

DRAINAGE DISTRICT #1

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

CONSENT AGENDA

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

ITEM 2. PERMITS:

- A. The Home Depot
- B. City of Weslaco - North Town Mobile Home Park
- C. City of Edinburg - Family Recreation & Aquatic Center

(See Exhibit A)

The County Judge introduced the consent agenda. There being no changes, a motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve it as presented.

MOTION CARRIED.

REGULAR AGENDA

ITEM 1. AUTHORIZATION TO CREATE A NEW POSITION

Godfrey Garza, Drainage District #1 Manager, came before the Court requesting the creation of a new position. This new position was for an Administrative Assistant. After a brief discussion, a motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit B)

ITEM 2. SET SALARY FOR ADMINISTRATION ASSISTANT POSITION

Mr. Garza reported that the proposed salary for the administrative assistant position will be at a maximum of \$24,500.00 annually. A motion was made by

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

MOTION CARRIED.

(See Exhibit B)

ITEM 3. APPROVAL OF CHANGE ORDER #1 - RIO GRANDE VALLEY ENVIRONMENTAL SERVICES - WESLACO PROJECT

The next item was for approval of change order #1 to Rio Grande Valley Environmental Services. This was on a contract for the placing of a ditch adjacent to an office complex in the City of Weslaco. The change order #1 is for an increase to 168 calendar days that it took for the completion of the project. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit C)

ITEM 4. APPROVAL OF FINAL ESTIMATE - SUMMIT PROJECT

Mr. Garza reported that no action would be needed on this item at this time.

NO ACTION.

(See Exhibit D)

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

MOTION CARRIED.

COMMISSIONERS' COURT

CONSENT AGENDA

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

(See Exhibit E)

ITEM 2. LINE ITEM TRANSFERS:

- A. Commissioner Pct. 2 - County Wide Shop - \$2,000.00
- B. Commissioner Pct. 3 - Parks - \$1,600.00
- C. Constable Pct. 1 - \$1,380.00
- D. Youth Village - \$1,000.00
- E. J.P. Pct. 3 Pl. 1 - \$300.00
- F. Constable Pct. 4 - \$1,000.00
- G. Veterans Service Office - \$250.00
- H. Drug Impact Court - \$29,250.00

(See Exhibit F)

ITEM 3. URBAN COUNTY PROGRAM

- A. HOME - Homeowner Occupied Housing Rehab Application - 5 Families

(See Exhibit G)

ITEM 4. RIGHT OF WAY DEPARTMENT

- A. Pct. 3:
 - 1. Duke Energy Field Services, Inc.
 - 2. Southwestern Bell Telephone
- B. Pct. 4:
 - 1. Southwestern Bell Telephone

(See Exhibit H)

ITEM 5. COUNTY AUDITOR'S OFFICE:

- A. Approval of Monthly Collection Report
 - 1. Sheriff Escalon \$70,294.58 February 1998
 - 2. Anzalduas Park \$ 1,864.00 January 1998
 - 3. Anzalduas Park \$ 2,324.00 February 1998
 - 4. Law Library \$ 1,926.15 February 1998
 - 5. Constable Aguirre \$ 135.00 February 1998
 - 6. Constable Alaniz \$ 475.00 February 1998
 - 7. Constable Bazan \$ 0.00 February 1998
 - 8. Constable Cerda \$ 330.00 February 1998
 - 9. Constable Pena \$ 640.00 February 1998
 - 10. J.P. Corpus \$ 2,710.06 February 1998
 - 11. J.P. Jackson \$11,329.00 February 1998
 - 12. J.P. Martinez \$ 8,390.88 February 1998
 - 13. J.P. Morales \$ 7,582.00 February 1998
 - 14. J.P. Ochoa \$26,739.95 February 1998
 - 15. J.P. Saenz \$13,872.35 February 1998

16. J.P. Treviño
(See Exhibit I)

\$21,795.95

February 1998

The County Judge introduced the Consent Agenda and Paul Vazaldua explained that on item 2/H the line item transfer for the Drug Impact Court the County Auditor had pointed out that the grant does require that the County obtain State approval prior to the transfer of funds. He was at this time recommending that this transfer be approved contingent on State approval which he hopes will be received on Thursday of this week. There being no other changes, a motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve.

MOTION CARRIED.

REGULAR AGENDA

ITEM 1. OPEN FORUM

No requests were received for the open forum.

NO ACTION.

ITEM 2. HISTORICAL MUSEUM

- A. Request for assistance with the purchase and restoration of balcony railings from the 1909 County Courthouse - Budget Amendment

Tom Fort came before the Court requesting funds to cover the purchase and refurbishment of the railings that came off the corner cupolas that had been on the old Hidalgo County Courthouse. The request was for \$2,715.00. A motion was made by Commissioner Arcaute and seconded by Commissioners Handy and Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit J)

ITEM 3. BUILDINGS & GROUNDS

- A. Approval of budget amendment

Mrs. Loura Etnire explained that this request was for a new mail machine which would cost approximately \$18,000.00 and this was the same amount of the budget amendment. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.
(See Exhibit K)

ITEM 4. TAX OFFICE:

A. Approval of Motor Vehicle License Distributor Agreement

Armando Barrera, Tax Assessor-Collector, came before the Court requesting approval of a contract for distributorship of motor vehicle license renewal stickers. He added that HEB was proposing to sell these stickers at nine of their stores: Elsa, Mercedes, Donna, Alamo, Pharr, two stores in Edinburg and two stores in McAllen. He added that this was something that was being done throughout the State and he felt that this would be more convenient for the general public. He then introduced Adolfo Treviño who was an HEB Director in Edinburg. After further discussion a motion was made by Commissioner Handy and seconded by Commissioner to approve the request as presented.

MOTION CARRIED.
(See Exhibit L)

ITEM 5. CONSTABLE PCT. 4

- A. Approval of Budget Amendment to serve 2 citations out of County
- B. Approval of Budget Amendment to pay court cost on confiscated cars

5/A

Constable Rumaldo Cerda came before the Court requesting a budget amendment for the service of two out of County citations. The amount of the budget amendment is \$90.00. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit M)

5/B

The next item was for a budget amendment to pay court costs on confiscated cars that were awarded to the Constable's Department. The amount of the budget amendment is \$1,044.00. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit M)

ITEM 6. WIC PROGRAM

A. Approval of Cooperation Agreement between WIC and Edinburg Regional Medical Center and Columbia Rio Grande Regional Hospital

6/A

Norma Longoria, WIC Director, came before the Court requesting approval of two cooperation agreements. One agreement was between WIC and Edinburg Regional Medical Center to provide services at the Hagar Plant where they have a women's clinic and the other was between WIC and Columbia Rio Grande Regional Hospital to provide services at the Las Milpas clinic. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit N)

ITEM 7. ELECTIONS DEPARTMENT:

- A. Approval to reclassify one vacant position
- B. Set Salary

7/A&B

Noe Perez, Elections Administrator, came before the Court requesting approval to reclassify a vacant position. He indicated that they have gone through Civil Service and they have the money available for this position. The new position will be reclassified as an Election Technician. Commissioner Rosel had some concerns with regards to productivity and efficiency versus the addition of more manpower. He felt that this should come as a recommendation from the Elections Commission. After further discussion a motion was made by Commissioner Arcaute and seconded by Commissioner Garces to table this item until further clarification.

MOTION CARRIED.
(See Exhibit O)

EXECUTIVE AGENDA

ITEM 1. CLOSED SESSION

Commissioners' Court may go into Closed Session pursuant to Chapter 551, Texas Government Code, Section 551.074 to discuss the following:

- A. Personnel
 - 1. Discussion and possible action regarding Modification and/or Amending the County of Hidalgo Office of Employment and Training's Executive Director's Employment Contract

ITEM 3. CLOSED SESSION:

Commissioner's Court may reconvene into Closed Session for the discussion regarding the agenda items listed.

The County Judge and Commissioners went in to closed session accompanied by Mr. Steve Crain, the County legal counsel.

NO ACTION.

ITEM 2. OPEN SESSION:

A. Personnel

1. Discussion and possible action regarding Modification and/or Amending the County of Hidalgo Office of Employment and Training's Executive Director's Employment Contract

ITEM 4. OPEN SESSION

Commissioner's Court may reconvene into Open Session for the discussion regarding the agenda items listed.

Commissioner Rosel informed the Court that they had discussed his participation his position during the Executive Session and he would be abstaining from any action on this matter. A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to take no action on this item.

MOTION CARRIED.

(See Exhibit P)

REGULAR AGENDA

ITEM 8. O.E.T.

- A. Discussion and Action to approve the solicitation for Title IIA, IIC, III & Title I Section 123 Request for Proposals for CY '98

Mr. Dick Dickinson, OET Director, came before the Court requesting approval to solicit proposals for Title IIA, IIC, III and Title I Section 123 for CY 1998-'99. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit Q)

ITEM 9. COUNTY JUDGE'S OFFICE

A. Approval of Employees Dishonesty Bond

A motion was made by Commissioner Arcaute and seconded by Commissioners Garces and Rosel to approve a one year Employees Dishonesty Bond.

MOTION CARRIED.
(See Exhibit R)

ITEM 10. COMMISSIONER PCT. 2

A. Authorization to appropriate 1997 Fund Balance to 1998 Budget Paved/Unpaved Account

A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve an appropriation of \$950,857.86 from the 1997 Fund Balance to the 1998 budget in the Paved/Unpaved account. The appropriation would be as follows: Object #95 - \$400,000.00, Object #93 - \$250,857.86 and Object #67 - \$300,000.00.

MOTION CARRIED.
(See Exhibit S)

ITEM 11. COMMISSIONER PCT. 3

A. Approval of request from Immigration and Naturalization Service/Border Patrol

Commissioner Rosel informed the Court that the Border Patrol would like or the areas between the Rio Grande Rio and the border cities be lighted. He would like to give them permission to be able to do what they feel is necessary, for purposes of security, from the area of Precinct Three all the way to Sullivan City at the County limits. Steve Crain, the County Legal Counsel, explained that he had come across a similar situation and one of the concerns that he had was that this was merely the right to investigate the area and it did not describe the property that they wanted to investigate anywhere in the agreement. His second concern was a phrase in the first paragraph that stated "any damage to property will be minimized". The third concern was by granting this, in the other situation, they were concerned about when this right would terminate since there was no termination date on the agreement. After further discussion no action was taken on this matter until these concerns are clarified.

NO ACTION.
(See Exhibit T)

ITEM 12. URBAN COUNTY PROGRAM:

- A. Alton-Parks, Recreational Facility - Consideration and action on a Contract or an Appraisal & Review Appraisal for the acquisition of the West Addition to Sharyland W. twenty point zero acre tract of land of lot 41-10
- B. Edcouch - Budget Amendment - UCP Year 8 - 1995
- C. City of La Joya - Approval of a construction contract with Valley Paving - Year 10 - 1997
- D. Approval of a budget amendment for year 1996 - City of Mercedes
- E. Approval of Change Order #2 with Alamo Underground Utilities - City of Alamo Water/Sewer Improvements - Year 9 - 1996
- F. Approval of a Subrecipient Agreement with Mercedes Boys & Girls Club - Year 7 - 1994, Year 8 - 1995, Year 9-1996 - City of Mercedes
- G. Approval of a Subrecipient Agreement with Amigos Del Valle - Year 8 - 1995 Pct. 4
- H. Award of Bids for Street Improvements and approval of a contractual contract with Mission Paving Company - PFI - Street Improvements FY 1997 - Phase 2 - Pct. 3
- I. Public Hearing on Year 11 - 1998 Urban County Program
- J. City of Granjeno - HOME Housing Rehabilitation Program - Construction Contract Award
- K. City of La Joya - HOME/Housing Rehabilitation Change Order - 1 Family

12/A

Anthony Covacevich, Urban County Director, came before the Court and reported that the City of Alton was requesting approval of a contract for an appraisal and review appraisal for the acquisition of the West Addition to Sharyland W. 20.0 acre tract of land of lot 41-10. This would be under Parks & Recreational Facilities and the contract was with Leonel Garza & Associates for \$500.00 for the appraisal and Greg Palacios for \$450.00 for review appraisal. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit U)

12/B

The City of Edcouch was requesting a budget amendment in their Year 8. The amendment was for the elimination of Economic Development/Technical Assistance and Planning and moving the monies into Parks & Recreation. A motion was made by Commissioner Handy and seconded by Commissioners Arcaute and Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit U)

12/C

The City of La Joya was requesting approval of a construction contract with Valley Paving, under Year 10. The contract is in the amount of \$35,060.00 and it is a sole bid. A motion was made by Commissioner Rosel and seconded by Commissioners Garces and Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit U)

12/D

The City of Mercedes was requesting a budget amendment for Year 9. The amendment is for the inclusion of monies for the Section 108 Loan and it is for \$200,000.00 that will be moved from Street Improvements into to Section 108 Loan program. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.
(See Exhibit U)

12/E

The City of Alamo was requesting approval of change order #2 with Alamo Underground Utilities. This is under the City of Alamo's Water/Sewer Improvements for Year 9 and the amount of the change order #2 is for \$7,168.50. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit U)

12/F

The City of Mercedes was requesting approval of a subrecipient agreement with the Mercedes Boys & Girls Club. These will be monies from their Years 7, 8, and 9 and the total amount is \$15,000.00. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit U)

12/G

Precinct Four is requesting approval of a subrecipient agreement with Amigos Del Valle. This is under Year 8 and the amount of the agreement is for \$5,000.00. A motion was made by Commissioner Garces and seconded by Commissioners Handy and Arcaute to approve the request as presented.

MOTION CARRIED.
(See Exhibit U)

12/H

Precinct Three is requesting the awarding of bid for Street Improvements and approval of a construction contract with Mission Paving Company. This is under Year 10 and it is for Phase II of a project that would involve Bentsen Palm Drive, J&A Drive, Brushline Road and Military Highway. The contract amount is for \$132,500.00 with Mission Paving Company being the sole bidder. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit U)

12/I

The County Judge called a public hearing open to discuss the funds for Year 11 of the Urban County Program. Mr. Covacevich went on to explain how the funds would be appropriated. Judge Cuellar then called for public comments and there being none the public hearing was closed.

NO ACTION.
(See Exhibit U)

12/J

The City of Granjeno was requesting approval of a construction contract award under their HOME Housing Rehabilitation Program. Mr. Covacevich explained that they had a recommendation was to reject all bids as they were over 20% of the amount that they estimated. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to reject all bids.

MOTION CARRIED.
(See Exhibit U)

12/K

The City of La Joya was requesting approval of a change order under their HOME Housing Rehabilitation program. The change order was for an additional \$200.00 to remove a wind damaged door and replace with new metal insulated door. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit U)

ITEM 13. PURCHASING DEPARTMENT
A. HIDALGO COUNTY

1. Requesting authority to advertise - "Hidalgo County-Auctioneer Services"
 2. Requesting approval of Group Life Insurance Program Contract for Hidalgo County. coverage Option B: Group Term Life Insurance, \$25,000.00 and Accidental Death & Dismemberment, \$25,000.00
 3. Report on the solicitation of quotations for the procurement of rental space of the Justices of the Peace of Hidalgo County with the specifications requested by Commissioners' Court
 - a. Participation and responses received from Realty Companies to Specifications developed at direction of Commissioners' Court - See Exhibit I pages 1,2 & 3
 - b. Participation and responses received for office space presently housing said JP's - See Exhibit II
 4. Discussion and action on the awarding of office space rental and/or allowance based on bids received
 5. Report from committee (Hon. Steve Crain, Mr. Dick Dickinson and Martha L. Salazar) as to issues discussed on Agenda Item of Commissioners' Court agenda of March 31, 1998 for review of certain requirements and their effect on the overall intent of the proposal as well as the advantages to the County of Hidalgo. See Report attached as Exhibit "A"
 6. Requesting authority to re-advertise (if necessary) with any revisions or deletions to the RFP for TPA for Section 125 IRC Cafeteria Plan for the County of Hidalgo
 7. Discussion and action on any modifications of specifications and/or requirements of current bid project (air conditioning, electrical and plumbing) as requested by Mr. Raul Hernandez, Superintendent
 8. Discussion and action on the following options (if necessary):
 - a. Proceeding with bid opening as currently advertised and specified
 - b. Cancellation of bid opening and returning all bids received unopened due to:
 1. Modification of bid specification and/or requirements
 2. RE-advertising same project with new specifications and/or requirements
- B. HIDALGO COUNTY PRECINCT NO. 1
1. Requesting numerous vehicles and several pieces of heavy and miscellaneous equipment as listed on Exhibit "A" be declared surplus
- C. HIDALGO COUNTY AUDITOR'S OFFICE
1. Requesting authority to remove from inventory a Hewlett Packard 3000 927 LX (asset #027388) which was used as trade-in
 2. requesting authority to declare surplus various office equipment
- D. HIDALGO COUNTY DISTRICT CLERK'S OFFICE
1. Requesting numerous pieces of office and phone equipment as listed on Exhibit "A" be declared surplus

2. Requesting numerous pieces of phone equipment as listed on Exhibit "A" be declared surplus
- E. HIDALGO COUNTY LAW LIBRARY
1. Requesting two chairs and numerous books as listed on Exhibit "A" be declared surplus
- F. HIDALGO COUNTY LIBRARY SYSTEM
1. Recommending bid Award for "Library Books" to Brodart Company & Ingram Library Services as secondary vendor
 2. Approval of contract for "Library Books" to Brodart Company & Ingram Library Services
- G. HIDALGO COUNTY RIGHT OF WAY
1. Recommending award of bid for "Irrigation Line Relocation" to low bidder

13/A/1

A motion was made by Commissioner Handy and seconded by Commissioner Garces to authorize the advertising for bids for "Hidalgo County-Auctioneer Services".

MOTION CARRIED.
(See Exhibit V)

13/A/2

Mrs. Salazar reported that the next item was for approval of group life insurance program contract for Hidalgo County. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit V)

13/A/3

Mrs. Salazar informed the Court that they had sent out specifications not only to the landlords that presently house the JPs but they also sent quotations to nine realty companies. She continued by saying that eight of the nine realty companies did not respond and one responded with a no bid. They then obtained quotations by the present landlords and these were indicated on the handout. She did added that most did meet the specifications with the exception of one that did not meet ADA requirements and two did not indicate that on their quotation. Mrs. Salazar then proceeded to state that they had indicated a maximum of 800 square feet in the specifications. Commissioner Garces noted that the County Auditor had a concern with the JP procuring his own building. Commissioner Rosel stated that he felt more comfortable if they went out for bids for office space for the JPs and Mrs. Salazar cautioned him that they had tried to obtain quotations from nine realty companies and they were not able to get a single one. The discussion continued with regards to what size the JPs offices should be and whether they should include the utilities and telephone costs of these new offices. A motion was then made by Commissioner

Handy and seconded by Commissioner Rosel that they pay rent for the JPs in the amount of \$1.00 per square foot for 800 square feet and that the County pay the utilities and the telephone bill. Commissioner Rosel then had a concern on setting a limit as far as telephone costs and this resulted in an additional discussion. The final result on utilities was that the County would incur those costs. The motion upon being put to vote carried.

MOTION CARRIED.
(See Exhibit V)

13/A/4
NO ACTION.

13/A/5
Mrs. Salazar explained that the next item was on issues regarding certain requirements for the PPA for the Section IRC 125 and flexible spending account specifications. She indicated that she had met with Steve Crain and Dick Dickinson and the two issues that the Commissioners' Court had was regarding flexible spending accounts and what was discussed was that it was a mini self-insured plan at the option of the employee. She continued by saying that anyone participating in a flexible spending plan must use up those funds within that year or the money is lost. She pointed out that the recommendation by the Committee was that they do away with the flexible spending accounts. The other issue that was facing the Court was with regards to the person doing the supervising of the plan, would he also be allowed to, if he was a potential vendor, to present products to the County. Commissioner Garces asked if there was anyone administering the plan at this time and Mrs. Salazar explained that the County was administering it but there was no one supervising it at the time. Steve Crain came into the discussion by saying that the Committee felt that they needed an impartial person supervising the plan, preferably someone with accounting experience with this person to be paid by the plan at a rate of approximately \$1.00-\$2.00 per employee. He also added that they Committee had also recommended that the person who is supervising the plan not be able to sell any products to the plan. Mrs. Salazar then noted that the specifications had been drawn with the deletion of the flexible spending plan and that they retain the requirement that the responder would not be able to provide services and that they would come to the agreement that they will be paid for their services and the pleasure of the Court whether they want to allow an "x" amount of dollars start-up charge for that first time that they come in and get the plan going. Commissioner Rosel inquired as to the term of the contract and Mrs. Salazar replied that it would be a three year contract. A motion was then made by Commissioner Rosel and seconded by Commissioner Handy to delete the flexible spending accounts from the requirements, retain the exclusion of being able to provide services, to allow, at the pleasure of the Court, a one-time start up charge to be determined by the Court and that it be a three year contract with a out clause for budgetary reasons.

MOTION CARRIED.

(See Exhibit V)

13/A/6

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to readvertise with the revisions as indicated above for an RFP for TPA for Section 125 IRC Cafeteria Plan for the County of Hidalgo.

MOTION CARRIED.
(See Exhibit V)

13/A/7

NO ACTION.

13/A/8

NO ACTION.

13/B

A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the declaration of numerous vehicles and several pieces of heavy and miscellaneous equipment as surplus for Precinct No. One.

MOTION CARRIED.
(See Exhibit V)

13/C/1

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the removal of a Hewlett Packard 3000 927LX (asset #027388) from the inventory of the County Auditor's Office to be used for trade-in.

MOTION CARRIED.
(See Exhibit V)

13/C/2

A motion was made by Commissioner Rosel and seconded by Commissioners Garces and Handy to authorize the declaration of various office equipment from the County Auditor's Office as surplus.

MOTION CARRIED.
(See Exhibit V)

13/D/1

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the declaration of numerous pieces of office and phone equipment in the District Clerk's Office as surplus.

MOTION CARRIED.
(See Exhibit V)

13/D/2

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the declaration of numerous pieces of phone equipment from the District Clerk's Office as surplus.

MOTION CARRIED.
(See Exhibit V)

13/E

A motion was made by Commissioner Handy and seconded by Commissioners Garces and Arcaute to authorize the declaration of two chairs and numerous books from the Hidalgo County Law Library as surplus.

MOTION CARRIED.
(See Exhibit V)

13/F/1

Mrs. Salazar stated that they were recommending the awarding of a bid for library books for the Hidalgo County Library System. She stated that her recommendation was for Brodart Company and Ingram Library Services who were the two bidders who gave them the highest discount on books. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit V)

13/F/2

A motion was made by Commissioner Rosel and seconded by Commissioners Arcaute and Handy to approve a contract for library books with Brodart Company and Ingram Library Services.

MOTION CARRIED.
(See Exhibit V)

13/G

Mrs. Salazar explained that this last item was for the Hidalgo County Right of Way Department. It was a recommendation of a bid award for the "Irrigation Line Relocation" to the low bidder being Fiero Industries at a price of \$223,869.00. Vona Walker, the Right of Way Director, stated that \$50,000.00 would be provided by the City of Edinburg and the remaining amount will be split three ways between the Cities of McAllen and Pharr and the County of Hidalgo. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.
(See Exhibit V)

ITEM 14. HEALTH DEPARTMENT:

- A. Approval of budget amendment
- B. Approval to create 6 new positions
- C. Set Salaries

It was indicated that no action would be taken on this item at this time.

NO ACTION.
(See Exhibit W)

ITEM 15. JAIL PROJECT (Verbatim)

- 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

JUDGE CUELLAR Number 15, Jail Project.

COMM. ROSEL Judge. On the jail project, I think the only thing that we really need to discuss...is not discuss other than just, just, ah, I mean we could go back all through the whole scenario again. The only thing that I'd like to do is find out if one of us has changed his mind is go ahead and make a motion that we end the negotiations with the architect of Lopez and Lopez doing business as Prospectiva and commence with, with negotiations and also set up a qualifications and negotiations committee with the second firm which would be Distefano, Santopetro. That's the motion that I'd like to make at this particular time.

COMM. GARCES I'd second the motion, Judge, so we can open up the discussion on the issue.

JUDGE CUELLAR Would you accept an amendment that because they did not meet specifications?

COMM. ROSEL Yes. I'm sorry. Obviously because of the problems that were in the proposal and the concerns there are and they did not meet the specifications, ah, I'll add that to my motion.

COMM. GARCES Second Judge. Are you all looking....

JUDGE CUELLAR Motion made and seconded. Is there a question on the motion? Is there a question on the motion?

COMM. ARCAUTE I think that the, ah, Commissioner said he would second it for sake of discussion. What is his discussion?

COMM. ROSEL Do you have any discussion?

COMM. ARCAUTE Pct. Four.

COMM. GARCES I, I, yeah, I send it out and I was ----- this letter because I hadn't read it.

COMM. HANDY I thought the decision that we made last week was that we would wait until after the, ah, the investigation. Weren't they gonna talk to them this Friday and then they were gonna, ah, we were gonna wait till the end of this investigation which was this month or this Friday?

JUDGE CUELLAR I think that was part of the discussion Commissioner. That was not agreed to. I think we said we would wait and we would check out the two and possibly three rankings and that's been done.

COMM. HANDY So we're not gonna wait until after the investigation then?

JUDGE CUELLAR Well. We presently have a motion and a second.

COMM. HANDY Okay.

COMM. ARCAUTE Well yea but what, ah,

COMM. HANDY Well?

COMM. ARCAUTE So we're saying that the other two firms have already been scrutinized for lack of a better word.

COMM. GARCES Well at least by the Board.

COMM. ARCAUTE We're not talking by the board. We're talking about Hidalgo County.

PAUL VAZALDUA By the board as well as....

COMM. ARCAUTE The board is not gonna go into....

PAUL VAZALDUA Hidalgo County, what we did in our office, Commissioner is we did reference checks on, on all three of the, of the bidders. On all three of the bidders and, ahm, it seems that there's, there was problems with references for the Prospectiva group and the other references do clear.

COMM. ARCAUTE ...for two...

PAUL VAZALDUA On, on ah, Santo Petro and on Croslin.

COMM. ARCAUTE So there, did you say two. They're both unclear or what is it?

PAUL VAZALDUA They're both...

COMM. ARCAUTE I didn't hear the last part.

PAUL VAZALDUA Bidder #2 and bidder #3, their reference is clear as far as the references that....

COMM. ROSEL There problem is there may be some concerns that you're going to encounter as you go along with, with the qualifications and, and/or negotiations committee....

COMM. GARCES ---to the negotiation phase of....

PAUL VAZALDUA Right.

COMM. ROSEL They will address those....

PAUL VAZALDUA I think as far as the, the Court....

JUDGE CUELLAR He's speaking of numbers in the way they were ranked.

PAUL VAZALDUA ..in the way they were ranked. Right. Let me remind the Court that on April 13th, the Hidalgo Commissioner's Court was made aware by Prospectiva that they had several deficiencies in their RFQ. That was a presentation that they came here to make. Mr. Joe Lopez of Prospectiva spoke before Commissioners' Court to express his position on the accusations by the Texas Board of Architectural Examiners. At that time, Mr. Lopez also said that he had made some mistakes on his RFQ and then further, a representative from his firm, Mr. Ronnie Al, who's the business manager for the firm said that he had made statements on the RFQ without giving them final clearance from Mr. Joe Lopez and then asked him to go ahead and sign off on those packages. After careful review of the RFQ, we were able to find that there were

some things, that did not meet County Specifications and at the ti... and the County cannot, at this time cannot accept any clarifications that Mr. Lopez would like to come and make. So that clears up that issue with bidder number one. Then with bidder number two, there was a request by the Court that we make sure that there hadn't been no lawsuits or complaints filed against that firm in the event that we went to start negotiations with bidder number two. At this time, we have received notice, I mean, the let..., that fax that I handed out to you from the Board was faxed to us at approximately 8:30 this morning. Actually at 7:39 this morning and, ahm, the, I have, I spent most of the day yesterday verifying the references of both the Distefano Santopetro proposal and the Croslin proposal.

COMM. GARCES Paul, I remember I made it a point to ask of the three firms when they were up here their involvement or participation or alleged court action, of any, of any, of any manner and all three of them answered no, they were not involved in litigation, that they had no, ah, nothing pending in a particular court. We do have documentation that there was litigation pending on the Prospectiva group...

COMM. ROSEL A second deal.

COMM. GARCES ... out of...

COMM. HANDY So what do we do?

COMM. GARCES ...out of El Paso, no, or something like that. Is that what it was?

PAUL VAZALDUA I don't have that documentation Commissioner but I sure can look at that if...

COMM. GARCES Because again mysteriously a fax got into my office....

PAUL VAZALDUA I still haven't gotten that mysterious fax that everybody talks about. It's one thing that's missing from my file.

COMM. ARCAUTE I asked a question at the last ah, at the last meeting on the, on the presentation that was made by number two. We'll use number two only to be referred to as being listed number two.

COMM. ROSEL ---I'm sorry go ahead.

COMM. ARCAUTE I asked a question that at the time that he made his presentation, he presented a set of designs. The statement was made by either Commissioner Three or Four that we should consider that firm

because he was that much further ahead since he already had the designs and at the time, I think I asked the recorder if they were going to check the tape for that. Was that ever done?

PAUL VAZALDUA No. Not from our office no.

COMM. ARCAUTE I think it needs to be checked because if it is, it's also a misrepresentation.

COMM. GARCES ...and I think that in that area, Commissioner, that it be corrected if I am, that doesn't hold this County to go on and say that is the design we're gonna use. That's where you come into the negotiation part of the firm that your dealing with. Just because he presents the blue print, right, doesn't hold this County to those blue prints. That's where negotiations come in and so forth gonna be defined. So that's a good argument and I understand where your coming from but that doesn't hold us to that.

COMM. ARCAUTE I think that before we take any action, I think that's important. That's very important.

LOURA ETNIRE (INAUDIBLE)

COMM. ARCAUTE I have no idea.

PAUL VAZALDUA Well, keeping in mind that in the, in the RFQ and I looked at that Commissioner, in the RFQ that, that, that proposer number two submitted, there was no indication or no request from them that they be considered because of those designs. They merely submitted their qualifications and their, and their list of experience and that's what they were asking on the RFQ to be, ah, to be considered for. Now, in terms of that presentation, I mean, I apologize, I was not here at that time so I don't...I mean I don't even recall the date and I can certainly research that. That would be easy.

JUDGE CUELLAR The question is being called for. All those in favor signify by saying Aye.

COMM. ROSEL Aye.

COMM. GARCES Aye.

JUDGE CUELLAR Opposed.

COMM. ARCAUTE Aye.

JUDGE CUELLAR Ayes have it and so ordered. Now we go the, the motion was that we end negotiations with Prospectiva based on wrong information or information not being exactly right.

COMM. ARCAUTE Do we have a list as to what it is that was not right. I don't think we've been privied to that yet.

PAUL VAZALDUA We have that in draft form and we can certainly send that to you all this afternoon.

COMM. ARCAUTE After we make the decision.

COMM. ROSEL No, no I think we should remember those things that -----
--

PAUL VAZALDUA I have, I have that with me....

JUDGE CUELLAR Go ahead and, go ahead and read them out Paul..

COMM. ARCAUTE Well the discussion ended.

JUDGE CUELLAR You asked a question.

COMM. ARCAUTE ----whether I was on the right grounds to protest the action.

COMM. ROSEL I think we have ended the discussion and we need to take a vote on it, Judge.

COMM. ARCAUTE Yeah, go ahead and take a vote.

PAUL VAZALDUA Do you want the vote or what, what are you doing here?

COMM. ARCAUTE The vote on the motion.

PAUL VAZALDUA Okay.

COMM. ARCAUTE We already voted to kill discussion.....

JUDGE CUELLAR All those, all those in favor signify by saying Aye.

COMM. ROSEL Aye.

COMM. GARCES Aye.

JUDGE CUELLAR Aye. Opposed.

COMM. ARCAUTE Aye.

JUDGE CUELLAR Ayes have it and so ordered.

PAUL VAZALDUA So for the record, there was three Ayes and did you abstain Commissioner?

COMM. HANDY No I voted Aye.

PAUL VAZALDUA Okay.

COMMS. ROSEL & (INAUDIBLE)
GARCES

JUDGE CUELLAR Let me, let me say in all fairness. I think you're right. I think it's something that should be put on the agenda and I think it's something that we need to discuss fully but mainly and, and, and I always like to have reason behind what I do, we have told the Jail Standards Commission that we intended to follow through, to go through. I think we've gone far enough in waiting and I think now we must continue and, and our rankings were one two and I don't see any reason now why we shouldn't proceed and set up a committee and start negotiations.

COMM. GARCES Judge, let me -----have a standing agenda item -----

JUDGE CUELLAR Let's make sure that we have that every week.

COMM. ARCAUTE What does that mean?

JUDGE CUELLAR It means we'll have an agenda every week on the jail to find out where we're at and where we're going.

COMM. GARCES I think it might just be discussion or ----- action item ----- of where we're at -----

PAUL VAZALDUA We can provide progress reports on a weekly basis to the Court. Whatever happens from negotiations also from any information that we submit to the, ah, to the Jail Commission informing them of our progress in the project.

JUDGE CUELLAR Lets send a letter to the Jail Standards Commission and let them know that we're, we're moving forward as it was always our intention as soon as we have the right information.

COMM. GARCES (INAUDIBLE)

COMM. ARCAUTE Well no, wait a minute. No, no, no. That committee negotiated with one. Now it's gotta negotiate with two and three.

COMM. HANDY Judge...

COMM. ARCAUTE Regardless of how legal that committee is or not. Okay. Let's, you want to do it right, lets do it right.

COMM. HANDY It should be the same committee.

COMM. ARCAUTE No, let's have the same three individuals do the negotiating.

COMM. ROSEL I leave this open, open to the public -----

COMM. HANDY The Committee...

COMM. ARCAUTE Well, we'll deal with that later.

JUDGE CUELLAR One voice at time please.

PAUL VAZALDUA Judge, Judge, if I may, ahm, Marty just reminded me that we do need to send notice to Prospectiva. I do have a draft letter for them that you and I can go over this afternoon and...

JUDGE CUELLAR Let's send a copy to each one of the Commissioners and make sure they're all equally informed.

COMM. ARCAUTE Next time, send us a copy of the request to be on the agenda also, which this didn't have. This Commissioner's Court has adopted that rule. There should be two signatures if it's not to much trouble.

PAUL VAZALDUA No sir.
(See Exhibit X)

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

MOTION CARRIED.