

DRAINAGE DISTRICT #1

The Honorable Renato Cuellar, called the Drainage District #1 Board meeting to order, whereupon the following proceedings were had, to-wit:

CONSENT AGENDA

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

ITEM 2. PERMIT:

A. City of McAllen
(See Exhibit A)

ITEM 3. LINE ITEM TRANSFER

(See Exhibit B)

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

MOTION CARRIED.

REGULAR AGENDA

ITEM 1. DISCUSSION AND ACTION ON DISTRICT'S POLICY OF PROVIDING VEHICLES FOR EMPLOYEES TO COMMUTE TO AND FROM WORK

Godfrey Garza, Drainage District #1 Manager, came before the Court requesting approval of a policy on the use of the District's vehicles. He added that they had submitted a list of employees and along with those that were allowed to operate a vehicle. He added that presently there were twenty vehicles that were being used to commute and he felt that if they limited this the district would save approximately \$70,000.00 based on the \$.32 per mile that was in effect. This policy would also help in restricting private use of these vehicles and possible accidents during the commute to and from the Drainage District yard. Mr. Garza did indicate that there were five vehicles that he would recommend be used for commuting, only because these people were usually on call on a twenty-four hour basis. A brief discussion ensued with regards to the need for the shredder supervisor to have a vehicle, as well as the possible liability on the commute to and from the Arroyo and Laguna Madre. A motion was then made by Commissioner Garces and seconded by Commissioner Rosel to accept the change

of policy and limiting the exemptions to the District Manager, the District Foreman, the Shredder Supervisor, the Tire Repairman and the Right of Way Director. This policy will become effective May 1st, 1998.

MOTION CARRIED.
(See Exhibit C)

ITEM 2. PURCHASING DEPARTMENT:

- A. Requesting authority to declare all tires available for surplus be declared as such for disposition by the Purchasing Department

Martha Salazar, the Purchasing Agent, came before the Drainage District Board requesting authority to declare all surplus tires as such. She pointed out that this was in regard to the project that was discussed the previous week in conjunction with the Precinct Four landfill. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.
(See Exhibit D)

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

MOTION CARRIED.

COMMISSIONERS' COURT

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

CONSENT AGENDA

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

ITEM 2. LINE ITEM TRANSFERS:

- A. Commissioner Pct. 1 - \$450.00
- B. Historical Commission - \$87.00

C. Constable Pct. 4 - \$150.00

D. Auxiliary Court - 39,000.00

(See Exhibit E)

ITEM 3. COUNTY TREASURER

A. Quarterly Investment Report for the quarter ending March 31, 1998

(See Exhibit F)

ITEM 4. DISTRICT ATTORNEY'S OFFICE:

A. Processing Fees Report for the month ending - February 1998

(See Exhibit G)

ITEM 5. URBAN COUNTY PROGRAM:

A. HOME - First Time Homebuyer Contract Agreement and Letter of Commitment to Mortgage Company - 6 families

(See Exhibit H)

ITEM 6. RIGHT OF WAY DEPARTMENT

A. Permits:

1. Pct. 1 - North Alamo Water Supply
2. Pct. 2 - North Alamo Water Supply
3. Pct. 3 - Southwestern Bell Telephone
4. Pct. 4 - North Alamo Water Supply

(See Exhibit I)

The County Judge introduced the Consent Agenda. There being no changes a motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve it as presented.

MOTION CARRIED.

EXECUTIVE AGENDA

ITEM 1. CLOSED SESSION:

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

A. Litigation:

1. Civil Action #M-95-034: Concepcion Soto Zuniga, et al -vs- Rene Guerra, et al
2. Cause #T-393-88-C; City of McAllen -vs- Rio Grande Counseling Center

ITEM 3. CLOSED SESSION:

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

2&3

The County Judge and Commissioners went into Executive Session accompanied by Steve Crain, the County Legal Counsel, Preston Henrichson and Rex Leach on Civil Action #M-95-034 and by Lucy Canales, Juan Peña, Armando Barrera and Yolanda Villescás on cause #T-393-88-C.

No Action.

ITEM 2. OPEN SESSION:

A. Litigation:

1. Civil Action #M-95-034; Concepcion Soto Zuniga, et al -vs- Rene Guerra, et al
2. Cause #T-393-88-C; City of McAllen -vs- Rio Grande Counseling Center

ITEM 4. OPEN SESSION:

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

2/A/1

NO ACTION.
(See Exhibit J)

2/A/2

A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to proceed to judgment and the tax sale.

MOTION CARRIED.

REGULAR AGENDA

ITEM 1. OPEN FORUM

The County Judge announced that Brinkley Oxford had signed up for the open forum and he asked that he proceed to the podium at this time. Brinkley Oxford came before the Court and voiced his concerns with regards to the upcoming consideration of the delinquent tax collection contract. During his presentation he suggested that this Commissioners' Court go out on a request for proposals regarding this issue.

NO ACTION.
(See Exhibit K)

ITEM 5. COMMISSIONER PCT. 1:

- A. Authorization to obtain three (3) additional mobile phones as per agreement with Southwestern Bell Systems
- B. Consideration of exemption and approval to award Professional Engineering Services Contract to Quintanilla, Headley and Associates
- C. Consideration of exemption and approval to award professional services contract to Alvarado Architects & Assoc., Donna, Texas

5/A

Raul Lozano, Precinct #1 Administrative Assistant, came before the Court requesting authorization to obtain three additional mobile phones. A motion was made by Commissioner Handy and seconded by Commissioner Garces to give authorization to obtain three additional mobile phones that will be used by David Alaniz, Field Operations Manager. Leslie De Los Santos, Solid Waste Abatement Officer and Frank Suarez, Pipe Culvert Crew Leader.

MOTION CARRIED.
(See Exhibit L)

5/B

Martha Salazar, the Purchasing Director, informed the Court that this was for an engineering contract that is being requested by Precinct #1. She was at this time requesting no action and for authorization to go out on a request for Qualifications on Items 5B and 5C, with the concurrence of Precinct #1. Commissioner Handy indicated that she was asking for an exemption under professional services and awarding of the contract on both these items. Mr. Lozano added that this was on for a lateral road street improvement project on Miles 2 ½ and 1 ½, but after consulting with legal counsel it was proposed that they go out for RFQ instead. The Commissioners questioned this proposal and they asked for specifics on the project, which were provided by Mr. Lozano. A motion was made by Commissioner Handy and seconded by Commissioner Garces for consideration of exemption and approval to award professional engineering services contract to Quintanilla, Headley and Associates since the City of Mercedes and the developer were contributing to the project. This approval is contingent on the approval as to form and substance of the contract by legal counsel.

MOTION CARRIED.
(See Exhibit L)

5/C

Commissioner Handy indicated that this next item was for the building that Precinct #1 would be occupying and they require an architect to provide a cost estimate with regards to the renovation to the building. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to authorize an exemption under professional services and award an architectural contract to Alvarado Architects and Associates. After further discussion, the motion was put to a vote and it carried unanimously.

MOTION CARRIED.
(See Exhibit L)

ITEM 8. PURCHASING DEPARTMENT:

A. HIDALGO COUNTY:

1. Requesting exemption from competitive bidding requirements for Professional Services/Delinquent Tax Collection Services
2. Approval of contract for the collection of delinquent taxes with Linebarger, Heard Goggan Blair Graham Pena & Sampson, LLP
3. Requesting authority to exercise sixty (60) day grace period option and extend present contract for "Lubricants (Grease, Oil, Hydraulic Fluids) and Anti-Freeze Products: so as not to have lapse in service
4. Requesting authority to advertise for "Lubricants (Grease, Oil, Hydraulic Fluids) and Anti-Freeze Products"
5. Requesting exemption from competitive bidding requirements for Professional Services/Engineering Services
6. Requesting approval of a contract for Professional Services/Engineering Services with Traffic Engineering & Design System, Inc.

B. HIDALGO COUNTY PRECINCT NO. 1:

1. Requesting authority to advertise for "One (1) 1993 or Newer Water Truck"
2. Requesting approval of contract with G.A.S. Enterprises, Inc.

C. HIDALGO COUNTY PRECINCT NO. 2:

1. Pursuant to Hidalgo County Purchasing Policies and Procedures: Article IX, 9.01.02, f., requesting approval of an order and the entering of said order into the minutes of the Court, accepting the written certification (attached as Exhibit #1) submitted by the Commissioner from Precinct No. 2 of the necessity for the purchase of the goods and services procured because of one of the reasons listed in Procedure 9.01.01 (attached as Exhibit #2, pages 12 & 13)
2. Pursuant under the same authority noted above, requesting approval of the authorization of the exception from the requirements of article VII (attached as Exhibit #3, pages 7, 8, 9 & 10)
3. Request approval of a claim from Professional Services Plumbing, Pharr, Texas for emergency plumbing services in the amount of \$38,886.00

D. HIDALGO COUNTY PRECINCT NO. 3:

1. Requesting exemption from competitive bidding requirements under the Texas Local Government Code, 262.024 (a) (2) "an item necessary to preserve or protect the public health or safety of the residents of the county" for security services for parks, pavilions and Anzalduas Park gate opening and closure (as required by a contract with the International Water and Boundary Commission - IBWC)

2. Requesting approval of a contract for security services with American Investigations for parks, pavilions and gate opening and closing at Anzalduas Park
3. Requesting authority to advertise for the following items:
 - a.) Two (2) new 1998 heavy duty dump trucks with beds;
 - b.) One (1) new 1998 heavy duty water tank truck with mounted 3,000 gallon water tank and accessories
4. Requesting authority (upon award of bid) for the County Judge to execute an installment agreement with IBC for the equipment described in items A & B above

8/A/1

Martha Salazar, the Purchasing Director, informed the Court that she was requesting an exemption from competitive bidding requirements for professional services for delinquent tax collection services. She added that a presentation was made at the previous meeting. Commissioner Rosel mentioned that if this type of service was not being provided to the County then they would go out for RFPs, but according to statute, being that they had a service provider already in place they could extend or renew the contract. He stated that the real question here was whether to renew the contract or to go out for RFPs. After further comments a motion was made by Commissioner Arcaute to exempt from competitive bidding requirements for professional services for the delinquent tax collection services. The motion was seconded by Commissioner Garces for the sake of discussion and he mentioned that this was not an issue where the general public was being critical and the percentage of delinquency paid for itself. The Commissioner also brought up the issue of providing this service in-house and he added that if this was done then the County could not charge a penalty fee and as a result this Commissioners' Court would have to fund a whole new department to satisfy this need. He added that the firm in question has committed twenty-five personnel to the County of Hidalgo alone and he wanted to know if there was another firm out there who was willing to provide a similar service without dabbling in another type of legal action. Commissioner Handy voiced that this Court had no way of knowing this unless the County went out on RFPs. Commissioner Rosel pointed out that the only other firm that was competitive has now gone into partnership with the firm in question. Manuel Cavazos, the County Auditor, came into the discussion and voiced his objections on the approval of a contract without going out for proposals. He stated that 1) the public perception of the incompetence of the 500 other law firms that could do this job; 2) that someone else could perform these duties for less than the 15% proposed; 3) and that on the present contract there was no clause for a right to audit. A discussion ensued with regards to this last item and Paul Vazaldua stated that he had a legal opinion from legal counsel. Steve Crain, the County Legal Counsel, then approached the bench and indicated that a "right to audit" clause would constitute an unethical approach on behalf of the auditor to the clients of any attorney. Commissioner Rosel reopened the question of what action needed to be taken and he mentioned that the percentage charged was not being paid by the County but by the person who owed the delinquent taxes. He also mentioned that the contract being considered was the same as those approved by other entities with services being

provided by the firm in question. Juan Peña approached the podium and announced that this firm represent over 2,000 entities, including the top then counties in the State of Texas and none of these clients pay less than 15%; the reason for this was because it was the person who was delinquent who paid this fee as a penalty. Mr. Peña then went on to specify what duties his firm performed in the collection of delinquent taxes as well as direct attention to some of the charges voiced by Mr. Oxford in Item 1. Commissioner Arcaute pointed that they had received a letter from the Tax Assessor-Collector and Commissioner Garces asked to hear his view in the matter. Armando Barrera, the Tax Assessor-Collector, then proceeded to the podium and informed the Court that he had submitted a letter of recommendation to the Commissioners' Court. His letter indicated that that this firm was always accessible for any questions that may arise or for meetings and mail-outs were sent out on a regular basis. Commissioner Rosel pointed out that convenience was a minor point and he wanted to know if they were doing the job and if he was recommending the firm in question. Mr. Barrera mentioned that the performance was there as their quarterly reports showed and he also wanted to add that they provided the resources available. Commissioner Handy suggested that if this was the only firm that could provide this service then she saw no problem in going out for RFPs. Mr. Barrera advised that they should remain with this firm because they were also under contract with the other entities that were under contract with Hidalgo County and this would be a plus. Commissioner Handy continued to reopen the issue of going out on RFPs versus renewing the contract and this resulted in a discussion with comments by Commissioners Arcaute and Rosel, as well as Manuel Cavazos, the County Auditor. During this discussion Commissioner Arcaute pointed out that they had a recommendation by the Tax Assessor-Collector and this should suffice in allowing this Commissioners' Court to make a decision. He then called for the question on whether to continue or cease with the debate and the Commission voted unanimously. As a result of this the motion on the exemption was put to a vote and it carried.

MOTION CARRIED. (COMMISSIONER HANDY VOTED AGAINST THE MOTION)
(See Exhibit M)

8/A/2

Mrs. Salazar proceeded with the approval of the contract for the collection of delinquent taxes with Linebarger hard Goggan Blair Graham Peña & Sampson. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve. Commissioner Garces pointed out the conditions of the contract for clarification with regards to the "right to audit" which would be omitted and the term of the contract would be for three years with an option to renew for two.

MOTION CARRIED.
(See Exhibit M)

8/A/3

Mrs. Salazar continued with the next item which was a request for authority to exercise a sixty day grace period option and to extend the present contract

for Lubricants (grease, oil, Hydraulic Fluids) and Anti-Freeze Products so as not to have a lapse in service in completing the revamping of the present specifications as directed by Commissioners' Court. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve.

MOTION CARRIED.
(See Exhibit M)

8/A/4

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to authorize the advertising for "Lubricants (Grease, Oil Hydraulic Fluids) and Anti-Freeze Products.

MOTION CARRIED.
(See Exhibit M)

8/A/5

Mrs. Salazar informed the Court that this item was for the exemption from competitive bidding requirement for professional services for engineering services for project development pertaining to the alternatives to resolving the parking problems and traffic improvements of the Edinburg Central Business District, but not including an alternative of the Closner Street closure for the Hidalgo County Courthouse. A motion was made by Commissioner Garces and seconded by Commissioner Rosel for the sake of discussion. Commissioner Rosel asked Mrs. Salazar that he thought that action had been taken on this issue and Mrs. Salazar replied that they had but the decision had been a moot point since the Texas Department of Transportation had ruled that the closure of Closner Street would not be an option and the scope of the work had been re-worked by the engineering firm. Commissioner Arcaute asked about the closure of Closner Street and Mrs. Salazar informed the Court that Vona Walker, the Right of Way Director, had received some correspondence from the Texas Department of Transportation would not concur with the closure. The Commissioner then mentioned that due to the growth in population in the County that maybe what this County needed was a new courthouse and due to the correspondence building a new one in the Courthouse square was out of the question. The motion was then put to a vote and it carried.

MOTION CARRIED.
(See Exhibit M)

8/A/6

A motion was made by Commissioner Garces and seconded by Commissioners Rosel and Arcaute to approve a contract for professional engineering services with Traffic Engineering and Design Systems, Inc. The contract amount not to exceed \$11,600.00.

MOTION CARRIED.
(See Exhibit M)

8/B/1

Mrs. Salazar reported that Hidalgo County Precinct One was requesting authority to advertise for "One (1) 1993 or newer Water Truck". A motion was made by Commissioner Handy and seconded by Commissioners Rosel and Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit M)

8/B/2

NO ACTION.
(See Exhibit M)

8/C/1

Mrs. Salazar indicated that this next item was in reference to an emergency at Palmer Pavilion during which the bathroom facilities were backing up. The problem had tried to be corrected with in-house forces and it was later determined that the reason for the back-up was due to the complete breakdown of the drainage underneath the bathrooms which had to be excavated and replaced. A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve an order and entering of said order into the minutes of the Court accepting this written certification.

MOTION CARRIED.
(See Exhibit M)

8/C/2

Mrs. Salazar explained that this was pursuant under the same authority as noted above, requesting approval of the authorization of the exception from the requirements of Article VII, as attached. A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit M)

8/C/3

The next item was requesting approval of a claim from Professional Services Plumbing, out of Pharr, for the emergency plumbing services in the amount of \$38,886.00. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit M)

8/D/1

Mrs. Salazar informed the Court that this next item was for Precinct Three and it was being done for temporary services until the deputy constable positions that will provide this service have been filled. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit M)

8/D/2

This next item was for approval of a contract for security services with American Investigations for the Parks, pavilions and gate opening and closing at Anzalduas Park as a result of the previous action. Commissioner Rosel posed a question regarding the competitiveness of the cost and Mrs. Salazar replied that they had adjusted their earlier quote to be more competitive and they were the only competitor who had met all the requirements of the County. A motion was made by Commissioner Rosel and second by Commissioner Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit M)

8/D/3

Mrs. Salazar reported that she was requesting authority to advertise for Two new 1998 heavy duty dump trucks with beds and one new 1998 heavy duty water tank truck with mounted 3,000 gallon water tank and accessories. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit M)

8/D/4

She was also requesting authority after receipt of equipment, for the County Judge to execute an installment agreement with IBC for the equipment described in items 8/D/3. A motion was made by Commissioner Rosel and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.
(See Exhibit M)

ITEM 2. PLANNING DEPARTMENT:

A. Discussion and possible Action on Subdivision Plats

Emilio Garcia, the Chief Planner, came before the Court requesting some direction and guidance with regards to the subdivisions inside the city limits of any city

within the County of Hidalgo. He continued by saying that they, along with the Drainage District #1 and the Right of Way Department were recommending some procedures and fees in order to ensure that all applicable requirements of the County were being met. Godfrey Garza, the Drainage District Manager, came into the discussion and explained that they would like to have the fees allocated to the Drainage District to offset costs in association with other drainage projects that they are doing in other cities and/or precincts. He also said that by having the Drainage District review the plat they will be holding the engineering companies more liable for their designs. Commissioner Handy had a question on the \$25.00 filing fee and Mr. Garcia explained that this fee was paid to the Planning Department to check that the tax certificates and drainage reports were in place. He added that a \$75.00 fee was charged to review the plat for drainage and this was the fee that was going to be allocated to the Drainage District. Mr. Garza explained that engineering firms were charging up to \$1,500.00 just to review and he felt that the \$75.00 was not sufficient and he recommended that this fee should probably be about \$250.00. Commissioner Handy directed that he check with all the other entities and find out how much they are charging and report back to Commissioners' Court and then maybe they can set a higher fee. Vona Walker, the Right of Way Director, informed the Court that the action on the table at this time was to allocate the \$75.00 fee to the Drainage District. A discussion ensued with regards to having just the Drainage District review the plats instead of having an engineer to it with direction by Mr. Garza on the need for the review by the engineer. A motion was made by Commissioner Garces and seconded by Commissioner Rosel that the Planning Department continue to receive the subdivision plats, then route them to the Drainage District and finally to the County Clerk's Office for recording.

MOTION CARRIED.

(See Exhibit N)

ITEM 3. LIBRARY SYSTEM:

- A. Admit the Public Libraries of Hidalgo, La Joya and San Juan to the Hidalgo County Library System
- B. Authorization and approval to increase part-time Driver hours from 20 per week to 30 per week
- C. Authorization and approval to transfer \$2,721.00 from object 75 to object 03, slot #4

3/A

William McGee came before the Court requesting the admittance of the public libraries of the cities of Hidalgo, La Joya and San Juan to the Hidalgo County Library System. A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.

(See Exhibit O)

3/B

Mr. McGee informed the Court that as a result of the new additions to the Library System and provide service, they were wanting to increase the work week of their driver from twenty (20) hours to thirty (30) hours per week. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit O)

3/C

As a result of the increase in hours the salary for the driver position needed to be increased. Mr. McGee was requesting a transfer of \$2,721.00 from their line item #75 to the #03 line item to increase the salary of this position due to the increase in hours. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit O)

ITEM 4. COUNTY JUDGE'S OFFICE:

- A. Approval to create a Warrants Officer position and a Warrants Coordinator position
- B. Set Salaries

Paul Vazaldua, Administrative Assistant to the County Judge, came before the Court requesting approval to create a warrants officer position and a warrants coordinator position for the Criminal Auxiliary Court. He added that these positions would be funded 100% from the Auxiliary Court grant. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.

(See Exhibit P)

4/B

The salaries for these position would be as follows: Warrant Officer at \$27,000.00 annually and the Warrants Coordinator at 18,500.00. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.

(See Exhibit P)

ITEM 6. OFFICE OF EMPLOYMENT AND TRAINING:

- A. Discussion and possible Approval of the 1998 - 1999 JTPA Master Plan

- B. Discussion and possible Approval of the title IIB SYETP Successful Proposals for CY 1998
- C. Discussion and Possible Action on CHOET'S insurance coverage and procurement policies (worker's comp., Unemployment benefits, 3D bonds, and other surety bonds)
- D. Discussion and Possible Action to terminate Private Industry Council (PIC) member

6/A

Dick Dickinson, OET Director, came before the Court requesting approval of the 1998-1999 JTPA Master Plan. He explained that this plan covered the following programs in the corresponding amounts budgeted: Title IIA - \$6,179,568.00; Title IIC - \$962,638.00; Title III - \$2,104,796.00; OIP - \$183,930.00 and the 8% Grant - \$347,273.00. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.
(See Exhibit Q)

6/B

Mr. Dickinson continued by requesting approval of the Title IIB SYETP Successful Proposals for CY 1998. He added that they had fifty-eight (58) proposers that responded to the RFP and of those only fifty-four (54) reached a grade of 70 and above. They received approval from the Private Industry Council (PIC) with the condition that there was due diligence done on reconciliation of the grade. He stated that there was one change on So. Texas Vo-Tech, of Weslaco, did not reach a grade of 70, but Vanguard did and he asked that they refer to the exhibit (they are not recommending funding on the items that are shaded.) He did say that there was an accumulative total of \$4,472,268.00, excluding the residency programs. He added that all proposers that reached a grade of 70 and above be funded subject to contract negotiations. Commissioner Rosel asked what the success rate of this program was last year and Mr. Dickinson replied that under this program there were no performances set by the State, as it was just a summer youth program and he went on to explain some of the programs under Title IIB. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit Q)

6/C

Mr. Dickinson explained that he has been asked to table this item subject to some information that is being obtained from TAC.

NO ACTION.
(See Exhibit Q)

6/D

Mr. Dickinson reported that as per an amendment to the PIC by-laws by which any member who has missed three consecutive regularly scheduled meetings may be terminated by the PIC Board. He added that this particular person was contacted prior to this action being taken by the PIC and he indicated that he just didn't have time and the PIC took action to terminate the services of this particular member. Upon a question by Commissioner Rosel on who this member represented, Mr. Dickinson replied that it was the private sector. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.

(See Exhibit Q)

ITEM 7. URBAN COUNTY:

- A. Approval of a budget amendment for Year 1994 - Pct. #4
- B. Approval of a construction contract with Valley Builder Construction Co. - City of Alamo Parks, Rec. Facilities - Year 7 and 9 - 1994 & 1996
- C. Approval of a construction contract with Enriquez Group - City of Alamo Youth Centers - Year 7 and 8 - 1994 and 1995
- D. Approval of a Professional Service Contract with Hinojosa Engineering for PFI-Street Improvements, Year 10 - 1997 - The City of Progreso
- E. City of San Juan HOME Housing Rehabilitation Program - Construction Contract Award
- F. City of La Villa - HOME Housing Rehabilitation Program - Construction Contract Award
- G. Public Hearing considering the passage of an Order designating as an Reinvestment Zone property with the unincorporated areas of Hidalgo County in particular Lots #8, 9, 10, 11, 12 and 13 of Block 1 Goodwin Tract Subdivision #1, Hidalgo County Texas according to a map of said subdivision recorded in Volume 5, Page 30 of the Map Records of Hidalgo County Texas
- H. Approval of an Order designating certain real property within the unincorporated areas of Hidalgo County as Reinvestment Zone, more particularly being the forth acres lying in Lots #8, 9, 10, 11, 12 and 13 of Block 1, Goodwin Tract Subdivision #1 of Hidalgo County Texas according to a map of said subdivision recorded in Volume 5 Page 30 of the Map Records of Hidalgo County, Texas
- I. Approval of an agreement between County of Hidalgo and Frontera LLP granting tax abatement in accordance with the Guidelines and Criteria's adopted March 31, 1998

7/A

Anthony Covacevich, Urban County Director, came before the Court requesting approval of a budget amendment for Year 1994 under Precinct #4. The amendment entailed a reduction in Parks & Recreational facilities and created a line item for Youth Services in the amount of \$1,080.16. A motion was made by

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

MOTION CARRIED.
(See Exhibit R)

7/B

He was also requesting approval of a construction contract with Valley Builder Construction Co., under the City of Alamo's Parks & Recreational Facilities for Year 7 and 9. The contract amount was for \$35,000.00 and it was a low bidder for restaurant facilities at the Villagomez Park and Lions Park. A motion was made by Commissioner Arcaute and seconded by Commissioners Garces and Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit R)

7/C

Mr. Covacevich was requesting approval of a construction contract with Enriquez Group, under the City of Alamo's Youth Centers, for Years 7 and 8. This was for the construction of backstop and fencing for the little league park and the contract amount was for \$14,900.00. A motion was made by Commissioner Rosel and seconded by Commissioners Garces and Arcaute to approve the request as presented.

MOTION CARRIED.
(See Exhibit R)

7/D

The City of Progreso was requesting approval of a professional services contract with Hinojosa Engineering for Street improvements. The contract was for \$12,317.07. A motion was made by Commissioner Handy and seconded by Commissioners Rosel and Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit R)

7/E

The City of San Juan was requesting a construction contract award under their HOME Housing rehabilitation program. The low bidder on this project was Alpha Construction for bid option number one in the amount of \$168,995.00 and it was for the rehabilitation of eight dwelling units. A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit R)

7/F

The City of La Villa was requesting a construction contract award under their HOME Housing Rehabilitation Program. The low bidder on this project was J.D. Villarreal Construction for Option I for \$59,700.00. The contract was for the rehabilitation of two dwelling units. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit R)

7/G-I

Mr. Covacevich informed the Court that no action would be need on items 7/G, 7/H and 7/I at this time.

NO ACTION.
(See Exhibit R)

ITEM 9. JAIL PROJECT:

- A. End negotiations with the architectural firm of Lopez and Lopez Architects, inc., d.b.a. Prospectiva and commence negotiations with next selected most qualified architectural firm
- B. Dissolve existing architect negotiation committee and appoint new architect negotiating committee

JUDGE CUELLAR Now we go to Nine.

COMM. ROSEL Number nine.

JUDGE CUELLAR Jail project.

COMM. ROSEL Fun, fun in the sun.

PAUL VAZALDUA Judge, Commissioners, the item on the agenda for the jail project, ahm, reads on item A to "end negotiations with the architectural firm of Lopez and Lopez Architects, inc., d.b.a. Prospectiva and commence negotiations with next selected most qualified architectural firm"; and then there's item "B" "dissolve the existing architect negotiation committee and appoint new architect negotiation committee".

COMM. HANDY Paul, we, we got a fax here, I'm sorry...

COMM. ROSEL Go ahead.

COMM. HANDY ...from, ah, the Texas Board of Architectural Examiners and it says here that they've scheduled a conference with Mr.

Lopez that'll take place in their office on May 8th. After their conference they'll give us a recommendation on the resolution of the matter, so, I think that in itself...I think we need to hold up on it until they give us a recommendation.

PAUL VAZALDUA

Judge, our office has not received that fax, I'm sorry, Commissioner...

JUDGE CUELLAR

I haven't either.

COMM. HANDY

I'm sorry.

COMM. ARCAUTE

Everybody was "CC'd".

COMM. HANDY

Everybody received it.

COMM. GARCES

Yeah, we have it.

PAUL VAZALDUA

I apologize, but I mean, I'm looking at Mari and, who takes those things up for the Judge and myself and...

JUDGE CUELLAR

I think one of the Commissioners made a request that they receive these before the press did.

COMM. GARCES

Yeah, at least.

PAUL VAZALDUA

I think they included the Judge, they included the Judge.

MARI

Cynthia called us, we got a copy of you all's fax numbers and I gave them to them, I gave them to her.

COMM. GARCES

Who's, who's Cynthia?

JUDGE CUELLAR

Did we get a copy of that...

LISA SAUCEDA

Ms. Canfield, the General Counsel.

COMM. ARCAUTE

This is all the correspondence that has transpired between this County and the Texas Board of Architectural Examiners.

COMM. HANDY

Yeah.

COMM. ARCAUTE

I think this action would be premature...

COMM. HANDY

Yeah, if...

COMM. ARCAUTE If, ah, I don't know how far the negotiations are, I've asked that question twice and it's still unanswered.

JUDGE CUELLAR Let me answer it for you, last meeting we said we would not negotiate until this situation was cleared up with the Architectural Commission and that's where it's at, at this point. There's to be no negotiations until we're clear.

COMM. HANDY I say we have no option but to wait until after the, the General Counsel advises us.

PAUL VAZALDUA Commissioner, do you want to read that letter to us...

COMM. HANDY Yes.

PAUL VAZALDUA ...for the record.

COMM. HANDY Yeah, could you just...

PAUL VAZALDUA I just ----- for a copy.

COMM. HANDY Okay, it says, ahm, "Dear Commissioner, I have attached copies of all correspondence previously sent to Judge Cuellar regarding the Texas Board of Architectural Examiners investigation of the statement of qualifications submitted to you by Prospectiva. I hope that this information will help you understand the seriousness of our investigation. We have scheduled a conference with Jose Lopez that will take place on our office on May the 8th, 1998. After the conference my office will make a recommendation to the Board regarding to the resolution of this matter. The Board will meet on May 30th, 1998, but the case might not be finally resolved at that time. As I indicated during your meeting last Monday, Mr. Lopez will have several opportunities to appeal any adverse decision the Board might take. Until the case is finally resolved Mr. Lopez's professional license will remain in good standing. If you have further questions about this matter please do not hesitate to contact me at (512)305-8531. Sincerely, Cynthia W. Canfield, General Counsel".

COMM. ROSEL I read that letter and, you know, when I got to the word "serious charges" or "serious allegations" or "serious concerns" that was serious enough for me to, to know that it was time for us, this Commissioners' Court to come here and do something about this situation. Last week, if you

remember I, I requested that this item be placed on the agenda so that we could take action on it. Ah, even if next week or the week after or two weeks or three weeks after the, ah, they have a meeting and Mr. Lopez, his license is not in jeopardy, it's in good standing, I still think that we have a lot of things to consider before we would even think about continuing negotiations with these people. One, the allegations that have been printed in the newspaper and come to us. They're serious and I know that you recognize that they're serious concerns out there, but I think that for us to ignore these and, and wait another two weeks or wait till the end of May and they're telling us that they're going to recommend a criminal investigation or charges or whatever, I think that in itself should, should tell us, should raise a flag to us and tell us, ah, what you need to do is you need to protect this County and not protect the, the architect, because the negotiation that's going on at this particular time is just that, a negotiation we can end it at any time without any, without any, ah, liability to the architect himself. He got his problems out there, we end the negotiation we go on to number two and number three, or we go to number two and then number three, it doesn't make any difference but, my motion at this time would be to end the negotiations with the architectural firm, Lopez & Lopez, doing business as Prospectiva and commence to negotiate with the next firm that was, ah, listed on the, according to qualifications which was DiStefano and Santo Petro, that would be my motion, that's the safest thing to do for this County.

COMM. HANDY

What I...

COMM. GARCES

Let me second it for discussion.

COMM. HANDY

What I, I have some questions, I'm sorry...

COMM. ARCAUTE

I have some questions on the procedures?

COMM. HANDY

Yeah.

JUDGE CUELLAR

Motion made and seconded, is there any discussion?

COMM. ROSEL

Well, well that's, that's the question, Judge, ah, you're asking for a second and the discussion occurred before the motion was made, ah, well okay, this is not...

COMM. HANDY Okay, I'd like, I, I want to bring up some things, because, ahm, in December I was gone for a week and that week was the week that you all chose the top three architects.

COMM. ROSEL No, no, well, excuse me...

COMM. HANDY Okay, while I was gone, anyway...

COMM. ROSEL Go ahead.

COMM. HANDY ...so, you all discussed, you know, the three, the three, I wasn't here then and I didn't hear that. Ahm, while I've been gone, you know, there was presentations last week, Ms. Canfield came over, there's a lot of ques..., you know things that have been going on that I'm not aware of because I wasn't here; but my question is this, I've got a few questions: one is who, who was the, the, who was responsible for the investigation of Mr. Lopez and finding out all these situations with this firm?

COMM. GARCES Good question.

COMM. HANDY Who did that?

COMM. ROSEL I've been given credit for it, but I, I will, I will swear to it that, that I didn't have anything to do with it.

COMM. GARCES And my concern...

COMM. HANDY But, but that's what I'd like to know because...

COMM. ARCAUTE The ----- said that it came from your office, what do you mean given credit.

COMM. HANDY Okay, but...

COMM. ROSEL Not, ah, no, no, you're wrong.

COMM. ARCAUTE No, I got a copy of it.

COMM.. ROSEL See, I know what fax you're talking about, I had nothing to do with what you're, what you're, what this is about.

COMM. ARCAUTE But you do know where it started.
COMM. HANDY Well, regardless...

COMM. ROSEL You're not under oath here, Commissioner, but you do know ----- where it started.

COMM. HANDY Regardless of where it star..., okay, regardless of where it started, I would like to see, before we start negotiating with the other two firms if that's what we decide to do, I would like to see those two firms, also investigated the same way that Lopez & Lopez is investigated...

COMM. ROSEL I think it's necessary.

COMM. HANDY ... to make sure...

COMM. GARCES I'm with you on that.

COMM. HANDY ...that we're not going to come across any, any false statements that were made on the state of qualifications and so that we won't waste any more time...

COMM. ROSEL Absolutely.

COMM. HANDY ...let's go ahead and have those two firms looked into to make sure that the architects are licensed, that the engineers are alive, you know, that, you know, whatever other allegations were made with the Lopez firm and have those two, to make sure that before there's any negotiations going on that those people are qualified and licensed and everything else.

COMM. GARCES Let me..

COMM. ROSEL Ahm, I agree with you but what I think you're asking for and I think you're right, ah, you're asking for, for us to set up a qualifications committee and I think that's absolutely necessary for those people to go through the qualifications, which are, which I think that our Purchasing Director should have done.

COMM. HANDY Well, (inaudible)

PAUL VAZALDUA Commissioner Handy...

COMM. GARCES No, no, wait a minute

COMM. HANDY ...whoever check the -----on Lopez & Lopez...

COMM. GARCES
COMM. HANDY

No, no, no, just a second...
... did the same thing.

COMM. GARCES

Commissioner, I agree with you, but I think what we're looking for here is and I think Can..., Canfield mentioned it last week. Her biggest problem is the professional integrity of the process and the proposals that were submitted. Now, I think we lay it out and say let's go to the second or third, wherever we're at. Now, if they come across and submit that's...

COMM. HANDY

Yeah, but that's what I'm saying we're going to be wasting time...

COMM. GARCES

... it's fraud, it's misrepresentation...

COMM. HANDY

...if we go through the same thing with him.

COMM. GARCES

... and there can be criminal charges filed on number one, two and three. I think we have the process in, in, in order right now, it's already there, we'll go to it. And, yeah, I'm a firm believer that we should investigate, but I don't think it's up to us to do it, now, if we find out like in this case that there might be some...

COMM. HANDY

Well, but how did we find out.

COMM. GARCES

...indiscretion of the...

COMM. HANDY

This is what I'm asking, my question is this, how did we find out that these people were lying under statement of qualifications. How did we find that out? How, who, who brought that out?

COMM. ROSEL

Well, the legal counsel was there in the negotiations, he...

COMM. HANDY

Who found out about this, because those are the same people that should investigate the other two firms.

COMM. ROSEL

Then they should.

COMM. HANDY

So, who brought it out?

COMM. GARCES

I know that there were letters...

- COMM. HANDY Who investigated, who found out these people were lying? Those are the people that should investigate the Santo Petro firm and the other, third firm that we chose.
- COMM. GARCES Let me, yeah, Commissioner, TB, ah, the Texas Bureau of Architectural Examiners was the first contact that I had aside from, when I got a copy and the media came out, that's what I had, right there, that the TBAE was looking into it on some serious concerns that they had with the information that was presented in the proposal, all right. Now, if there's going to be an entity out there that's going to look into proper, ah, documentation of a professional, it's going to be...
- COMM. HANDY Well it TBAE is the one that did it, Commissioner, they should also do the, the other firms then, before we negotiate.
- COMM. GARCES And they, right, and they can take on with it right now if you want.
- COMM. HANDY Yeah, I think that's a good idea.
- COMM. GARCES All right, now, the other would be our chief, ah, law enforcement office that can do that also or I don't know if it's the DA or I...
- COMM. HANDY It should be the same people that did the Lopez firm, cause obviously they did a great investigation in there. I mean, they found out all the details of, you know, of all the problems, all the lies that these people put on there, if, I mean, the allegations that they were not architects that the engineer was, ah, was not alive and all those things.
- COMM. GARCES Sure, yeah.
- COMM. HANDY I mean, whoever did that investigation, obviously did a real job of investigating, so I think we should have those same people investigate the other two firms.
- COMM. ARCAUTE This Commissioners' Court could request that from the Board of Architectural Examiners.
- COMM. GARCES Well, let's put it...
- COMM. HANDY We can make sure that they're licensed.....

COMM. GARCES ...let's put it into form then, let's say, "let's stop, let's go to second and at the same time order TBAE...

COMM. ARCAUTE No, no, no, no.

COMM. GARCES ...to go ahead and proceed with their, ah...

COMM. ARCAUTE What if they are wrong. Santo Petro presented some designs to this Court when he made his presentation. Those are not the designs for this jail in Hidalgo County. Now isn't that misrepresentation?

COMM. ROSEL That may be...

COMM. GARCES What designs?

COMM. ARCAUTE That may be, sure it is misrepresentation.

COMM. ROSEL I don't remember what you're talking about, but....

COMM. ARCAUTE Well, see that's what happens we have very ----- memories

JUDGE CUELLAR I think if we made a mistake, we need to learn from our mistakes. Number one, as Ms. Han..., as Commissioner Handy says, somebody and let's not worry about who, but let's learn from that. When the press asked me, when these specifications were put out, how did you arrive at this decision, I, I took them at face value.

COMM. GARCES Exactly, they're professional services.

JUDGE CUELLAR But now, but now, we know that the Commission on Jail Stan... that the Commission on Architects went in and did a good job of reviewing it. I learned from the Sheriff's Office, so I think we owe it to ourselves to run the other two agencies, their specifications to, to tell the Purchasing Director to contact the Commission and present them with the same facts that were presented on the same and this is just out of fairness to us...

COMM. ROSEL I agree with you.

COMM. GARCES Let me, just for, maybe we've been throwing this a little bit, Steve, wouldn't the process that we're going through right now, take care of some of the questions that Commissioner Handy has about, see, cause you have to base yourself on

this is an architectural firm coming in and they're putting their name on the line in saying this is a professional agreement that we're offering or the proposals that we have of qualifications. That in itself is enough for us to take it as face value that you mentioned. The process in the negotiation is to find out where we're at, isn't part of the process to weed out and say well this is not where we want to go and let's go to the next one.

JUDGE CUELLAR

See I mentioned this to Commissioner, ah, Rosel, if there is a change in specifications, which there might be then at that point we have reason to end our negotiations, nothing else has to be done. Now, we have said we will not negotiate with that firm unless they're cleared up there. Now, we don't necessarily have to wait...

COMM. GARCES

We don't.

JUDGE CUELLAR

...but, I think we owe to ourselves to make sure we have the information and from now on when anybody submits specifications, we've got to find a way to look into them instead of just accepting them at face value.

COMM. ROSEL

Yeah.

JUDGE CUELLAR

We owe the public that.

COMM. ROSEL

We learned through this one, yeah, definitely, but...

PAUL VAZALDUA

Judge, Commissioners, I was going to give Commissioner Handy the example because, I believe, she was on staff with the County Judge's office, we had put out a request for qualifications for one of our health clinics that required that a physician assistant, a licensed physician assistant be on staff and we had two proposals and one proposal, both proposals claimed to have physician assistants on staff, however we looked through the, through the, through the packets, the grading committee looked through the packets and we found that one of the individuals that was claiming to be a physician assistant was only a registered, ahm, radiologist, not a physician assistant. So, that disqualified that proposer automatically and then we went on to look at the other proposer and saw their qualifications, but it's something that can be done as, as far as looking, working with a State agencies and the commissions that approve

these licenses to make sure that these individuals have those in order.

COMM. HANDY

Well, I think once we get the resolution that the Board is going to recommend, ah, in May, I think then we can finally go to the next one.

COMM. ARCAUTE

If this architect who is the principal of this firm, the questions that have been raised have been the consultants that he, that he took on. Am I correct?

PAUL VAZALDUA

Correct.

COMM. ARCAUTE

Okay, but he's still the architect, at any point this guy can say "okay, I'm changing, I'm changing consultants".

COMM. ROSEL

He can't do that.

COMM. ARCAUTE

Why not?

COMM. ROSEL

When we out for the specs, there was, I remember the attorney told us that, that anyone who would turn in the qualifications had to list all of the people that were going to play an integral part in the design...

COMM. GARCES

The team itself.

COMM. ROSEL

...of the jail. And that they would not be subject to change.

COMM. ARCAUTE

But they all didn't, do they.

COMM. ROSEL

Well, I'm telling you what was on the specs, am I correct?

STEVE CRAIN

That's what was in the specifications.

COMM. ROSEL

So they're out.

JUDGE CUELLAR

Again...

COMM. ROSEL

Commissioner, it comes back now that they're out.

JUDGE CUELLAR

...I'm suggesting and they said they might change and if they do change that's a different ball game.

COMM. ROSEL

Well, one's dead and the, the other one is...

JUDGE CUELLAR

No, I'm saying when they make a change...

COMM. ROSEL Come on, (inaudible)

JUDGE CUELLAR ...and, and, no, when they make that change to the commission as their defense...

COMM. ROSEL Ay, ay, ay...

JUDGE CUELLAR ...if it's not there in the specification any longer that's going to put them out.

COMM. GARCES And I'm saying, ah, why wait for somebody else to take care the situation we have here. I think...

JUDGE CUELLAR We're not waiting, Commissioner, we're going to go ahead and check on the other two firms to make sure they're still in the ball park.

COMM. HANDY Well, we also have to wait for the Texas Board of Architectural Examiners to give us the, the resolution in May. They're having this meeting May the 8th and they're telling us that they'll, they're gonna give us a, ahm, resolution of the matter when they meet on May the 30th, when the Board meets. So, that's, we're not, I mean that's not a long wait from now, that's next month; and we're already what, we're at the end of almost the end of April so it's not that more, that much more to wait. If we can resolve that and they can give us their conclusion of their investigation, you know...

JUDGE CUELLAR And let me say we just received a, a, ah, communication from the Jail Standards that we're still in good standing, that was something that happened that was...

COMM. ROSEL At a cost to the taxpayers of this County, we understand.

JUDGE CUELLAR Well...

COMM. ARCAUTE So, what are, are we believing that a dead person is going to come and design our jail.

COMM. ROSEL Well, that'd be kind of difficult, you know, it would be difficult, but I mean, that's not the, again we go to the word principle of the matter. The matter is the fact that these people...

COMM. ARCAUTE Nobody out there gives a..., about principles, Commissioner.

COMM. ROSEL Well, that may be true in your, in the, in the way you look at it, but....

COMM. ARCAUTE Hell, I'm talking about this Commissioners' Court, as far as the...

COMM. ROSEL Well the real fact is that...

COMM. ARCAUTE (inaudible)

COMM. ROSEL ...Commissioner, the real fact is that we're, we're putting a blindfold on, over our own eyes, when we try to convince ourselves, rationalize that there is a, a situation out there that can explain this by taking an erasure and erasing something under column "A" and putting it into column "B". When it was specified in, in the specs that you could not do that; plus, all of the perception, again of all of these things that are going on is just not convenient for us. I know some of us that are going out and, and, and we're going to leave this County, some of us will leave the next year or whatever, but I think the thing that we need to do is do the right thing for this County. Don't leave a legacy behind that he was afraid to make the decision. You make that decision...

COMM. ARCAUTE What does that have to do with it, Commissioner.

COMM. ROSEL The right thing to do, that's what it's all about. I'm not going to get into any argument with you...

JUDGE CUELLAR But, but, but some people...

COMM. ARCAUTE You talk about perception...

JUDGE CUELLAR ...what people say is you do, you do right when you do what I tell you to. It doesn't, it doesn't play that way, Commissioner.

COMM. ROSEL Well, no, I'm just...

JUDGE CUELLAR We can have a difference of opinion...

COMM. ROSEL I understand.

JUDGE CUELLAR ... and still...

COMM. ROSEL I understand but I'm reading the cards that are in front of me, that's all. It's not by, my, my opinion, but rather by what's in front of me.

JUDGE CUELLAR That's the way it's come out before.

COMM. ARCAUTE Do you have a full deck?

COMM. HANDY I think, I think that we (laughter)...

COMM. ROSEL There goes one...

COMM. ARCAUTE I, I mean it literally, I mean it literally. Hit me with two cards, okay.

COMM. HANDY I think, I think we should wait until after the, ah, the May 8th, ah...

COMM. ROSEL Well sometimes, I'll question it myself, what am I doing here, you know. I must be playing with a deck of fifty-one.

COMM. HANDY ...you know, we get the resolved matter from the, ah, Texas Board of Architectural Examiners...

COMM. ROSEL No, Ms. Handy...

COMM. HANDY ... and then, and then we can put it back on the agenda to do this.

COMM. ROSEL No, Ms. Handy, let's do it now and that way you don't have to do it later and we avoid these people the, the agony, you know...

COMM. ARCAUTE Let the Commissioner...

COMM. HANDY I'd just like to have the complete exama..., the things completed, you know let's go one step and complete it and the next step and so on...

JUDGE CUELLAR And my suggestion is we not go on to somebody else until we review...

COMM. HANDY We obviously know that there's some problems with these people...

JUDGE CUELLARbut we should've reviewed originally.

COMM. HANDY And that's why I'm saying that once, once that is, that that is done then we should have the other two, ah, architects investigated by the same people to make sure that everything that is on the statement of qualifications...

COMM. ROSEL Wait a minute. Yes, I agree with you and I'm gonna say, I don't want to get one step ahead of you.

COMM. HANDY Right.

COMM. ROSEL I think what was done last time by the department who did it...

COMM. HANDY Right.

COMM. ROSEL ...not someone who sent a fax, I think that should be done now and I bet you a dollar it's already being done.

COMM. HANDY Good.
COMM. GARCES Sure.

JUDGE CUELLAR What's being done?

COMM. GARCES Investigation on the other two remaining firms. But there's no harm...

COMM. HANDY Then we wouldn't have to go through all this.

COMM. ARCAUTE Okay, so, they're ahead of you, they're ahead of you.

PAUL VAZALDUA Cynthia Canfield didn't say to me that she was gonna investigate all three proposals.

COMM. GARCES That'd be the only proper thing to do, Commissioner Handy.

COMM. HANDY That, that would be great...

PAUL VAZALDUA She told me...

COMM. HANDY ...and then we don't have to run into this problem again.

PAUL VAZALDUA ...this was early on in the conversation with her, she told me she was going to take the qualifications three of the proposals.

JUDGE CUELLAR Well, hey, if that's what's being done...

PAUL VAZALDUA You just need to make sure that she's (inaudible)

JUDGE CUELLAR I don't know, I don't know how you're gonna put this into the record, because there ain't no such animal.

COMM. ARCAUTE And Ms. Canfield was not here to, to listen and ----- for the presentations.

COMM. GARCES Do we have a second, Judge? Cause I second...

COMM. ROSEL I second.

COMM. GARCES ...no you moved and I second.

COMM. ROSEL I made the motion, you seconded.

COMM. GARCES Right, right. Let's just take a vote and see where we're at and, I guess...

COMM. ARCAUTE Why not the...

COMM. GARCES ...we might have to come back, like you say, Commissioner Handy, but I think that, those proposals, as they came in, the professionalism was involved, ah, if they're through with their shenanigans and they're leveraging off and loading in their proposals that's the problem they're gonna have to answer to when we get into negotiations. And now, look at what they're going through, I mean, if, ah, Mr. Lopez is not only suffering in this particular project, but man, he's getting hit big time throughout this...

COMM. HANDY Exactly.

COMM. GARCES ...the lower Rio Grande Valley ----, but that's their problem, that's their interest, we're not worried about them, but about the project; and, ah, but my second still stands and I think let's take a vote...

COMM. ARCAUTE What did you all, ah, agree to quote-unquote, the Commissioner from Precinct Three that says let's do things right and just withdraw your second, we ----- motion and just take...

COMM. HANDY And let's just wait until after we get the....

COMM. ARCAUTE ...action and have this Commissioners' Court request from the Jail, ah, whoever that is, Architectural Board, ah, and, and request the same thing be done to the other two, ahm, firms.

JUDGE CUELLAR And I don't say necessarily wait until the Commission goes through the, May the 8th, but if we get verification...

COMM. ROSEL Before then.

JUDGE CUELLAR ...that the other people are in line then, then we look at them.

COMM. HANDY Yeah.

JUDGE CUELLAR I don't say wait until it's over, I don't say vindicate...

PAUL VAZALDUA We can write a letter...

JUDGE CUELLAR ...I'm saying...

PAUL VAZALDUA ...requesting that.

JUDGE CUELLAR ...let's do what we should've done first and if we're to go to the next one in line, it's because they've been cleared.

COMM. HANDY Yeah.

JUDGE CUELLAR I think we owe it to ourselves.

COMM. ARCAUTE And we won't know....

COMM. GARCES Imagine all these, ah, professional exemptions that we've made, I think today we had a couple of them, we have a lot more that we've done and the reason that we go through these procedures because they are professional services with professional people involved.

COMM. HANDY Yeah, but those are people we've already worked with in the past, that we're familiar with that are here local, these, these firms are not local firms...

COMM. GARCES All right.

COMM. HANDY ...so, we, you know, we haven't worked with them before, we don't really know their reputation, we don't really know

what type of work they've done. If we don't have the experience with them...

COMM. GARCES But the level of professionalism, yeah an architect is going to be an architect, whether it's here in the Valley or in Houston or Dallas, an architect is going to be, you know the same thing, they go by the same guide and rules and regs that they have. You know, what they put in black and white...

COMM. HANDY You know, we don't want to run into the same problems we did with this first firm or the other two.

COMM. ROSEL Well, that's, that's why...

COMM. GARCES ----- we'll go to the third.

COMM. ROSEL When we went to qualifications they were real simple, real simple, I mean, you had one to thirty-one and you got one to eight and there's was two people on this Commissioners' Court that wanted to put one that had zero. I didn't understand it but that's the way it was and, and it came up and the one zero got, ah, got the most qualified.

COMM. HANDY I don't believe he had zero, I think, I think he had already done some jails.

COMM. ARCAUTE It's called -----

COMM. ROSEL Well, what you're talking about, the deceased people, yes...

COMM. HANDY Well, whatever, it was the County Jail.

COMM. ROSEL ...there may be a possibility...

COMM. HANDY No, Mr. Lopez...

COMM. ROSEL ...however that particular architect, no. No, no, no, no.

COMM. ARCAUTE That's what I'm saying...

COMM. HANDY Commissioner, you must have forgotten, already, but that's not the case.

COMM. ARCAUTE And she wasn't here either.

COMM. HANDY That's not the case, but you know all I'm saying is that we need to do the right thing and the right thing is to wait for the

Texas Board of Architectural Examiners to meet on May the 8th and finish their investigation to bring us their final resolution of the matter. We'll resolve it then and then we can go on to the next. I'm sure we get it investigated.

COMM. ROSEL Obviously my argument is quite the contrary, because I think that I've taken into consideration the people of this County, the perception and the cost that's going to be involved...

COMM. HANDY Well, the people of this County have been waiting for years, I mean that's just one more month.

COMM. ROSEL ...in this; and number two, I think that we need to stop and, and take the, the, take the bandages over your eyes and, and remove it and let's do, ah, what's, let's do, let's vote on what we've got in front of us. Look at all of the deception that has taken place, ah, and let's go ahead and, and, and vote to go to number two.

COMM. HANDY Commissioner, so you're saying that you want to start negotiations with this, with the next firm...

COMM. ROSEL Number two and/or number three.

COMM. HANDY ...with number two. Okay, but you're saying you want to start negotiations with them before we get them investigated.

COMM. ROSEL No, no, no, I'm saying, because part of it...

COMM. HANDY Okay, that's what I'm saying, let's get them investigated first and then you can start negotiations.

COMM. ROSEL Then we go, I, I agree, but let's end the negotiations with number one...

COMM. HANDY But that's not what the motion is.

COMM. ROSEL ...now. The motion says that we're going to end the negotiations with number one...

JUDGE CUELLAR That's was handed by the Committee, who said we would not negotiate with them until they were cleared. Now, again, if you take the time to check that the other two, we can at any time go to number two, we don't have to wait till the 8th, based on things being right, but the thing is there could be no question...

COMM. ROSEL We're playing games with words...

JUDGE CUELLAR No.

COMM. HANDY No, it's very clear...

COMM. ARCAUTE No.

COMM. HANDY ...what we're trying to say.

COMM. ROSEL No, it's very clear what you're trying to do, it's very clear.

JUDGE CUELLAR The motion says, your motion says go to number two right now.

COMM. HANDY Well, yeah, but you agreed with me.

COMM. ROSEL (inaudible), that's correct and that was number two is going to be subjected to the same type of, of, of ah, investigation, as you want to call it...

COMM. HANDY Right.

COMM. ROSEL ...as number one.

JUDGE CUELLAR But before you go to number three scrutinize, because...

COMM. ROSEL No, no you go to number two now and you investigate and then after the qualifications are confirmed then you negotiate and if the qualifications are not confirmed you don't, you come back to this Commissioners' Court, therefore the action should be to go to the next two firms and, and get the qualifications from each one, as probably the Sheriff has already done and send it up to the Architectural Examining Board and letting them run through the -----

COMM. HANDY I'd like to ask a question of our general, of our counsel. Steve?

STEVE CRAIN Yes ma'am.

COMM. HANDY Ah, Steve, I heard that if, that if we do this that there might be a lawsuit filed by Lopez and Prospectiva against the County, I mean what legality do we have here.

STEVE CRAIN I don't think that's, that would fall under potential litigation, which is something if we want to discuss, that should be done in closed session.

COMM. HANDY Oh.

COMM. ARCAUTE Steve, the firm has been selected, okay, we're at the negotiating stage. It has nothing to do with the selection, okay, am I correct?

STEVE CRAIN The firms, to remind you of the procedure, the firms have been ranked in order of qualifications and what the statute provides is that you go to the first rank and you attempt to negotiate a contract. If you fail in doing so then you can end negotiations and go to the second rank in an attempt to do the same thing.

COMM. ARCAUTE Okay. Assuming that all things are equal...

COMM. HANDY But the thing is that the, the negotiations have not failed, right? They've just been put on hold until...

STEVE CRAIN Well, that's, that's, that's the issue that you're trying to decide, now is have the negotiations failed and then, now we're getting into another issue that, I say that we probably need to discuss in closed session.

COMM. GARCES Steve, let me just say ----- I'm sitting right here ----- that I wish that we'd stop (inaudible)

COMM. ROSEL Well, the motion is on the floor, who gave the, who gave the...

COMM. GARCES Juan, hold on...

JUDGE CUELLAR This is discussion.

COMM. GARCES Your leading to, well, we need something from the committee, right, then well...

COMM. HANDY Yeah we don't have any report from the committee either to end negotiations or that negotiations have failed.

COMM. ROSEL I believe there is a chop liver over here...

COMM. HANDY If negotiations failed and, you know, we don't have anything from the committee either, a committee report.

STEVE CRAIN Well, the only thing you have from the committee so far on the record what you have from the committee is that the negotiations have been suspended pending, ah, clearance, if you want to use that word, I'm using it very loosely, by the, ah, Board of Architectural Examiners.

COMM. ROSEL See Crain, Mr. Crain, who gave the negotiating committee, ah, authority to negotiate.

STEVE CRAIN And that's my point, that's why you're discussing this.

COMM. ROSEL And that's Commissioners' Court.

STEVE CRAIN And the only thing the committee has told you at this point is that nego..., that they have suspended negotiations with the firm; and, so, now it's up to this body to determine which way you want to go.

COMM. ROSEL This body, this body to continue negotiations with the first and which the continuance is a halt or a, a stay or you go to the next one, and that, that was my motion that you end negotiations with this particular, ah, firm and you go to the next firm and or the next -----.

COMM. HANDY But the wording is that if the negotiations have failed...

COMM. ROSEL & Garces No, no, no, no.

COMM. HANDY Right?

COMM. ROSEL We gave authorization...

COMM. HANDY The negotiations have failed with the first firm then we go to the second firm, however the committee did not fail to negotiate they suspended negotiations until the investigation is over and the investigation, the people, we've got a letter here from the Texas Board of Examiners saying that they'll have something for us on May the 8th or May the 30th.

COMM. ARCAUTE I agree with what you're saying, with what you're trying to do, what I'm saying is let's do it the right way, quote-unquote. Okay? So, in the space...

JUDGE CUELLAR I have no quarrel with what your trying to do if we put the horse in front..

COMM. ARCAUTE Yeah. Yeah.

COMM. ROSEL Well the horse is in front...

JUDGE CUELLAR Not the cart.

COMM. ROSEL The cup is upside down with you and I'm not, please don't misunderstand me by, by my tone of voice...

COMM. HANDY We're going in the right direction, just, you're just putting yourself ahead of the game.

COMM. ROSEL This, this is a Commissioners' Court in the eyes of this County. It's upside down because of the fact that we've got thirty-one down here and zero up here or, or one up here. Okay, do you want to say that you're one jail, we'll go one jail, when it's supposed to be the other way around, I mean it's supposed to be the one that's most qualified and I'm not saying that's the one that's going to get it, but here you are by still playing words and still playing with, ah politics...

COMM. HANDY No, we just, we just want to wait for the, for the...

COMM. ROSELand whatever it is...

COMM. HANDY ...for the examiners to give their resolution that these people are disqualified.

COMM. ARCAUTE That's all we're asking, Commissioner, that's all we're asking.

COMM. HANDY Don't you want it in writing, so that we can then say, okay we're cleared off from this first person...

COMM. ROSEL You want to see it in writing more, read the, the list of the letters that they sent you...

COMM. HANDY There, I understand that, but...

COMM. ROSEL Start reading them.

COMM. HANDY ...they don't have anything in writing from their investigation to tell us that. They're telling...

- COMM. ROSEL You need to read the newspaper.
- COMM. HANDY ...us, they're...
- COMM. ARCAUTE Oh, my God, and you were doing fine. Okay, now I lost my train of thought, a while ago you mentioned this guy built thirty-one and this guy built one. Can we check if the thirty-one are good or not and if one's is, you know, we can say, we don't know all that either.
- COMM. ROSEL Well, I think we're asking ----- at this time....
- COMM. ARCAUTE Maybe they made thirty-one mistakes...
- COMM. ROSEL And you should be giving the lessons on this, but I think at the time that, ah, that the attorney talked to us at that particular time, he, he said that you list them according to the qualifications is that true; and, and zero with thirty-one, it doesn't indicate to me that zero had more qualifications than thirty-one. Thirty-one may have some problems but it's better than zero because of the fact that they don't have any experience at all, so, it's just, I mean explain that to me, Commissioner, because I need to learn.
- COMM. ARCAUTE We didn't have a rating system, okay, we didn't have one and this is, well, I think this should be discussed in closed session, okay, but we'll get into that one later. Right now, all we're asking and we're agreeing with what you're saying, okay, all we're saying is it's gonna take us just a little bit longer ret..., you know after April what is it today the 21st. It's all we're saying. And with that I, I, I, I call for the question, I think we're ready to vote, I think it's time ----- and we're not getting anywhere.
- COMM. ROSEL You want to vote on the question to end the discussion or what?
- COMM. GARCES I want to mention that, ahm, what if I, that we have thirty versus one or whatever it might be. I look at some of the make-up of the -----, I think they were pieced together, lightly pieced together, ah, in June of '97, but -----, if, if you separate that and get it into focus ----- then it would be a ----- big -----zero ----- in the detention facility. That's what I'm looking at, how do you

make it relate to ----- . And absolute ----- when it comes ----- to decide where we're at, ah, and it's been one misleading document after another. In fact they're all over this, ah, ----- if I ignore ----- .

JUDGE CUELLAR

The question's been called for.

COMM. GARCES

...yeah, the way we bring it about, the way we ----- is say well the negotiations have been ----- and that's just perfect, that's all ----- .

COMM. ROSEL

Fatal words.

COMM. GARCES

(inaudible)

COMM. HANDY

So, you don't see that we should wait for the investigation to be complete and so we, so we, so we can get something with the Texas Board of Examiners in writing saying that there's, that their investigation is complete. You're saying forget about the Texas Board of Architectural Examiners and what they have to say?

COMM. GARCES

Right.

COMM. ROSEL

Yeah, but you're...

COMM. HANDY

That's what you're saying?

COMM. ROSEL

What you're saying is I don't care what the...

COMM. GARCES

Commissioner, we have the law, ----- .

COMM. ARCAUTE

You're increasing our risk for liability, hombre.

COMM. GARCES

... one of their marketing...

PAUL VAZALDUA

Mr. Al. Ronnie Al.

COMM. GARCES

...---- PR...

PAUL VAZALDUA

He's the PR person for, ah...

COMM. GARCES

(INAUDIBLE)

PAUL VAZALDUA

...also.

COMM. GARCES

...proposal, right Steve?

STEVE CRAIN That's what he said on the proposal.

COMM. GARCES That's what he's saying. When he stood before us, Handy and Arcaute, he, he said that he had -----, he showed (inaudible) -----...

COMM. ROSEL I believe him.

COMM. HANDY Huh-hum.

COMM. GARCES ...stating later that they were at fault ----- by Canfield. These are -----, we got about eight-fifty plus thousand dollar...

PAUL VAZALDUA You have...

COMM. ROSEL Danger, danger, danger, danger, danger -----.

COMM. GARCES (inaudible)

COMM. HANDY Well, we can...

COMM. ARCAUTE Santo Petro presented a design in his presentation here and I think one of you two Commissioners said, "hey with this firm we're way ahead, he's already got the design", the preliminary design.

COMM. ROSEL Well...

COMM. ARCAUTE That design was done in what, during 1987 or 1988.

COMM. ROSEL Well, I'm sorry...

COMM. ARCAUTE I think it was 1989, that's the same design.

COMM. GARCES Commissioner ----- if that's not what we want ...

COMM. ARCAUTE ...that he displayed during our tour.

COMM. GARCES ...we'll say ---- Santo Petro you're out of here -----

COMM. ROSEL That's fine.

COMM. ARCAUTE But that's what he used to, to decide on the Santo Petro firm. He's already got a design we're that much further

ahead in it, we'll check that tape, if you will do us that favor, we'll clarify that.

COMM. GARCES In that same discussion, that I mentioned...

COMM. ARCAUTE That's misrepresentation, don't you think?

COMM. GARCES ...the numbers that they have, now, misrepresentation that they have thirty-one, thirty-two facilities.

COMM. ROSEL Look, I'm not ...

COMM. ARCAUTE No, no, no, I'm talking about your design, forget about the ones that -----, those are built, we know that.

JUDGE CUELLAR Question has been called for.

COMM. GARCES Thank you.

JUDGE CUELLAR Question has been called for .

COMM. ROSEL If you don't...

JUDGE CUELLAR All those in favor signify by saying aye.

COMM. GARCES Aye.

COMM. ROSEL Ques..., question for what and what are...

COMM. HANDY Your motion.

JUDGE CUELLAR No, no, no, the question...

PAUL VAZALDUA To end discussion.

JUDGE CUELLAR ...to end debate.

COMM. ARCAUTE Oh.

JUDGE CUELLAR All those in favor signify by saying aye.

COMMISSIONERS Aye.

JUDGE CUELLAR Opposed. Ayes have it. Now we go to the motion.

COMM. ROSEL The motion is that we end negotiations with the architectural firm number one which is Prospectiva and that we go the, ah, the second architectural firm and my motion is also to include, ah, for purposes of, ah, qualification the third architectural firm which would be Croslin and Associates. I remember, I don't remember where they're from and that we begin, ah, negotiations and qualifications through what we went through with Prospectiva. That's my motion.

COMM. ARCAUTE The motion is not in order is it, Legal?

COMM. ROSEL Sure.

STEVE CRAIN He's already made one motion, the motion on the floor has been made and seconded.

COMM. GARCES The original one.

STEVE CRAIN The original one.

COMM. ARCAUTE Yeah.

JUDGE CUELLAR The original motion.

COMM. ROSEL Did I change it?

COMM. ARCAUTE Yep.

COMM. GARCES You did. Jen, Jen you want to read the original motion -----
...

COMM. ARCAUTE The first one was eighty words this one is -----.

JENNIFER CASTILLO The first motion was to end negotiations with the architectural firm and commence negotiations with the next firm.

COMM. ROSEL Okay.

JUDGE CUELLAR The first one was what?

JENNIFER CASTILLO To end negotiations with the architectural firm of Lopez & Lopez...

COMM. ARCAUTE Prospectiva.

JENNIFER CASTILLO ...doing business as Prospectiva and commence negotiations with next selected most qualified architectural firm.

COMM. ROSEL Okay.

JUDGE CUELLAR All those in favor signify by saying aye.

COMM. GARCES Aye.

COMM. ROSEL I vote in, in favor.

JUDGE CUELLAR NO?

COMM. HANDY No.

COMM. ARCAUTE Aye.

JUDGE CUELLAR No.

COMM. ARCAUTE No.

JUDGE CUELLAR Commissioner, I give you my reason. I want to the next one until we...

COMM. ROSEL No, no you don't give me a reason. You give your reason to the taxpayers and residents of this County.

JUDGE CUELLAR No, I'm giv..., I'm giving you the reason that let's...

COMM. ARCAUTE Now we ----- the taxpayers.

JUDGE CUELLAR ... do the check first and then I'll go with you.

COMM. ROSEL I'm not the priest here.

COMM. HANDY Okay and then we have 9/B...

JUDGE CUELLAR You don't want to say here what you are. (LAUGHTER)

COMM. HANDY Judge, 9/B.

COMM. ARCAUTE Mommy and Daddy told me not to say that in public. (LAUGHTER)

JUDGE CUELLAR No, I, with all due respect, Commissioner, I, ah, I don't want to make the same mistake twice of going ahead without the check and we'll ask, we'll ask the individual that I think will be able to, to get this done and start on it right away; and if we get an answer then we'll come back.

COMM. ROSEL Same mistake twice, I, I don't understand what you mean.

JUDGE CUELLAR Of not checking.

COMM. ROSEL Oh, okay I thought...

COMM. HANDY I hope they're, I hope they are already investigating the second and third firms. That way we won't waste anymore time.

PAUL VAZALDUA We'll draft a letter, Commissioners and send you all a copy.

JUDGE CUELLAR I kept ----- too, Commissioner, I couldn't go swimming cause I learned how and try as I might I never...

COMM. HANDY
JUDGE CUELLAR They probably are investigating the second or third firms. ... (INAUDIBLE). (LAUGHTER)

PAUL VAZALDUA That's what Cynthia Canfield indicated to me.

COMM. ARCAUTE (inaudible)

MOTION CARRIED.
(See Exhibit S)

9/B

Paul Vazaldua informed the Court that no action would be needed on this item. The Commissioner Rosel indicated that he had heard that the County Judge did not want to serve on the negotiating committee any further and the Judge responded to that rumor. Commissioner Handy asked about a request that Commissioner-elect for Precinct Four be present in the negotiations and Commissioner Arcaute felt that this was an issue that was to be dealt with by the Commissioners in office. During discussion, Mr. Crain announced that being that the negotiating committee had agreed to stay negotiations until the issue with the State Board is cleared that it might be wise not to take action on this matter until such time as they take action on the issue of the previous motion. There being no further discussion no action was taken on this matter.

NO ACTION.
(See Exhibit S)

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

MOTION CARRIED.