. Salazar responded that there was not and that it was begun by Precinct One as a result of an emergency flooding situation. Commissioner Handy added that they had monitored and the work that this company had done for them during this flood situation has held up well and they have had a very good response from the public and this company was guaranteeing their work. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit AD)

17/A/3/a

Mrs. Salazar indicated that this next request was for an exemption from the competitive bidding process for the Health Department under professional services which medical services with Dr. Ivan Melendez. A motion was made by Commissioner Arcaute and seconded by Commissioners Handy and Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit AD)

17/A/3/b

She stated that this next item was for approval of the medical services contract with Dr. Ivan Melendez and this was for the treatment of sexually transmitted diseases. A motion was made by Commissioner Arcaute and seconded by Commissioners Garces and Handy to approve the contract.

MOTION CARRIED.  
(See Exhibit AD)

17/A/4

Mrs. Salazar explained that this was for the Hidalgo County Sheriff's Department and it was on a previously awarded contract and it was requesting approval for the digital telephone system that was installed with Contract Services.

A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit AD)

17/A/5

Mrs. Salazar indicated that the next item was for the Hidalgo County WIC Program. She mentioned that there was a bid opening on breast feeding supplies on December 31 and they received word from the Director that due to lack of funding they are now requesting that all bids received be rejected. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the rejection of bids for breast feeding supplies.

MOTION CARRIED.  
(See Exhibit AD)

## **ITEM 18. DISCUSSION AND POSSIBLE ACTION ON THE JAIL SPACE**

Judge Cuellar explained that they had met with the Sheriff and the engineer and they advised the negotiating committee that they would be meeting

to see what was at the jail. He added that the architect should be ready for negotiation sometime this week and he will let them know. Commissioner Rosel reported that there would be a meeting in Austin on February 19 and it would be regarding a contract that is being drawn up by the Conference of Urban Counties in regards to the having the State pay the counties for their jail detainees. He then went on to explain this issue to the Commissioners and its possible effect on Hidalgo County. Chief Castellano addressed the Court and said that the Sheriff's Office had submitted a letter to the County Judge indicating why they would not participating in particular program (i.e. lack of jail space). He did added that if sometime in the future the opportunity should arise that they'll have the jail space available then they will look into it in order to possibly defray the cost of the new facility. He did say that if this Court feels that a representative from the Sheriff's Office should attend then they will make an exception. Commissioner Garces said that he would want the Sheriff there and Commissioner Rosel indicated that they may not have jail space now but they hoped to have it in the future and this contract once in place would protect this County's needs. Commissioner Garces felt that this County was in an ideal situation to almost ask for what was needed and then negotiate. After further discussion no action was needed.

NO ACTION.

#### **ITEM 19. DISCUSSION ON THE CREATION OF THE HIDALGO COUNTY TRANSPORTATION DEPARTMENT**

Judge Cuellar indicated that he had put this item on the agenda because he thought that they have at times discussed this issue. He said that what ever needs to be done in order to consolidate Road and Bridge has got to be done by this Commissioners' Court and he thought that it was very important that they start looking and thinking about the possibilities. He added that he has asked legal counsel to look into it and he thinks that there may be four different ways that this consolidation can be done. The concept that he had was that each Commissioner still remain in charge of their precincts but that they look at consolidating and what needs to be consolidated in different areas and that they will be the transportation department and what requirements are needed in their respective precincts and what is needed county-wide. He feels that this is something that should be looked at and it shouldn't be a political football that a County Judge will demand but he thinks that it requires the experience that they all have and the participation. Commissioner Handy stated that Commissioner Handy and himself went through a program the last three months of last year, in utilizing some of the equipment that he had that she needed and vice versa and for every two miles that they used her equipment they were able to save and build another mile and as a result they have gotten 13% on top of earnings and spreading it out. He continued by saying that it may be small but it was effective

and he felt that if they would implement this county-wide then they could accomplish much. Commissioner Arcaute commented that he has talked about this issue for the last eight years to no avail. Commissioner Rosel then stated that the legalities were one issue and the parameters that they choose to work with in the consolidation is another issue. He thinks that the consolidation would work, but it will not work according to some plans that they have seen in the past. He said that the way it was done in the past the wrong persons were assigned to bring the consolidation to the Commissioners' Court and most of those people had no concept of what was going on out in the precinct. Judge Cuellar interjected and stated that this was why he was asking that this be done by the Commissioners. Commissioner Rosel continued by saying that if they were to get the foremen together, he felt that they can come up with a plan that will benefit this county because there were many dollars that could be utilized from the four precincts. He added that if was worked in this way, then he would be more than happy to support it. The County Judge pointed out that at the same time there were ways that the Hidalgo County Transportation Department could work with the Texas Department of Transportation and he thought that it would be a better way to give service to the County. After further discussion no action was taken.

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.