

DRAINAGE DISTRICT #1

The Honorable Renato Cuellar, County Judge, called the Drainage District #1 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. City of Edinburg
- B. City of Mission

(See Exhibit A)

The County Judge introduced the Consent Agenda and there being no changes, a motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve.

MOTION CARRIED.

REGULAR AGENDA

ITEM 1. PURCHASING DEPARTMENT

- A. Requesting authority to advertise or approval on specifications attached hereto for One (1) Batwing Rotary Cutter

Martha Salazar, the Purchasing Director, informed the Court that she was requesting authority to advertise for one batwing rotary cutter. She had supplied the specifications for said equipment. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.
(See Exhibit B)

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

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. County Judge - \$1,000.00
- B. Commissioner Pct. 2 - Paved/Unpaved - \$30,000.00
- C. Commissioner Pct. 3 - Landfill - \$500.00
- D. Commissioner Pct. 3 - Park - \$500.00
- E. Commissioner Pct. 3 - Paved/Unpaved - \$2,000.00
- F. Adult Probation - Community Corrections - \$450.00
- G. Adult Probation - Restitution Center- \$900.00
- H. J.P. Pct. 3 Pl. 1 - \$100.00
- I. Treasury Department - \$3,000.00
- J. WIC Program - \$32,500.00 (Moved to Regular Agenda)
- K. Veterans Service - \$385.00
- L. Buildings & Grounds - \$6,200.00

(See Exhibit C)

ITEM 3. URBAN COUNTY PROGRAM

- A. HOME - First-Time Homebuyer Contract Agreement and letter of commitment to Mortgage Company - 5 families
- B. HOME - Homeowner Occupied Housing Rehab Application - 1 Family

(See Exhibit D)

ITEM 4. RIGHT OF WAY DEPARTMENT

- 1. Pct. #1 - Southwestern Bell Telephone
- 2. Pct. #2 - Southwestern Bell Telephone

3. Pct. #3 - Southwestern Bell Telephone
 - Southwestern Bell Telephone - Goodwin & Green Road
4. Pct. #4 - Southwestern Bell Telephone - Tower Rd.
 - Southwestern Bell Telephone - Doolittle Rd.
 - North Alamo Water Supply - Terry Rd.
 - North Alamo Water Supply - Kenyon Rd.
 - Sharyland Water Supply - Jackson Rd.
 - Sharyland Water Supply - Rodgers Rd.
 - Hidalgo County Irrigation District #1

(See Exhibit E)

ITEM 5. COUNTY CLERK'S OFFICE

- A. Approval of Monthly Collection Fee Report for the Month ending in April, 1998
 - Total \$82,994.99

(See Exhibit F)

ITEM 6. PURCHASING DEPARTMENT

- A. Hidalgo County Tax Office - Collecting
 1. Approval of maintenance agreement for Adler-Royal Sat. IV Sn 10-14-97 to 10-13-98 with Southwest Business Machines
- B. Hidalgo County WIC Department
 1. Approval of maintenance agreement(s) for copier(s) with International Copier Corporation
- C. Hidalgo County Tax Office
 1. Approval of maintenance Agreement for ABA Moriah for GENICOM printer(s)

(See Exhibit G)

ADD. 1. LINE ITEM TRANSFER - Consent Agenda

- A. Commissioner Pct. 4 - Administration

(See Exhibit G)

The County Judge introduced the Consent Agenda and asked if there were any changes. Commissioner Rosel made a motion to approve the Consent Agenda and Commissioner Arcaute indicated that he had some questions on it. He had some questions with regards to Items 2/J, the line item transfer for the WIC Program; Item 4/A/2, the Right of Way Department-Permits with regards to Southwestern Bell Telephone and he asked that these items be considered under the Regular Agenda. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the Consent Agenda with the exception of Items 2/J and 4. Commissioner

Garces then added a friendly amendment to the Consent Agenda to include the Addendum.

The amendment was then put to a vote and it carried.

MOTION CARRIED.

Commissioner Arcaute's motion to approve the Consent Agenda with the exception of Items 2/J and 4, with a second by Commissioner Garces was then put to a vote and it carried.

MOTION CARRIED.

REGULAR AGENDA

ITEM 2. LINE ITEM TRANSFERS(from Consent Agenda)

J. WIC Program

Commissioner Arcaute stated that anytime a department wanted to pay overtime or accumulate compensatory time, it had to be approved by Commissioners' Court. He had noticed that the Director of the WIC Program had come before the Court and had requested some additional funds to pay overtime. He then pointed out that on the line item transfer for 2/J, these same monies were being used in order to pay for office supplies and drugs. Commissioner Garces reported that the WIC Department, as well as the Health Department were going into some mandated extended hour services and he felt that this may be the reason for this request. Commissioner Arcaute indicated that he was not questioning the overtime, he was questioning that the overtime funds were not being paid and he just wanted to make this Commissioners' Court aware of this. A motion was then made by Commissioner Rosel and seconded by Commissioner Garces to approve the line item transfer, as presented.

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

ITEM 4. RIGHT OF WAY DEPARTMENT

1. Pct. #1 - Southwestern Bell Telephone
2. Pct. #2 - Southwestern Bell Telephone
3. Pct. #3 - Southwestern Bell Telephone
 - Southwestern Bell Telephone - Goodwin & Green Road
4. Pct. #4 - Southwestern Bell Telephone - Tower Rd.
 - Southwestern Bell Telephone - Doolittle Rd.
 - North Alamo Water Supply - Terry Rd.
 - North Alamo Water Supply - Kenyon Rd.

- Sharyland Water Supply - Jackson Rd.
- Sharyland Water Supply - Rodgers Rd.
- Hidalgo County Irrigation District #1

COMM. ARCAUTE The other item was on the permits to Southwestern Bell. Valde, we got a fax yesterday, I think it was or the day before yesterday. From what I gather this County is being sued by Southwestern Bell.

VALDE GUERRA Yes sir.

COMM. ARCAUTE I, I saw the word plaintiff, okay. Let me suggest that when this happens, you advise the whole Court.

VALDE GUERRA Well, this is an ongoing suit. These, these claims stem back to a couple of years ago.

COMM. ARCAUTE Huh-hum, 1996.

VALDE GUERRA Exactly, but the crux of the case is that the County's point...

COMM. ARCAUTE This is important, verbatim please.

VALDE GUERRA Commissioners, Judge, ahm...

JUDGE CUELLAR Identify yourself for the record, please.

VALDE GUERRA Valde Guerra, with the County Judge's Office. Mr. Crain advised me that this is currently in litigation, so it may not be proper to discuss this.

COMM. ARCAUTE True. What I wanted to discuss is the policy not the case.

VALDE GUERRA Okay.

COMM. ARCAUTE My question was, that it appears like it is a lawsuit.

VALDE GUERRA Yes sir.

COMM. ARCAUTE Okay. So in the claims, I don't know, I guess it's just a point, let me, let me just say that, obviously we're not going to be able to testify in that one, but for a telephone company, what are the requirements when we issue a permit for the telephone company to bury a cable.

- VALDE GUERRA That would be addressed by the Right of Way Department, sir.
- COMM. ARCAUTE Can we do that now?
- COMM. ROSEL Where did Vona...
- GODFREY GARZA Good morning Judge, Commissioners. I'm Godfrey Garza with the Drainage District. Basically right now I'm acting in the Right of Way Department. Basically the requirements set forth on issuing a permit to Southwestern Bell, there is, there's several of them, but one of the items that is most important is that the cable be buried at a minimum, I believe, it's thirty-six or forty-two inches in depth. The other item on our permit it states specifically, Item No. Five "the County will not be responsible for damage to this line by maintenance or construction machinery" period, okay. So, a lot of the items that are being damaged are the lines that are being damaged, what we're doing at this time is taking photographs because these lines are being placed at four inches, six inches, eight inches or nine inches underground. So, I cannot see, you know the County having a problem, because it, if we're hitting the lines, we're not responsible for them and if they're not buried the way they're supposed to be, we're not responsible for them. So, you know, we have certain stipulations on our permits to issue to Southwestern Bell for the placement of their line. Now if their lines are not placed in accordance with the permit or even if they are placed in accordance with the permit and we damage the lines, I cannot see how we have any responsibility for the damage of the lines.
- COMM. ARCAUTE Es todo.
- GODFREY GARZA That's, you know, the way I see it, Commissioners' and that to me is very explicit in our permit to them.
- COMM. GARCES Well, maybe we should add some other language, Godfrey, to make it more clear than it already is, 'cause we're still getting the calls at the Precinct level where we go clip and it's only six inches, we barely start digging in and there's that service line. Yet they put in the claims, for the damages, I think that...
- GODFREY GARZA I agree, Commissioner, you know, what we're trying to do is whenever a line is damaged, just take a picture of it...

COMM. GARCES Yeah.

GODFREY GARZA ...and just have it on record when any situation comes up, here and that's if we even want to go to that extent, because I just do not feel that we're responsible if we're granting a permit for them to be in our right of way. Again that, you know the Commissioners' Court might advise Counsel to, to clarify our permitting procedures, you know, with them, but right now the way I see it is that we don't have a responsibility for the line that we do take caution to try to preventing from hitting them, but if we do hit them...

COMM. ARCAUTE How can you avoid them?

GODFREY GARZA You can't, Commissioner, because again they might mark them on the ground, but you don't know at what depth they are. We've had...

COMM. ARCAUTE But they tell you where they are, but they don't tell you how deep it is.

GODFREY GARZA Or sometimes when they mark them, Commissioner, we've had situations when they mark a line here and the line is a foot away from there.

JUDGE CUELLAR The permit says how deep they should be.

GODFREY GARZA Right.

JUDGE CUELLAR And this lawsuit, ah, Mr. Guerra, is it recent, did it come about yesterday?

VALDE GUERRA No sir.

JUDGE CUELLAR How old did you say it is?

VALDE GUERRA A couple years old.

JUDGE CUELLAR Two years old?

VALDE GUERRA '96, if I'm not mistaken.

COMM. ARCAUTE Now, that's interesting.

COMM. ROSEL There a lot of them, that'll set a precedent in there and others, we're not the only County that has been sued by these people.

COMM. ARCAUTE Can we counter sue and counter sue Southwestern Bell for every cable that's buried in this County for not complying with the permit, legal counsel?

STEVE CRAIN Commissioner, I'm not familiar with that case that you're talking about. I haven't seen the petition.

COMM. ARCAUTE Well, that's what I'm saying, neither were we.

STEVE CRAIN It's kind of hard to answer...

COMM. ARCAUTE There was a little give away in the facts that said plaintiff, I said "oh-oh".

STEVE CRAIN I really can't answer that 'cause I don't what the substance of the case is.

JUDGE CUELLAR I was a little confused, but I didn't think I had generated any lawsuits so far, but -----, but if it's been there two years then I'll take credit for it. If it rains I'm gonna take credit for it.

COMM. ARCAUTE Well, I would have been disappointed if I had to shoot you, Judge.

GODFREY GARZA Sir...

COMM. ARCAUTE That's all.

GODFREY GARZA Okay, thank you.

JUDGE CUELLAR Any action on 2/A/2, 4/A/2.

GODFREY GARZA Excuse me, Commissioner, what action do we take on these permits at this time, do we not issue the permits that are on the agenda or where do we go?

JUDGE CUELLAR I think the Commissioner may have some questions of legal counsel when the meeting is over.

GODFREY GARZA So...

COMM. ARCAUTE We'll let you know two years from now. (Laughter)

GODFREY GARZA Yes sir.

JUDGE CUELLAR We won't be here.

COMM. ARCAUTE I will.

COMM. ROSEL Legal counsel, you got something you want to bring up to us.

STEVE CRAIN I just wanted to attempt to try to clarify the record that the previous motion of pulling item 4/A/2, does that concern all the Southwestern Bell permits; 'cause you got 4/A/1, 4/A/2, 4/A/3 and then you've got 4/A/4 with apparently two Southwestern Bell permits. I just want the record to be clarified as to what you're passing or taking no action on.

COMM. ARCAUTE Well, on Item 4/A/2, all I'm saying is the one that's concerned with Precinct Two, I would like for Southwestern Bell to gives us a date as to when they're going to do the burying of the cable so that our forces will be there to supervise and make sure that they bury it forty-two inches deep.

STEVE CRAIN Okay, so all the other ones that are under 4/A...

COMM. ARCAUTE I don't know about what the other Precincts want to do.

STEVE CRAIN ...all the other ones did pass when you passed the Consent Agenda?

COMM. ARCAUTE I assume that.

COMM. GARCES Well, Aaron didn't we make a statement that all of Southwestern Bell permits to be pulled from Consent.

STEVE CRAIN That's what I understand and that's why I'm asking.

AARON BETANCOURT (Inaudible)

STEVE CRAIN I might suggest if you want to pass everything but 4/A/2, you make another motion, just so the record be clarified as to what action you are taking.

- COMM. GARCES Steve, but under a obligation of a contract that Southwestern Bell or any other entity out there puts out, to a contractor or a sub, as far as the follow-up, Commissioners, shouldn't they be out there, confirm the depth and that the contract was, was done correctly according to specs, the depth and all that?
- STEVE CRAIN It depends on their contract, but I think what Commissioner Arcaute is suggesting is that he wants somebody from the County out there confirming the depths.
- COMM. ARCAUTE See, Southwestern Bell or that particular utility company just, doesn't have to ask for a permit, they can still go ahead install lines. Are you aware of that?
- COMM. HANDY Yeah I was aware of that.
- COMM. ARCAUTE All I'm asking is that if we issue this permit that a note be made for the Precinct Two, I think, it's on Bethany Road, that they advise Precinct Two management before they dig to bury the cable just like we have to call them to spot the lines. That's all I'm asking, you know, it's not too much.
- COMM. GARCES It would be more of a continuity, would be for all of us to get on board and, and request the same.
- COMM. HANDY Yeah.
- COMM. ARCAUTE (Inaudible)
- GODFREY GARZA I'm sorry, Commissioner, on the special provisions there is an item in there where they are to make contact with a set individual, we can go in and fill in the name in there and they're to contact, you know Precinct so and so or Commissioner so and so, before they go out there and that is part of the provision of the, of the permit. So, there is an item in there for that specific language that you're looking for, Commissioner.
- COMM. ARCAUTE For Southwestern Bell?
- GODFREY GARZA Yes sir.
- COMM. ARCAUTE But not their sub-contractors?

GODFREY GARZA No sir.

COMM. ARCAUTE That's the problem with the permit.

GODFREY GARZA Okay. Basically what it's saying is "your line shall be staked by you and approved on location by the Commissioner in whose precinct the work is to be done, well in advance of beginning of your work". And it states "contact Commissioner.." so and so.

COMM. GARCES I'd like to also be, join in with Arcaute's stipulation of, you know contacting the Precinct, I don't know about the others.

COMM. ROSEL Well, all precincts.

GODFREY GARZA Okay, that's fine, you know, we'll, I'll add it on to where it says contact Commissioner and put a clarification of, on there as to what procedures we want them to follow on.

COMM. ARCAUTE No, contact the foreman, not the Commissioners.

GODFREY GARZA I understand, Commissioner. Okay, so is that the way the Court wishes to proceed on that?

COMM. HANDY Yes.

GODFREY GARZA Can I get it in the form of a motion and approval of the motion?

COMM. ROSEL I didn't start this ----....

JUDGE CUELLAR Any action on 4/A/2?

COMM. GARCES You know, I think it's all administrative, verdad Arcaute, from what I gather? Or just a policy thing?

STEVE CRAIN It's on the agenda ----- take any action-----

COMM. ARCAUTE I, I move that Item 4/A/2, you know, be approved, that the telephone company be granted the permit, okay.

COMM. GARCES Second the motion.

JUDGE CUELLAR Motion made and seconded, is there a question on the motion? Is there a question on the motion? There being none all those in favor signify by saying aye.

COMMISSIONERS Aye.

JUDGE CUELLAR Opposed. Ayes have it and it's so ordered.

COMM. HANDY Steve, did you have a question?

STEVE CRAIN Again, just for clarification, of the record, so that all, is it true that all items of the Consent Agenda were approved?

COMM. HANDY Yes.

COMM. ROSEL Correct.

COMM. GARCES Yes.

STEVE CRAIN Okay.
(See Exhibit E)

ITEM 1. OPEN FORUM

No one had signed up for the Open Forum this morning.

NO ACTION.

ITEM 2. COUNTY EXTENSION SERVICE

A. Introduction of New Extension Agent

Ida Patrick, County Extension Agent, came before the Court to introduce the present District Extension Director for Agriculture, Mr. Terry Lickamy. Mr Lickamy then said a few words, after which he introduced Ms. Barbara Cattrerre, as the new District Extension Director for Agriculture and Horticulture. No further action was required.

NO ACTION.
(See Exhibit H)

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. Discussion on Civil Action No. 97-085 Lopez et al -vs- County of Hidalgo
- B. Discussion on Civil Action No. M-96-294: Rene Lizcano -vs- Hidalgo County, Texas et al

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

NO ACTION.

ITEM 2. OPEN SESSION

- A. Discussion on Civil Action No. 97-085 Lopez et al -vs- County of Hidalgo
- B. Discussion on Civil Action No. M-96-294: Rene Lizcano -vs- Hidalgo County, Texas et al

The County Judge indicated that no action would be required on these two items.

NO ACTION.
(See Exhibit I)

REGULAR AGENDA

ITEM 3. TAX OFFICE

- A. Approval of Tax Refunds for the following
 - 1. McAllen Inn Valley LTD-I - \$20,200.88
 - 2. Lamar Advertising - \$1,159.69
 - 3. Ford Motor Credit Co. - \$2,078.28

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the tax refunds as presented.

MOTION CARRIED.
(See Exhibit J)

ITEM 4. ADULT PROBATION

- A. Approval of correction for the following slot numbers for the Supervision Budget: 28, 33, 34, 58, 59, 62, 71, 86, 87, 88, 90, 95, 102 (Budget was approved by Court on 5/26/98 - the budget amount does not change)
- B. Approval of correction for the following slot numbers for the Restitution Center: 7, 13 (Budget was approved by Court on 5/26/98 - the budget amount does not change)

4/A

Joe Lopez, the Adult Probation Director, came before the Court requesting approval of a correction in the Adult Probation Supervision Budget. He mention that previously this Commissioners' Court had approved some salaries and he had not quoted some of the salaries correctly on the detailed listing at that time. He was at this time requesting that those slots be corrected to the appropriate salaries. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit K)

4/B

Mr. Lopez stated that this was the same type of correction as the previous item only this was for the Restitution Center. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the correction in salaries for the slot numbers as per the exhibit.

MOTION CARRIED.
(See Exhibit K)

ITEM 5. JUVENILE PROBATION

- A. Approval of the Memorandum of Agreement for the AmeriCorps VISTA Project
- B. Approval of budget amendment - VISTA Project

5/A

Israel "Buddy" Silva, Juvenile Probation Director, came before the Court requesting approval of a memorandum of agreement for the AmeriCorps VISTA Project. He added that this was a grant application that was submitted through the VISTA program in order to help them with their Juvenile Court Conference Committee Volunteer Program. He stated that the application was approved and they had to submit a memorandum of agreement that had to be approved by Commissioners' Court. This program would allow for the hiring of five volunteers for the VISTA Program. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.
(See Exhibit L)

5/B

This item was for a budget amendment for the VISTA Program. The amount of the budget amendment is \$ and one of the conditions of the VISTA application is that the County provide funds for travel in the amount of \$5,000.00 to pay

for travel that the VISTA volunteers are going to be accumulating. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit L)

ITEM 6. SHERIFF'S OFFICE

A. Authorization to accept Grant Award from the U.S. Department of Justice

Lt. Roy Quintanilha came before the Court requesting authorization to accept a grant award from the U.S. Department of Justice and authorize the County Judge's signature on said grant. The amount of the award is \$85,573.00 and it is for the housing of criminal aliens. A motion was made by Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit M)

ITEM 7. ELECTIONS DEPARTMENT

A. Appointments of County Election Judges and alternate Judges

Oscar Cantu, Chief Deputy for the Elections Department, came before the Court requesting approval of the election judges and alternate judges for the upcoming November 3rd General Election. He stated that he had provided a list to the Commissioners' Court. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.
(See Exhibit N)

ITEM 8. HEALTH DEPARTMENT

- A. Authorization and approval to appropriate Title V Program Income, generated in FY 97
- B. Approval to create 8 positions
- C. Set Salaries

8/A

Dr. James Michael Keenan, County Health Director, came before the Court requesting authorization and approval to appropriate the Title V Program Income which was generated in FY '97. The amount in question is \$323,270.00. A motion was made

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

MOTION CARRIED.
(See Exhibit O)

8/B

Dr. Keenan was also requesting the approval to create eight positions. He added that he had attended a meeting in Austin and they had discussed that in the future their program income will not be able to be carried forward from one year to the next. So this program income is the last time that they will be able to carry it forward; they will now have to spend it all during the year that they earn it. He added that these eight positions are all tied to the Title V program and he indicated where these positions would be placed. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the creation of the eight positions as presented.

MOTION CARRIED.
(See Exhibit O)

8/C

Dr. Keenan indicated that he wanted to set the salaries as follows: RN Clinic Supervisor at \$40,109.00; RN at \$37,750.00; four Eligibility specialists at \$14,000.00 each and one Clinic Aide at \$12,824.00. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the salaries as presented.

MOTION CARRIED.
(See Exhibit O)

ITEM 9. HUMAN SERVICES

- A. Approval of budget amendment - Indigent Health Care Program - Special Revenue Fund #170 and appropriate the same
- B. Approval of budget amendment for fees for Indigent Health Care Payments to Providers
- C. Appropriate estimated State Funds

9/A&B

Norma Saldaña came before the Court requesting approval of a budget amendment for the Indigent Health Care Program. These funds were to be budgeted into the Special Revenue Fund #170 and they were also requesting that the same be appropriated. The amount of the budget amendment is \$411,000.00. They were also requesting a budget amendment of \$35,000.00 to pay for bill processing fees for the \$411,000.00 as well as for the bills that will be paid by the States 80/20 match fund.

These funds will leverage an additional estimated \$495,622.00 from the State. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit P)

9/C

Ms. Saldaña was also requesting that they appropriate the estimated State Funds in the amount of \$495,622.00. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit P)

ITEM 10. COUNTY JUDGE'S OFFICE

- A. Discussion and possible action on declaring Hidalgo County a disaster assistance area
- B. Select and employ Fire Marshal
- C. Set salary of Head Start Program Director
- D. Discussion on budget officer status

10/A

Paul Vazaldua, Administrative Assistant to the County Judge, informed the Commissioners that this item was on the discussion and possible action on declaring Hidalgo County a disaster assistance area. He stated that they have been working with the County Extension Service Agency in trying to obtain a flash report on what effects the drought has had to the agriculture and other properties within Hidalgo County. He added that they have also submitted a copy of a letter that is being sent to the Governor in declaring this County a disaster area. He then introduced Mr. Brad Cowen who explained the flash report in detail. After a brief discussion a motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit Q)

10/B

Mr. Vazaldua announced that no action was required on the selection and employment of a Fire Marshal at this time.

NO ACTION.
(See Exhibit Q)

10/C

Lisa Robledo indicated that this item was to set the salary of the Head Start Program Director. She mentioned that as advertised and as per the job description it was listed as a salary range from \$50,149.00 to \$55,000.00. Commissioner Rosel asked Steve Crain, the County Legal Counsel if they were bound to this salary range as posted. Mr. Crain stated that they may have to go by the range. Commissioner Rosel indicated that the salary range did not seem fair to him and he was wondering if they could set the range at a higher salary. The County Judge informed him that they could set his salary within the range and then later when the contract is negotiated they can take the salary into consideration. Commissioner Garces asked if they could possibly increase the salary by setting a travel allowance and this resulted in a brief discussion with comments from the Commission, Lisa Robledo and Steve Crain. Commissioner Rosel again brought up the salary issue and he felt that they should have set this salary at a higher level. Paul Vazaldua reported that for purposed of this agenda item, they could stay within the limits of the range and then the following week they could bring a contract and negotiate a salary at that point. The County Judge asked Legal Counsel if this would be appropriate and Mr. Crain stated that they would have to establish some type of performance review that would justify an increase and his only concern was to research if they could do that. A discussion then ensued with regards to how many children were served and how many degrees Mr. Alaniz had, Manuel Cavazos added that anything that was done with the salary within six months would be considered questionable until after the probationary period. He also stated that federal regulations did not allow auto allowances on federal grants, but he was entitled to a reimbursement for any travel. After further discussion, a motion was made by Commissioner Garces and seconded by Commissioner Rosel to set the annual salary at \$55,000.00 for the Head Start Director, effective today.

MOTION CARRIED.
(See Exhibit Q)

10/D

Mr. Vazaldua stated that on the previous Commissioners' Court meeting a question had been raised with regards to the status of the budget officer. He said that he had supplied the Commissioners with a copy of the Local Government Code with regards to the appointment the Budget Officer and it also included a time frame of when this appointment could be made. He continued by saying that this time frame had elapsed and they would have to go by the last formal action that was issued by this Court with regards to this matter. That formal action indicated that the County Judge was appointed as the budget officer on July 13th, 1987. Mr. Vazaldua also said that they would be putting a schedule out and they would send it to each of the Commissioners so they could begin thinking about when they would like to hold the budget hearings. He was hoping that they begin budget workshops some time in the second week of August. Commissioner Garces asked the County Judge how involved he had been in trying to get the meeting together and the Judge Cuellar replied that he

hasn't been involved, he has just made suggestions on letting departments know that they don't have to expend all the monies they are allocated, especially toward the end of the year and Commissioner Garces recommended that they place a freeze whatever balances they have, maybe even acquire a court order. After further discussion, no action was required on this item.

NO ACTION.
(See Exhibit Q)

ITEM 11. URBAN COUNTY PROGRAM

- A. Approval of Budget Amendment - City of Alamo Year 10 (FY 1997)
- B. Formal Action to Approve a Personal Service Contract with Romeo Garcia Agency - City of Edcouch - Urban County Year 7 (1994)
- C. Formal Action to Approve a Personal Service Contract with Cain Productions - City of Edcouch - Urban County Year 7 (1994)
- D. Awarding of Bids and Entering into Contract with D. Reyna Construction for PFI Water/Sewer Improvements - City of Edcouch - Urban County Years 6, 7, 8 & 10 (1993, 1994, 1995 & 1997)
- E. Approval of a Budget Amendment for Pct. #2, Year 9, 1996
- F. Approval of a Budget Amendment for Year 1997 - UCP County Wide
- G. Public Hearing considering the passage of an Order designating as a reinvestment zone property within the unincorporated areas of the Hidalgo County in particular: Lots No. 18, 20, 22, 24, 26, 28 & 30 of Block 62 and Lots 17, 19, 21, 23, 24, 25, 26, 27, 28, 29 & 30 of Block 63 Santa Cruz Gardens Unit #2 Subdivision as recorded in Volume 8, Pages 28, 29, Map and Plat 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 Lots no. 18, 20, 22, 24, 26, 28 & 30 of Block 62 and Lots 17, 19, 21, 23, 24, 25, 26, 27, 28, 29 & 30 of Block 63 Santa Cruz Gardens Unit #2 Subdivision as recorded in Volume 8, Pages 28, 29, Map and Plat Records of Hidalgo County, Texas
- I. Approval of an agreement between County of Hidalgo and Edinburg Energy Limited Partnership granting tax abatement in accordance with the Guidelines and Criteria adopted March 31, 1998
- J. Approval to enter into a contract with Proyecto Azteca as a Community Housing Development Organization (CHDO) for County's FY 1996 HOME Program

11/A

Anthony Covacevich, Urban County Director, informed the Court that the City of Alamo was requesting a budget amendment under their Year 10 funds. The amendment called for appropriating their Realized Program Income into their Street

Improvement line item in the amount of \$38,242.09. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit R)

11/B

The City of Edcouch was requesting formal approval of a personal service contract with Romeo Garcia Agency. This is out of their Year 7 and the contract amount is for \$8,475.49 for the development of a Trade Show display for economic development. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit R)

11/C

The City of Edcouch was also requesting formal approval of a personal service contract with Cain Productions. This is also out of their Year 7 and is in the amount of \$2,000.00 for the development of a fifteen to twenty minute video presentation promoting the City of Edcouch's economic development. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit R)

11/D

The City of Edcouch was requesting to award bid and enter into contract with D. Reyna Construction for water/sewer improvements under theirs 6, 7, 8 and 10. The amount of the contract is \$215,032.08 and it is a low bid. A motion was made by Commissioner Handy and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.
(See Exhibit R)

11/E

Precinct Two was requesting approval of a budget amendment in their Year 9. The amendment was to reduce their street improvement line item and create a line item for Alamo/Fire Station/Equipment in the amount of \$75,000.00. A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.
(See Exhibit R)

11/F

A budget amendment was being requested in the Urban County Program County Wide Fund. They want to reduce their Street Improvement line item by \$20,000.00 and create a Colonia Matching funds line item in the same amount. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.
(See Exhibit R)

11/G, H & I

Mr. Covacevich indicated that he would like to take no action on t these three items as they needed to take care of a situation with a road right of way that needed to be resolved before the granting of tax abatement can proceed.

NO ACTION.
(See Exhibit R)

11/J

Mr. Covacevich then proceeded to inform the Commissioners that he was requesting approval to enter into contract with Proyecto Azteca as a Community Housing Development Organization (CHDO) for the County's FY 1996 HOME Program. This agreement would be in the amount of \$67,957.57 in order to assist three low income families construct three new houses. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.
(See Exhibit R)

ITEM 12. PURCHASING DEPARTMENT

A. HIDALGO COUNTY SHERIFF'S OFFICE

1. Authorization to enter into Interlocal Agreements with the following counties:

- a. Brazoria County
- b. Nueces County
- c. Colorado County

B. COMMISSIONER PCT. #3

1. Discussion and possible action on award of RFP for "Emergency Medical Services"

2. Discussion and possible action on approval of contract for "Emergency Medical Services"
- C. HIDALGO COUNTY COMMUNITY SERVICE AGENCY
1. Recommending Award for "Rental of Office Space"
 2. Requesting approval of lease for "Rental of Office Space"
 3. Requesting a 90 day short term lease with Edinburg Rentals in order to allow renovations to be completed by new lessor at new building
- D. HIDALGO COUNTY HEALTH DEPARTMENT
1. Recommending award of bid on "Mosquito One ULV and Mosquito Larvicide"
 2. Requesting approval of contract for "Mosquito Mist One ULV and Mosquito Larvicide"
 3. Requesting authority to advertise & approval of specifications as attached hereto for "Telephone Equipment"
 4. Requesting exemption from competitive bidding requirements for Professional Services/Medical Services with numerous area physicians for the Hidalgo County Health Department to provide prenatal services
 5. Requesting approval of Medical Services Contracts with physicians to provide prenatal services
- E. HIDALGO COUNTY HIDTA TASK FORCE
1. Requesting authority to lease One (1) Ford X-Cab Flare @ \$570.00 and One (1) Jeep Grand Cherokee for a period of eight (8) months from Caps Van and Car Rental
- F. HIDALGO COUNTY WIC DEPARTMENT
1. Recommending award for "Rental of Office Space in the City of Alamo"
 2. Requesting approval of lease for "Rental of Office Space in the City of Alamo"
 3. Requesting authority to advertise & approval of specifications attached hereto for "Telephone Equipment"
 4. Requesting authority to advertise & approval of specifications attached hereto for "Breast-feeding Supplies"
 5. Recommending award for "Rental of Office Space in the City of Mission" to sole bidder Mrs. Placida Rosel
 6. Requesting approval of lease for "Rental of Office Space in the City of Mission" with Mrs. Placida Rosel

12/A/1

Martha Salazar, the County Purchasing Agent, came before the Court requesting approval of an interlocal agreement with the County of Brazoria for the housing of inmates. She stated that the effective date was June 23rd, 1998 through June 22nd, 1999 at a rate not to exceed \$38.00 per inmate per day. Mrs. Salazar indicated that Brazoria County had entered into a contract with Capital Corrections Resources Inc. but the agreement was never signed because the provider pulled out of the deal. She did say that the rates were different and as a result we had this

agreement. Commissioner Rosel then mentioned an incident that had occurred in Brazoria County with guards at the jail that had been brought to his attention by the media from Brazoria County during a recent interview. He was concerned about sending our prisoners there if this problem had not been resolved. The County Judge reported that he also had been interviewed and had been asked if he had an opinion about the matter and he stated that he had replied that unless he had all the details he had no comment about the incident.

Capt. Joe Jackson then approached the podium and stated that they had spoken with Sheriff King from Brazoria County, as well as to the County Judge and this contract was with the County officials of Brazoria County. He stated that Sheriff King had assured them that the jail has been approved by the Commission on Jail Standards and all of their jailers are certified as well. Capt. Jackson indicated that the rate was lower, but the inmates would be transferred by the Hidalgo County deputies and as the summer months were coming and the Judges would be out on vacation and they would be needing the additional space at the County jail. Commissioner Rosel stated that in his opinion he was not comfortable with this contract and he would be voting against it.

12/A/1/b&c

After further discussion, a motion was made by Commissioner Rosel and seconded by Commissioner Garces to enter into an interlocal agreement with Nueces County and Colorado County for the housing of inmates. Commissioner Garces then asked Capt. Jackson if there were enough facilities in Nueces and Colorado Counties to take care of Hidalgo County's problems and the response was that there were not. Capt. Jackson added that as it was Colorado County could only take in eight inmates and Nueces County maybe two inmates. The County Judge asked about Limestone County and Capt. Jackson stated that they were not willing to take in anymore of our inmates because they were trying to reduce the transport cost. Commissioner Arcaute asked about Hidalgo County's liability and Steve Crain, the County Legal Counsel, stated that as far as was stated in the agreement, Brazoria County agreed to be responsible for the prisoner while in their custody only. Commissioner Rosel then called for the question and the motion was put to a vote.

MOTION CARRIED. (Commissioner Rosel and the County Judge voted in favor and Commissioners Garces and Arcaute voted against the motion.)

A discussion then ensued with regards to what issue the Commissioners had just voted on. The County Judge and Commissioner Rosel indicated that they had voted on the call for the question and Commissioners Garces and Arcaute indicated that they had voted on Item 12/A/1/b&c. They then clarified that the call for the question had received a 2-2 vote and as a result the discussion would continue. The County Judge asked if there was any further discussion and there being none the motion to approve the agreements with Nueces and Colorado Counties was put to a vote.

MOTION CARRIED.
(See Exhibit S)

12/A/1/a

A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to enter into an interlocal agreement with Brazoria County for the housing of inmates at a rate of \$38.00 per day.

MOTION CARRIED. (Commissioner Rosel voted against the motion)
(See Exhibit S)

12/B

Mrs. Salazar requested that no action be taken on items 12/B/1 and 12/B/2 at this time.

MOTION CARRIED.
(See Exhibit S)

12/C/1

Mrs. Salazar reported that on the award for "Rental of Office Space" for the Community Service Agency she had received two bids: Romeo Villarreal from Edinburg at 45¢ per square foot and BIC Realty out of Edinburg at 35¢ per square foot. She stated that after consulting with the CSA Director and evaluating the bids, she was recommending the low bidder of BIC Realty at 35¢ per square foot. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.
(See Exhibit S)

12/C/2

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve a lease agreement with BIC Realty for rental of office space for the Community Service Agency.

MOTION CARRIED.
(See Exhibit S)

12/C/3

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

NO ACTION.
(See Exhibit S)

12/D/1

Mrs. Salazar stated that this was for a bid award for "Mosquito Mist One ULV and Mosquito Larvicide" and she had received only one bid. He was the present provider and it was an increase, due to a general increase on the product. She was at this time recommending the sole bidder of Public Health Equipment out of San Antonio. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit S)

12/D/2

A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve a contract with Public Health Equipment for the purchase of mosquito mist and mosquito larvicide.

MOTION CARRIED.
(See Exhibit S)

12/D/3

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the advertising for bids for telephone equipment for the Hidalgo County Health Department.

MOTION CARRIED.
(See Exhibit S)

12/D/4

The next request was from the Health Department as well and it was for an exemption from competitive bidding requirements under professional services/medical services with numerous area physicians to provide prenatal services. A list of the physicians is attached as an exhibit. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit S)

12/D/5

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve medical service contracts with physicians to provide prenatal services.

MOTION CARRIED.
(See Exhibit S)

12/E

The HIDTA Task Force was requesting authority to lease one Ford X-Cab Flare at \$570.00 and one jeep Grand Cherokee at \$615.00 for a period of eight months from Capps Van & Car Rental. The total amount of the lease was \$9,480.00. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.
(See Exhibit S)

12/F/1

The WIC Department was requesting the award of a bid for the "Rental of Office Space in the City of Alamo". Mrs. Salazar reported that she had received one bid from First American Realty at 70¢ per square foot. A motion was made by Commissioner Arcaute and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.
(See Exhibit S)

12/F/2

A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve a lease agreement with First American Realty for rental of office space in the City of Alamo for the WIC Department.

MOTION CARRIED.
(See Exhibit S)

12/F/3

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to authorize the advertising for telephone equipment for the WIC Department.

MOTION CARRIED.
(See Exhibit S)

12/F/4

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to authorize the advertising for bids for "Breast-feeding supplies" for the WIC Department.

MOTION CARRIED.
(See Exhibit S)

12/F/5

Commissioner Rosel announced that he would not be involved in the discussion and the vote for Items 12/F/5 and 12/F/6. Commissioner Arcaute followed suit and indicated that he would also be abstaining. Mrs. Salazar then reported that this item was for the award of bid for the "rental of office space in the City of Mission". She stated that she had only received one bid, from Mrs. Placida Rosel in the amount of ϕ . A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED. (Commissioners Rosel and Arcaute abstained.)
(See Exhibit S)

12/F/6

A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the lease agreement for the rental of office space in the City of Mission with Mrs. Placida Rosel.

MOTION CARRIED. (Commissioners Rosel and Arcaute abstained)
(See Exhibit S)

ADD. 1. COUNTY JUDGE'S OFFICE

A. Announcement of safe areas for use of fireworks

Paul Vazaldua reported that sometime in the earlier of June they had received a letter from the Texas Association of Counties that suggested the banning of aerial fireworks in a County-wide area. He added that in order for them to have enforcement authority for the banning order, they would have to pass an order prior to June 15th. He stated that this Commissioners' Court had not done so prior to the deadline. He was instead advising that they advise the public and make an announcement of some safe areas for firework use. Mr. Vazaldua continued by saying that for the 1996 and 1997 July 4th holidays the County had designated Anzalduas Park, Sunrise Hill Park and Delta Lake Park as safe areas for the use of fireworks. Commissioner Garces noted that he felt that this was a good idea and Commissioner Rosel indicated that last year when they had this there was little response. Commissioner Handy felt that the response would be better this because the holiday fell on a Saturday. Commissioner Garces then announced that Mr. Johnny Economedes, the Fire Chief for the City of Edinburg, was in the audience and he had a few comments. Chief Economedes stated that the Governor was presently considering a moratorium on the banning of fireworks and he spoke about some problems with fires and the drought throughout the State. After further comments in which Mr. Vazaldua indicated that they would have the order for the New Year's Celebration submitted to Commissioners' Court on a timely basis, no action was required on this matter.

NO ACTION.
(See Exhibit T)

ADD. 2. PLANNING DEPARTMENT

A. Discussion and Possible action on Bradshaw Subdivision

Emilio Garcia, Chief Planner, came before the Court for discussion and possible action on Bradshaw Subdivision, which is in Precinct Four, located along the east side of the north bound Frontage Road of U.S. 281 By-pass, approximately 1,500 feet south of Alberta Road. He stated that this subdivision was approved by the City of Edinburg and its Planning and Zoning Commission. Mr. Garcia was requesting that this subdivision be given preliminary approval subject to meeting all the requirements of the Model Rules and Regulations that will be in effect July 1st. He added that the developer would like to begin construction on a building. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.
(See Exhibit U)

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

MOTION CARRIED.