

## **COUNTY OF HIDALGO COMMISSIONERS' COURT**

**BE IT REMEMBERED that on 8<sup>th</sup> day of September, 1998 after notice duly having been given, a Special Meeting of the Commissioners' Court and the Drainage District #1 Board was begun and holden in the Commissioners' Courtroom, in the County Administration Building, in the City of Edinburg, County of Hidalgo, State of Texas, with the following being members of said Court:**

**HONORABLE RENATO CUELLAR  
COUNTY JUDGE**

**HONORABLE SYLVIA HANDY  
COUNTY COMMISSIONER, PRECINCT 1**

**HONORABLE ABELARDO ARCAUTE  
COUNTY COMMISSIONER, PRECINCT 2**

**HONORABLE JUAN ROSEL  
COUNTY COMMISSIONER, PRECINCT 3**

**HONORABLE GUADALUPE GARCES, JR.  
COUNTY COMMISSIONER, PRECINCT 4**

**And where the following proceedings were had to-wit:**

**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 THE CHECK REGISTER AND PAYMENT OF CLAIMS AND BILLS - COUNTY AUDITOR**

#### **ITEM 2. LINE ITEM TRANSFER - \$8,421.12** (See Exhibit A)

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

- A. City of Edinburg - Edinburg Consolidated School District Subdivision #14
- B. City of Mission - Country side Mobile Home Subdivision (2) Frontera Generation Limited Partnership

(See Exhibit B)

The County Judge introduced the Consent Agenda and asked if there were any questions and/or comments. There being none, a motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve.

MOTION CARRIED.

### **REGULAR AGENDA**

#### **ITEM 1. APPROVAL OF ACCEPTANCE FOR NORTH AND SOUTH MAIN DRAIN JUNCTION IMPROVEMENTS**

Godfrey Garza, Drainage District Director, came before the Board requesting the acceptance of the improvements to the North and South Main Drain Junction. A motion was made by Commissioner Rosel and seconded by Commissioners Handy and Arcaute to approve the acceptance of the project.

MOTION CARRIED.  
(See Exhibit C)

**ITEM 2. AUTHORIZATION OF FIRST AND FINAL PAYMENT - NORTH  
- SOUTH MAIN DRAIN**

Mr. Garza indicated that this was for approval of the first and final payment in the amount of \$41,698.00 to McAllen Construction Company. A motion was made by Commissioner Arcaute and seconded by Commissioner Handy 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 Arcaute and seconded by Commissioner Handy that said meeting be hereby adjourned.

MOTION CARRIED.

**COMMISSIONERS' COURT**

The Honorable Renato Cuellar, County Judge, called 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**

(See Exhibit E)

**ITEM 2. LINE ITEM TRANSFERS:**

- A. Commissioner Pct. 1 - Road & Bridge - \$7,610.89
- B. Commissioner Pct. 2 - Paved/unpaved - \$5,000.00
- C. Commissioner Pct. 2 - Parks - \$700.00

- D. Commissioner Pct. 2 - Road Administration - \$50.00
- E. Commissioner Pct. 4 - Road Administration - No Action
- F. Veterans Service Office - No Action
- G. Health Department - Health Clinics - No Action
- H. Health Department - TB Elim. Division - No Action
- I. Elections Department - \$5,000.00

(See Exhibit F)

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

A. Permits

- 1. Pct. #1
  - a. North Alamo Water Supply –
    - 1. Mile 17 ½ N & 6 West
    - 2. Mile 4 West & Mile 11 N
  - b. Engleman Water District
- 2. Pct. #3
  - a. Southwestern Bell Telephone
  - b. Tex US Telecommunication
  - c. Southwestern Bell Telephone
- 3. PCT. #4 –
  - a. Southwestern Bell Telephone
    - 1. Raul Longoria Rd. south of FM 495
    - 2. Mon. Mack Rd. North of FM 1925
  - b. North Alamo Water Supply

(See Exhibit G)

**ITEM 4. URBAN COUNTY PROGRAM**

- A. HOME Homeowner Occupied Housing Rehab Application – 13 Families

(See Exhibit H)

**ITEM 5. DISTRICT CLERK'S OFFICE**

- A. Approval of Fee Report for the Month of August, 1998 - Total \$171,612.11

(See Exhibit I)

**ITEM 6. COUNTY CLERK'S OFFICE :**

- A. Approval of Monthly Fee Report for the Month of August, 1998 - Total - \$175,613.62

(See Exhibit J)

The County Judge introduced the Consent Agenda and announced that there will be no action on items 2/E, 2/F, 2/G and 2/H, as per Manuel Cavazos, the County Auditor. A motion was made by Commissioner Rosel and seconded by Commissioner Arcaute to approve the Consent Agenda with the changes.

MOTION CARRIED.

## **REGULAR AGENDA**

### **ITEM 1. OPEN FORUM**

The County Judge announced that no one had signed up for the Open Forum.

NO ACTION.

### **ITEM 2. TAX OFFICE**

#### A. Approval of Tax Refunds

1. Yolanda Arocha Flores - \$1,062.74

Armando Barrera, County Tax Assessor/Collector, came before the Court requesting approval of a tax refund in the amount of \$1,062.74 for Mrs. Yolanda Arocha Flores. A motion was made by Commissioner Rosel and seconded by Commissioner Arcaute for the approval of the tax refund.

MOTION CARRIED.

(See Exhibit K)

### **ITEM 3. EXTENSION SERVICES**

- A. Approval to create temporary position
- B. Approval of line item transfer
- C. Set Salary

3/A

Ida Patrick, Extension Officer, came before the Court and announced that she has an employee who will be leaving and she is the one that handles all of the computer software programs that direct the Extension Service information to college station. She was requesting authorize to create a temporary position from October 1, to December 31. This position would be funded from the Extension Service budget through a line item transfer. The line item transfer is in the amount of \$3,026.00, which includes the fringes. After a discussion regarding the transfer of monies from the salary line item to another line, a motion was made by Commissioner Rosel and seconded by Commissioner Handy for the approval of the temporary position and the line item transfer, as presented.

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

3/C

The salary will be set at \$7.83 an hour plus fringes. A motion was made by Commissioner Handy and seconded by Commissioner Garces to set the salary as presented.

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

#### **ITEM 4. SHERIFF'S OFFICE**

- A. Approval and authorization to appropriate monies from U.S. Department of Justice - Bureau of Justice Assistance

4/A

Robert McIntosh, from the Sheriff's Office, came before the Court to request authorization to appropriate the monies received from the U.S. Department of Justice in the amount of \$85,573.00 for the criminal alien assistance program. These funds will be used to purchase equipment and supplies for the jail. He indicated that this only represented 33.7% of the total grant of \$275,000.00. A motion was then made by Commissioner Garces and seconded by Commissioner Handy to authorize the appropriation as presented.

MOTION CARRIED.

(See Exhibit M)

**ITEM 5. URBAN COUNTY PROGRAM**

- A. Approval of subrecipient agreement with Boys & Girls Club of Edcouch-Elsa - City of Edcouch Years 9,10,11
- B. Approval of subrecipient agreement with the Boys & Girls Club of Edcouch-Elsa - Pct. #1- Year 11
- C. Approval of subrecipient agreement with the Mercedes Boys & Girls Club - Pct. #1 - Year 11 -1998
- D. Approval of subrecipient agreement with the City of Palmview Boys & Girls Club - City of Palmview Year 10 -1997
- E. Approval of subrecipient agreement with the City of Palmview Boys & Girls Club - City of Palmview Year 11 -1998
- F. Approval of subrecipient agreement with the City of Palmview Boys & Girls Club Pct.. #3 - Year 9 - 1996
- G. Approval of subrecipient agreement with the San Juan Youth Program City of San Juan Year 11 -1996
- H. Approval of Subrecipient agreement with the Weslaco Boys & Girls Club - Pct. #1 Year 11 - 1998
- I. Public Hearing on the 1998 HOME Budget Amendment
- J. Approval of the 1998 HOME Budget Amendment
- K. Approval of the HOME Rental Rehabilitation Contract (Juana Hernandez)
- L. Approval of 1998 - Year 11 County of Hidalgo - Urban County Program Interlocal Agreements with 16 Consortium member Cities

5/A

The City of Edcouch is requesting approval of a subrecipient agreement with the Boys & Girls Club of Edcouch-Elsa in the amount of \$40,000.00. A motion was made by Commissioner Handy and seconded by Commissioner Rosel to approve.

**MOTION CARRIED.**

(See Exhibit N)

5/B

Precinct One is requesting approval of a subrecipient agreement with the Boys & Girls Club of Edcouch-Elsa in the amount of

\$5,000.00. A motion was made by Commissioner Handy and seconded by Commissioner Rosel to approve.

MOTION CARRIED.  
(See Exhibit N)

5/C

Precinct One is requesting approval of a subrecipient agreement with the Mercedes Boys & Girls Club in the amount of \$5,000.00. A motion was made by Commissioner Handy and seconded by Commissioners Rosel and Garces to approve.

MOTION CARRIED.  
(See Exhibit N)

5/D

The City of Palmview is requesting approval of a subrecipient agreement with the City of Palmview Boys & Girls Club in the amount of \$40,000 out of UCP Year 10. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve.

MOTION CARRIED.  
(See Exhibit N)

5/E

The City of Palmview is requesting approval of a subrecipient agreement with the City of Palmview Boys & Girls Club in the amount of \$30,000.00 from UCP Year 11. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve.

MOTION CARRIED.  
(See Exhibit N)

5/F

Precinct Three is requesting approval of a subrecipient agreement with the City of Palmview Boys & Girls Club in the amount of \$15,000.00. A motion was made by Commissioner Rosel and seconded by Commissioners Handy and Garces to approve.

MOTION CARRIED.  
(See Exhibit N)

5/G

The City of San Juan is requesting approval of a subrecipient agreement in the amount of \$5,000.00 with the San Juan Youth Program. A motion was made by Commissioner Arcaute and seconded by Commissioner Rosel to approve.

MOTION CARRIED.  
(See Exhibit N)

5/H

Precinct One is requesting approval of a subrecipient agreement with the Weslaco Boys & Girls Club in the amount of \$5,000.00. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve.

MOTION CARRIED.  
(See Exhibit N)

5/I

Anthony Covacevich, Urban County Director, informed the Court that this was a request for a public hearing to hear comments on the 1998 HOME budget amendment. This amendment will lower the HOME First-time Homebuyer Program from \$250,000.00 to \$247,000.00. The \$3,000.00 reduction will be added to Home Rental Rehabilitation Program. The County Judge then open the public hearing and asked if there were any questions and/or comments. There being none, the public hearing was closed.

NO ACTION.  
(See Exhibit N)

5/J

A motion was made by Commissioner Handy and seconded by Commissioners Arcaute and Garces to approve the budget amendment in the 1998 HOME Program by reducing the First-time Homebuyer Program by \$3,000.00 and increasing the Rental Rehabilitation Program by \$3,000.00.

MOTION CARRIED.  
(See Exhibit N)

5/K

A motion was made by Commissioner Handy and second by Commissioner Garces to approve a Home Rental Rehabilitation contract with Juana Hernandez in the amount of \$57,500.00 for the rehabilitation of seven dwelling units.

MOTION CARRIED.  
(See Exhibit N)

5/L

Mr. Covacevich informed the Court that this next request was for approval of the interlocal agreements with the seventeen consortium cities. He did note that the cities of Granjeno, Peñitas and Palmhurst are not full member cities and they get an allocation through the County's allocation. This interlocal agreement sets out the responsibilities and duties for the different cities. Mr. Covacevich was at this time requesting approval of the interlocal agreements with seventeen consortium member cities. The total amount of the funding is \$8,711,000.00. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve.

MOTION CARRIED.  
(See Exhibit N)

**ITEM 6. COUNTY JUDGE'S OFFICE:**

- A. Approval of interlocal cooperation contract with Tropical Texas Center for Mental Health and Mental Retardation
- B. Authorization to appropriate bond interest expense for the Year 1998 in the Following account numbers
  - 1. County Refunding Bond - Series 1990
  - 2. Certificate of Obligation Series 1990-A
  - 3. Certificate of Obligation Series 1991
- C. Authorization to make wire transfer to Bank of New York for accrued interest on the Refunding Bonds - Series 1998

6/A

Steve Crain, County legal counsel, came before the Court and announced that the Interlocal Agreement was not in the agenda packet. He was therefore requesting that no action be taken on this item at this time and that it be placed on next week's agenda for consideration.

NO ACTION.

(See Exhibit O)

6/B

Manuel Cavazos, the County Auditor, informed the Court that this was the transferring of the INS funds on the bonds that were refunded over to the Bank of New York, who is the trustee bank. He added that these funds would be reimbursed when bonds are sold. The total amount of the transfer is \$40,000.00. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the request.

MOTION CARRIED.

(See Exhibit O)

6/C

Mr. Cavazos stated that this was for authorization to make the wire transfer in the amount of \$40,000.00 to Bank of New York. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the wire transfer, as presented.

MOTION CARRIED.

(See Exhibit O)

**ITEM 7. JUVENILE PROBATION:**

- A. Authorization to declare damaged and unusable items salvage
- B. Approval of budget amendment to record the Departments TJPC-E-98 Grant
- C. Approval of the TJPC-FY-99 JJAEP Contract
- D. Approval of FY -99 STAR Program and interlocal agreement with McAllen ISD
- E. FY-99 STAR Program Budget
- F. Approval of the TJPC-99-C-108 Challenge Grant Contract
- G. Approval of the TJPC-99 IV-E Contracts

H. Approval of the Student Alternatives Programs Inc., Agreements for JJAEP Services

7/A

A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to authorize the declaration of damaged and unusable items from the Juvenile Probation Department as salvaged.

MOTION CARRIED.  
(See Exhibit P)

7/B

A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve a budget amendment in the amount of \$52,133.02 in order to record the Juvenile Department's TJPC-E-98 Grant.

MOTION CARRIED.  
(See Exhibit P)

7/C

A motion was made by Commissioner Garces and second by Commissioner Rosel to approve the TJPC-FY-99 JJAEP contract.

MOTION CARRIED.  
(See Exhibit P)

7/D

Mr. Silva indicate that this was for the third year of funding and basically the McAllen ISD provided the funding for the three drill instructors and the County of Hidalgo Juvenile Probation Department ran the program. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the FY '99 STAR Program and the interlocal agreement with the City of McAllen as presented.

MOTION CARRIED.  
(See Exhibit P)

7/E

A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve the FY '99 STAR Program budget in the amount of \$98,238.00.

MOTION CARRIED.  
(See Exhibit P)

7/F

Mr. Silva reported that this was a grant from the state that allowed for the placement of juveniles in the residential program. He did note that this grant required a match, which will be paid out of the residential line item within the Juvenile Probation Department budget. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the TJPC-99-C-108 Challenge Grant contract as presented.

MOTION CARRIED.  
(See Exhibit P)

7/G

A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the TJPC-99-IV-E contracts for the Juvenile Probation Department.

MOTION CARRIED.  
(See Exhibit P)

7/H

A motion was made by Commissioner Handy and second by Commissioner Garces to approve the Student Alternatives Program, Inc. agreement for JJAEP Services under the Juvenile Probation Department.

MOTION CARRIED.  
(See Exhibit P)

**ITEM 8 HUMAN SERVICES:**

- A. Approval of the contract with the following to place a County Indigent Health Care Eligibility Worker on-site

1. Knapp Medical Center
  2. Mission Hospital
- B. Amend contract with McAllen Medical and Edinburg Regional Medical Center to include language on the cost sharing of office clerical support
  - C. Approval to create two positions of hospital based eligibility workers
  - D. Approval to set salaries (By Mission Hospital and Knapp Medical Center)
  - E. Approval to create one clerical support position
  - F. Approval to set salary (Paid by each hospital)
  - G. Amend budget and appropriate funds for each worker and for clerical support position

8/A

Rudy de la Viña, Human Resources Director, came before the Court to request approval of contracts with Knapp Medical Center and Mission Hospital to place a County indigent health care eligibility worker on site. He added that this was the same contract that was approved with McAllen Medical with the exception that these contracts provided for language for the addition of support overhead cost not to exceed \$5,765.00. A motion was made by Commissioner Rosel and second by Commissioner Handy and Graces to approve the contracts, as presented.

MOTION CARRIED.  
(See Exhibit Q)

8/B

Mr. de la Viña reported that they wanted to amend the contracts with McAllen Medical Center and Edinburg Regional Medical Center to include the language on the cost sharing of office clerical support. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve the amendment to the contracts, as presented.

MOTION CARRIED.  
(See Exhibit Q)

8/C&D

Mr. de la Viña was requesting authorization to create two eligibility worker positions for the Mission Hospital and the Knapp Medical Center. The base salaries for these positions will be set at \$16,637.05, which will be paid 100% by the respective hospitals. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit Q)

8/E&F

Mr. de la Viña was also requesting approval to create on clerical support position at a base salary of \$13,089.08. This clerk will be paid by each participating entity. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to authorize the creation of a clerical support position and to set the salary as presented.

MOTION CARRIED.  
(See Exhibit Q)

8/G

Mr. de la Viña was also requesting authorization to amend the budget and appropriate the funds for each worker and the clerical support position. He mentioned that these employees would be working under the County. The funds to be appropriated are \$11,355.00 for the eligibility workers and \$4,573.95 for the support clerical position. A motion was then made by Commissioner Garces and seconded by Commissioner Rosel to authorize the request as presented.

MOTION CARRIED.  
(See Exhibit Q)

**ITEM 9. COMMISSIONER PCT. 1**

- A. Authorization to exempt from professional services procurement and award engineering contract for improvements to South Valley View Road
- B. Appropriation of funds donated by Vastar Resources Inc., for Improvements to South Valley View Road

- C. Appropriation of funds donated by Texas Regional Construction Inc. for improvements to Mile 2 ½ West
- D. Request approval to appropriate funds from Road & Bridge unreserved fund balance to Precinct 1 Road & Bridge Administration
- E. Request approval to dedicate road easements on metes and bounds tracts located on Mile 6 West between Mile 12 ½ North and Mile 13 North
- F. Consider and approve a budget amendment for Mile 2 West Project
- G. Consider and approve a transfer from General Fund to Road & Bridge Pct. 1
- H. Approval to create a Community Liaison/Bailiff Position
- I. Set Salary

9/A

Raul Lozano, Administrative Assistant for Precinct One, came before the Court to request an exemption from the competitive bidding process under professional services/engineering services and award a contract to Rodriguez Engineering for the South Valley View Road Project. He did add that these services would be paid out of contributions received from Vastar Resources, Inc. A motion was made by Commissioner Handy and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

9/B

A motion was made Commissioner Handy and seconded by Commissioner Garces to authorize the appropriation of funds in the amount of \$80,234.64 donated by Vaster Resources Inc. for improvements to South Valley View Road.

MOTION CARRIED.  
(See Exhibit R)

9/C

A motion was made by Commissioner Handy and seconded by Commissioner Garces to authorize the appropriation of funds in the

amount of \$25,000.00 donated by Texas Regional Construction, Inc. for improvements to Mile 2 ½ West Road.

MOTION CARRIED.  
(See Exhibit R)

9/D

A motion was made by Commissioner Handy and seconded by Commissioner Garces authorize the appropriation of funds in the amount of \$4,700.00 from the Road & Bridge unreserved fund into Precinct One Road & Bridge Administration account.

MOTION CARRIED.  
(See Exhibit R)

9/E

Mr. Lozano's next request was for approval to dedicate road easements on metes and bounds tracts located on Mile 6 West between Mile 12 ½ North and Mile 13 North. He stated that he had a petition from the residents living in this area and these tracts were sold as two-acre tracts and their contracts for sale specified that they would be giving up twenty-five feet for the road easement. These residents have not been able to acquire water services because the water supply company will not go in there because there is no dedicated easement. Commissioner Rosel asked if this was for the acceptance of an un-improved road and the response was that it was in order to get water services to the residents in the area. Mr. Juan J. Zuniga, a resident of the area, made some comments on this issue and the need for this dedication in acquiring much needed water services. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the dedication of road easements as presented. Commissioner Arcaute brought up the proper procedure in taking care of this issue and Commissioner Garces pointed out that this had already been tried before and nothing had been done. His only concern was whether they had enough right-of-way and the response was that they did. Judy E. Tabuada, another resident, also came up and commented on the need for water services in that area. After further discussion, the motion was put to a vote and it carried.

MOTION CARRIED.

(See Exhibit R)

9/F

A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve a budget amendment in the amount of \$200,000.00 from the County General Fund into Precinct One for the Mile 2 West Project.

MOTION CARRIED.

(See Exhibit R)

9/G

A motion was made by Commissioner Handy and seconded by Commissioner Garces to authorize a transfer from the General Fund into Precinct One's Road & Bridge account in the amount of \$200,000.00.

MOTION CARRIED.

(See Exhibit R)

9/H

Paul Vazaldua informed the Court that the next request was for the creation of a Community Liaison/Bailiff for the Criminal Auxiliary Court. The salary for this position would be at \$26,642.84. He then proceeded to explain the proposed duties of this position and this was followed with a brief discussion regarding the possible overlapping of duties and how this position should be funded. A motion was then made by Commissioner Handy and seconded by Commissioner Rosel to approve the position as presented.

MOTION CARRIED. (Commissioner Garces voted against the motion.)

(See Exhibit R)

9/I

A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to set the salary for the Community Liaison/Bailiff position at \$26,642.84.

MOTION CARRIED. (Commissioner Garces voted against the motion.)

(See Exhibit R)

**ITEM 10. COMMISSIONER PCT. #2**

- A. Approval of resolution for joint venture project
- B. Authorization to submit waiver application to the Texas Department of Transportation
- C. Approval of agreement with Texas Department of Transportation

10/A

Paul Vazaldua, Administrative Assistant to the County Judge, informed the Court that this was a resolution for a joint venture between the County of Hidalgo, the City of McAllen and the City of Hidalgo for the Dicker Road project. After Commissioner Handy read the resolution, a motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve the resolution, as presented.

MOTION CARRIED.  
(See Exhibit S)

10/B

Mr. Vazaldua informed the Court that they are requesting authorization to submit a waiver application to the Texas Department of Transportation. This waiver application reflects a total project cost of \$299,000.00 dollars for engineering fees and \$224,000.00 dollars for other engineering fees. The work will be done by the Texas Department of Transportation. This waiver application is to waive 20% of the construction costs and for the \$299,000.00 dollars for the engineering cost and we are telling the state that our local contribution is the right of way acquisition. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to authorize the submittal of the waiver application, as presented.

MOTION CARRIED.  
(See Exhibit S)

10/C

Mr. Vazaldua was also requesting approval of an agreement between the Texas Department of Transportation (TX Dot) and County of Hidalgo. As per the agreement TX Dot was committing 80% of the cost for the construction and 80% for engineering and contingencies. The total

amount that is being required from the County is \$517,497.00 and this is the amount that is being requested be waived. The total contribution from TX Dot is \$2,069,988.00, the requirement from the County if Hidalgo would be \$517,497.00 and the total from the City of McAllen and the County for engineering fees is \$299,000.00. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the agreement as presented.

MOTION CARRIED.  
(See Exhibit S)

**ITEM 11. COMMISSIONER PCT. #3:**

- A. Authorization to name two un-named streets within Kristi Estates on North La Homa Road
- B. Discussion and possible action to transfer Sanitation Department to Planning Department
- C. Approval of budget amendment -Traffic Engineering & Design System
- D. Approval to create Budget Finance Department
- E. Authorization to transfer funds
- F. Appropriation of budget
- G. Set Salaries

11/A

Commissioner Rosel announced that he has couple of streets to be named within the colonia or subdivision of Kristi Estates on La Homa and Jackson Road. The two roads will be named "Alejandra Street" and "Juanita Street". He added that these streets will have 911 services and he is submitting a petition by the residents to the Commissioners' Court. A motion was then made by Commissioner Rosel and seconded by Commissioner Garces to approve.

MOTION CARRIED.  
(See Exhibit T)

11/B

Commissioner Rosel informed the Court that no action would be required on this item at this time due to the wording on the agenda.

NO ACTION.  
(See Exhibit T)

11/C

Paul Vazaldua, Administrative Assistant to the County Judge, informed the Court that the request was to approve a budget amendment of \$57,000.00 for account #8-010-429-310.42. He added that this account has been used to pay for services from Traffic Engineering Design System for the different precincts. Mr. Vazaldua pointed out that currently there are outstanding invoices that need to be paid and they require a budget amendment from the General fund budget to do so. After some discussion, a motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the budget amendment as presented.

MOTION CARRIED.  
(See Exhibit T)

11/D-G

Mr. Vazaldua was then requesting authorization to create a Budget Finance Department. Commissioner Rosel added that he had discussed this issue with the in-coming members of this Court. He then proceeded to give some specifics of what the duties of this department would be. Commissioner Arcaute stated that he partially agreed with the request and he noted the reasons why he did not. Commissioner Garces called attention to the fact that he was in support of this request because he felt that this would be a department that would answer to the Commissioners' Court and not the County Judge's Office. Commissioner Rosel directed attention to the reasons why this department would be an asset to the County Commissioners' Court and other departments. Jose Eloy Pulido, Hidalgo County Clerk and County Judge-elect, indicated for the record that he was not aware of this item and he would be opposed to it because the budget officer was the County Judge and he felt that these duties are already taken care of through the County Judge's Office. Commissioner Arcaute then stated that the "state statute makes the Commissioners' Court and the Commissioners' Court can pick anyone to be the budget officer and not necessarily the County Judge". During discussion, Steve Crain, the County legal counsel, reported that he had a problem with the way that the item was worded on the agenda and when

the budget officer could be appointed. After further discussion, no action was required on these items at this time.

NO ACTION.  
(See Exhibit T)

#### **ITEM 12. COMMISSIONER PCT. #4**

##### **A. Discussion and possible action on County Clerk Eloy Pulido's request to ask J.P. Charlie Espinoza to vacate County Building**

Paul Vazaldua, Administrative Assistant to the County Judge was requesting that no action be taken on this item as it was improperly worded on the agenda. Commissioner Garces asked what the problem was and Judge Cuellar reported that there was a request made and there was no authority to exercise and he did not feel that this was a matter for the Court. Commissioner Garces felt that this item should be discussed. Judge Cuellar indicated that this action had nothing to do with the incoming County Judge. Commissioner Garces asked Justice of the Peace Charlie Espinoza felt if he was in concurrence with Judge Cuellar's request for no discussion and Judge Espinoza indicated that he was not. Judge Cuellar informed Judge Espinoza that he had been sent a letter on this issue. Commissioner Rosel concurred with Commissioner Garces and felt that this issue should be discussed. Commissioner Garces asked if there was a problem with the way that this was worded on the agenda item and Mr. Crain indicated that his only concern was that the County Clerk had no authorization to request that someone vacate a building and he did not know what action could possibly be taken. Commissioner Arcaute pointed out that this did not mean that they could not discuss it and if they wanted to take any action that was this Court's prerogative. Jose Eloy Pulido, the Hidalgo County Clerk and Hidalgo County Judge-elect, stated that he has never told anyone to vacate any building and that this request was never made. The County Commissioners then noted that they wanted to discuss this item and the County Judge indicated that this was against his wishes. Judge Espinoza then came up to the podium and asked if this Court wanted him to vacate his office. Judge Cuellar stated that the Superintendent of Buildings & Grounds allotted a space to him, and more space was taken than was allotted. A discussion then ensued with regards to what had transpired from the time that the Justice of the Peace had

moved in up to this point. Judge Espinoza stated that some of the additional space that he had taken had been allotted to the DPS. Commissioner Garces added that he had spoken to Capt. Ramos from the DPS and he said that they were happy with the location that they were given. After further discussion, Commissioner Garces pointed out that Raul Hernandez had stated that the office space would be given on a first come first serve basis and he did not think that it should have been done this way. Mr. Pulido then noted for the record that some time in early June, Mr. Hernandez had visited with him, and being that he was the County Judge-elect, had asked him to visit the building in question and other buildings that are occupied by County departments. He continued by saying that last week the DPS officials had visited with him and had asked for the additional area that was taken by Judge Espinoza. He added that these officers had pointed out that if they were not given enough space then they would contact Austin and they would probably be taking these services out of the Edinburg area. Mr. Pulido continued by saying that he again visited the building and asked Judge Espinoza to vacate the additional space because the DPS office was in need of it. After further briefing by Mr. Pulido, Commissioner Garces stated that he did not think that this was a political issue until today and he had discussed this issue with Capt. Ramos from the DPS and he did not feel that it was proper to tell this Commissioners' Court to tell the State to relocate this issue and he felt that this was wrong. After further discussion, Commissioner Rosel informed Judge Espinoza that no one had the authority to ask him to move except for this Commissioners' Court. He also told Mr. Pulido that the approach that he took was wrong and he should have brought it to this Commissioners' Court. Commissioner Arcaute asked Mr. Hernandez, if the layout that was presented to Commissioners' Court was the present one and Mr. Hernandez replied that it was. Commissioner Garces added that he had seen about four layouts and again reiterated that Mr. Hernandez had indicated that the space would be given on a first come first serve basis and this could be attested by Judge Espinoza. After further discussion, Judge Espinoza asked that he was required to move out would be allotted 800 square feet and the response was that he would. No action was taken on this item at this time.

NO ACTION.  
(See Exhibit U)

**ITEM 13. PURCHASING DEPARTMENT:****A. HIDALGO COUNTY -**

1. Requesting exemption from competitive bidding requirements for professional services/audit services to identify, pursue, and collect any Hidalgo County sums, funds or amounts which may have been previously overpaid to or erroneously assessed by State Agencies with Resource Recovery Service
2. Approval of a professional Services Contract with Resource Recovery Services
3. Requesting authority to advertise, and approval of specifications as attached hereto, for Request for Qualifications - Engineer - Mile West Project
4. Recommending award of RFP for Treatment Alternative to Incarceration Program - Treatment Services Only, for the Hidalgo County Adult Probation Department.
5. Requesting approval of proposed treatment alternative to incarceration program - Treatment Services contract
6. Requesting exemption from competitive bidding requirements for professional services/engineering services for FM 3972 (Dicker Rd.) Jackson Rd. to 23<sup>rd</sup> Street
7. Requesting approval of professional service contract for engineering services with Traffic Engineering & Design Systems, Inc.

**B. HIDALGO COUNTY PRECINCT NO. 4**

1. Requesting authority to advertise and approval of specifications as attached hereto for Paving of Mile 19 Road (Just west of Doolittle Road)

**C. HIDALGO COUNTY CLERK**

1. Requesting authority to issue an RFO (Request for Offer) and negotiate a best and final offer (BAFO) for the conservation of volumes of Photostat Books into small binders, from a qualified information systems vendor (QISV) through the resolution with the State of Texas, under the General Services Commission's, Cooperative Catalogue Purchasing Program

**D. HIDALGO COUNTY HEALTH DEPARTMENT**

1. Requesting exemption from competitive bidding requirement professional service contracts/medical services with Kevin Davis MD for the Hidalgo County Health Department
2. Requesting approval of medical services contract with Dr. Kevin Davis, MD

13/A/1

Martha Salazar, the County Purchasing Director, came before Court to request an exemption from the competitive bidding requirements under professional services/audit services to identify, pursue and collect any Hidalgo County sums, funds or amounts which may have been previously overpaid to or erroneously assessed by State agencies. This exemption is for Resource Recovery Service and she went on to explain the service that would be provided. After some discussion, 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/2

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve a professional services contract between the County of Hidalgo and Resource Recovery Service.

MOTION CARRIED.  
(See Exhibit V)

13/A/3

A motion was made by Commissioner Handy and seconded by Commissioner Garces to authorize the advertising for bids for engineering services for the Mile West Project.

MOTION CARRIED.  
(See Exhibit V)

13/A/4

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to award the Request for Proposals (RFP) for

treatment alternatives to Incarceration Program, for services only, for the Adult Probation Department to Rio Grande Valley Council ADA.

MOTION CARRIED.  
(See Exhibit V)

13/A/5

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the contract for Treatment Alternatives to Incarceration Program for the Adult Probation Department with Rio Grande Valley Council ADA.

MOTION CARRIED.  
(See Exhibit V)

13/A/6

A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to authorize an exemption from the competitive bidding requirements under professional services/engineering services for Traffic Engineering & Design Systems for the Dicker Road Project.

MOTION CARRIED.  
(See Exhibit V)

13/A/7

A motion was made by Commissioner Garces and second by Commissioner Arcaute to approve a contract for engineering services between the County of Hidalgo and Traffic Engineering & Design Services for the Dicker Road Project.

MOTION CARRIED.  
(See Exhibit V)

13/B/1

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to authorize the advertising for bids for the "Paving of Mile 19 Road in Precinct Four".

MOTION CARRIED.  
(See Exhibit V)

13/C/1

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

NO ACTION.  
(See Exhibit V)

13/D/1

A motion was made by Commissioner Garces and seconded by Commissioner Handy to authorize an exemption from the competitive bidding requirements under professional services/medical services for Kevin Davis, MD for the County Health Department.

MOTION CARRIED.  
(See Exhibit V)

13/D/2

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve a medical services contract between the County of Hidalgo Health Department and Kevin Davis, MD.

MOTION CARRIED.  
(See Exhibit V)

**ADD. 1. JAIL PROJECT**

A. Report on request for meeting with the Texas Commission on Jail Standards

Paul Vazaldua, Administrative Assistant to the County Judge, informed the Court that they had posted a letter on September 24, 1998 from the Texas Commission on Jail Standards. He stated that the Commission was basically advising this Commissioners' Court that Hidalgo County will be on their agenda for the September 24, 1998 meeting at 1:30 p.m. This meeting will be held at the Tarrant County Commissioners' Court Conference Room where the Texas Commission on Jail Standards and the County of Hidalgo's Commissioners' Court can begin to discuss the funding, construction, training, of the proposed adult detention facility and

the population control of the present jail facility. After some discussion, no action was required on this item at this time.

NO ACTION.

## **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. Hidalgo County -vs- Adams et al C-5886-94-F
2. Elma Sanchez, et al -vs- County of Hidalgo C-6297-95-D

The County Judge and County Commissioners convened in Closed Session, accompanied by Steve Crain, the County legal counsel.

NO ACTION.

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

#### **A. Litigation**

1. Hidalgo County -vs- Adams et al C-5886-94-F
2. Elma Sanchez, et al -vs- County of Hidalgo C-6297-95-D

2/A/1

A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to authorize the attorney to proceed as discussed in Executive Session.

MOTION CARRIED.

2/A/2

The County Judge indicated that no action would be required on this item at this time.

NO ACTION.

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

MOTION CARRIED.

**There being no further business to come before said Court, the meetings of the Commissioner's Court and the Drainage District #1 Board are hereby adjourned.**

**RENATO CUELLAR** \_\_\_\_\_  
**COUNTY JUDGE**

**SYLVIA HANDY** \_\_\_\_\_  
**COUNTY COMMISSIONER, PRECINCT 1**

**ABELARDO ARCAUTE** \_\_\_\_\_  
**COUNTY COMMISSIONER, PRECINCT 2**

**JUAN ROSEL** \_\_\_\_\_  
**COUNTY COMMISSIONER, PRECINCT 3**

**GUADALUPE GARCES, JR.** \_\_\_\_\_  
**COUNTY COMMISSIONER, PRECINCT 4**

**Dated this 4<sup>th</sup> day of November 1999.**

**JUAN D. SALINAS, III, County Clerk  
Hidalgo County, Texas**

**BY:** \_\_\_\_\_  
**Jennifer Castillo, Deputy**

**Minutes approved by the Commissioners' Court and the  
Drainage District #1 Board on the 13<sup>th</sup> day of December, 1999.**