

COUNTY OF HIDALGO COMMISSIONERS' COURT

BE IT REMEMBERED that on the 27th day of October, 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 (LALO) 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 Abelardo "Lalo" Arcaute, County Commissioner for Precinct Two, 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

(See Exhibit A)

ITEM 2. PERMIT

A. City of Mission – Mission North Waste Water Treatment Plan No. 2

(See Exhibit B)

The County Judge introduced the Consent Agenda and asked if there were any questions and/or comments. They're being none a motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve.

MOTION CARRIED.

REGULAR AGENDA

ITEM. 1. AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF MCALLEN AND THE CITY OF MISSION FOR PROPOSED IMPROVEMENTS TO MISSION INLET FLOODWAY

Godfrey Garza, Drainage District Director, came before the Board requesting authorization to enter into an interlocal agreement with the Cities of McAllen and Mission for the proposed improvements to the Mission Inlet Floodway. He then proceeded to give a brief history of this inlet floodway. He also mentioned that they had been in discussions with the Cities of McAllen and Mission in order to improve this inlet. The City of Mission has agreed to deposit approximately \$250,000.00 to fund part of this project and the City of McAllen has agreed to incur 100% of the costs for the part of the inlet that runs within their routing. The County will manage the project and take care of cleaning the rights-of-way. After some discussion, a motion was made by Commissioner Rosel and seconded by Commissioners Garces and Handy to approve the interlocal agreement as presented.

MOTION CARRIED.
(See Exhibit C)

**ITEM 2. AUTHORIZATION FOR EXEMPTION FROM BIDDING PROCESS
- PROFESSIONAL SERVICES**

Mr. Garza was also requesting authorization for an exemption from the bidding requirements under professional services for Turner, Collie & Braden, Inc. for the Mission Inlet Floodway Project. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve.

MOTION CARRIED.

**ITEM 3. AUTHORIZATION TO ENTER INTO A CONTRACT WITH
TURNER COLLIE & BRADEN, INC. (HOUSTON, TX) FOR
MISSION INLET FLOODWAY PROJECT**

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve a contract with Turner Collie & Braden for the Mission Inlet Floodway Project.

MOTION CARRIED.

ITEM 4. PURCHASING DEPARTMENT

- A. Requesting approval of contract for Excavation of Proposed Drain Ditch in the Community of Madero with River Valley Construction, Inc.

Martha Salazar, County Purchasing Director, came before the Court requesting approval of a contract for the excavation of the proposed drain ditch in the community of Madero with River Valley Construction, Inc. The total amount of the contract is \$45,657.00. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve.

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 Rosel that said meeting be hereby adjourned.

MOTION CARRIED.

COMMISSIONERS' COURT

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

CONSENT AGENDA

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

(See Exhibit E)

ITEM 2. LINE ITEM TRANSFERS

- A. Commissioner Pct. #1 - Parks - \$2,850.00
- B. Commissioner Pct. #1 - Administration - \$1,200.00
- C. Commissioner Pct. #1 - Road and Bridge - \$5,000.00
- D. Commissioner Pct. #2 - Paved/Unpaved - \$42,000.00
- E. Commissioner Pct. #2 - Parks - \$2,000.00
- F. Commissioner Pct. #2 - County Wide Shop - \$2,500.00
- G. Commissioner Pct. #3 - Paved/Unpaved - \$7,000.00
- H. Commissioner Pct. #3 - Administration - \$400.00
- I. County Court at Law #1 - \$40.95 & \$200.00
- J. J.P. Pct. 1, Pl. 1 - \$105.00
- K. Constable Pct. #4 - \$225.00 & \$48.11
- L. Elections Department - \$1,300.00
- M. Adult Probation - Community Corrections - \$2,500.00
- N. Sheriff's Office - Investigation Fund 104 - \$1,000.00
- O. Sheriff's Office - \$14,000.00
- P. Treasurer's Department - \$400.00
- Q. District Attorney - Grand Jury - \$850.00
- R. District Attorney - General Fund - \$200.00
- S. Youth Village - \$13,800.00

(See Exhibit F)

ITEM 3. URBAN COUNTY PROGRAM

- A. HOME - First-Time Homebuyer contract agreement and letter of commitment to mortgage company - 3 families
- B. HOME - Homeowner Occupied Housing Rehab Application - 2 families

(See Exhibit G)

ITEM 4. COUNTY TREASURER

- A. Approval of Hidalgo County Quarterly Investment Report for the period ended 9/30/98

(See Exhibit H)

ITEM 5. RIGHT OF WAY

A. Permits

1. Pct. #1 – North Alamo Water Supply
2. Pct. #3 – South Western Bell Telephone
 - BNP Petroleum
3. Pct. #4 – North Alamo Water Supply

(See Exhibit I)

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

MOTION CARRIED.

REGULAR AGENDA

ITEM 1. OPEN FORUM

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

MOTION CARRIED.

ITEM 2. RIGHT OF WAY DEPARTMENT

- A. Approval of Change Order No. 1 – Extension of contract time

Godfrey Garza, Right of Way Interim Director, was requesting approval of a change order number one with Fierro Industries for the relocation of irrigation lines along Jackson Road. The change order is for an additional one hundred and twenty days. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve.

MOTION CARRIED.

(See Exhibit J)

ITEM 3. TAX OFFICE

- A. Approval of Motor Vehicle License Distributor Agreement

Armando Barrera, County Tax Assessor/Collector, came before the Court requesting approval of a motor vehicle license distributor agreement with Mr. David Cantu dba Da Lo Mic Inc. After some discussion, a motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve. MOTION CARRIED. (Commissioner Garces abstained from this item.) (See Exhibit K)

ITEM 4. HIDTA

- A. Approval of federal equitable sharing agreement between Hidalgo County HIDTA Task Force and the U.S. Department of Justice

Joe Cabrera, came before the Court representing the HIDTA Task Force and was requesting approval of a federal equitable sharing agreement between the Hidalgo County HIDTA Task Force and the U.S. Department of Justice. This agreement is to allow the County to participate in the distribution of forfeited federal assets. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve.

MOTION CARRIED.
(See Exhibit L)

ITEM 5. CONSTABLE Pct. #5

- A. Approval of line item transfer

A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve a line item transfer of \$6,600.00 for the purchase of a vehicle for the Constable for Precinct Five.

MOTION CARRIED.
(See Exhibit M)

ITEM 6. SHERIFF'S OFFICE

- A. Discussion and possible action on a resolution for a gross receipts tax of one (1) cent on alcoholic beverages

Lt. Roy Quintanilha came before the Court requesting approval of a resolution for a gross receipts tax of one cent on alcoholic beverages to help offset the costs for the housing of prisoners and enforcing the zero tolerance for drunk driving. After some discussion, a motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve.

MOTION CARRIED.

(See Exhibit N)

ITEM 7. DISTRICT CLERK'S OFFICE

- A. Approval to work overtime on the Fee Accounting System
- B. Approval of line item transfer

7/A

Mary Lou Codina, from the District Clerk's Office, came before the Court requesting approval of overtime work for the Fee Accounting Department. She justified this request by saying that they had acquired a new system and they needed to clean up a lot of the fees that were not transferred over from the old system into the new system. Commissioner Garces noted that there was a correction that needed to be made on the account numbers. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request with the change.

MOTION CARRIED.

(See Exhibit O)

7/B

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve a line item transfer for the District Clerk's Office in the amount of \$26,121.34.

MOTION CARRIED.

(See Exhibit O)

ITEM 8. COUNTY JUDGE'S OFFICE

- A. Approval of the following budgets:
 - 1. Weslaco Sub-Station account #8-688-419.100 in the amount of \$1,350,000.00
 - 2. Health Clinics account #s 8-688-441.100/8-688-441.200 in the amount of \$1,300,000.00
 - 3. County Roadway Study account #8-688-429.300 in the amount of \$350,000.00
 - 4. American Disabilities Act (Courthouse) account #8-688-419.200 in the amount of \$500,000.00
 - 5. COPC/City of McAllen Project account #8-688-441.300 in the amount of \$1,200,000.00
 - 6. Approval of contract modification for Mission Hospital Inc. to change hours of operation

7. Discussion and action on order setting salary of County Auditor's Budget of County Auditor and Court Reporters
8. Jail Project Status Report

8/A/1

Paul Vazaldua, Administrative Assistant to the County Judge, came before the Court requesting approval of the budgets for the construction projects that the County was about to incur. A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the Weslaco Sub-Station budget in the amount of \$1,350,000.00.

MOTION CARRIED.
(See Exhibit P)

8/A/2

Manuel Cavazos, the County Auditor, indicated that this item needed to be separated into separate accounts for each health clinics. Judge Cuellar then recommended that no action would be required on this item at this time.

NO ACTION.
(See Exhibit P)

8/A/3

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the County Roadway Study budget account #8-688-429.300 in the amount of \$350,000.00.

MOTION CARRIED.
(See Exhibit P)

8/A/4

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the American Disabilities Act (Courthouse) budget account #8-688-419.200 in the amount of \$500,000.00.

MOTION CARRIED.
(See Exhibit P)

8/A/5

A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the COPC/City of McAllen Project budget account #8-688-441.300 in the amount of \$1,200,000.00.

MOTION CARRIED.

(See Exhibit P)

8/A/6

Mr. Vazaldua indicated that this contract originally had in its hours of operation that it would be open on Saturday. However, it was found that it was not feasible to be open on Saturday since there was not an adequate flow of people to justify opening on a Saturday. What Mission Hospital was proposing was to close on Saturday and extend their hours of operation on Tuesdays and Thursdays. After a brief discussion, a motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve a contract modification for Mission Hospital Inc. to change its hours of operation as presented.

MOTION CARRIED.

(See Exhibit P)

8/A/7

Mr. Vazaldua stated that in their packet the Commission had a copy of an order by the District Judges setting the salaries of the County Auditor, the Assistant Auditors and the budget for the County Auditor's Office. In the order, it did indicated that there were exhibits attached, but these were not available to the County Commissioners' Court. Valde Guerra, Administrative Assistant to the County Judge, indicated that they District Judges and increased the salaries of the court reporters by 10% and the salaries for the County Auditors office was increased by approximately 4-5% and it also called for four additional employees. Mr. Guerra pointed out that this Court had approved two additional positions for the County Auditor's Office and not four. Commissioner Rosel asked if this Court could pass some type of policy that stipulates that court reporters shall get paid only their salaries and not conduct any other work not associated with their Court. Commissioner Handy indicated that a public hearing was heard in October in order to hear comments regarding the proposed increases to the court reporters and the County Auditor and his staff. Commissioner Rosel pointed out that he wanted the salaries and the additional fees court reporters fees that were paid to the court reporters for the record. He also noted that he wanted legal counsel to research whether this County could give them 10% but the County shall not pay more than 10% to that person and no more work will be paid to that person and allow that extra work to be given to some other court reporter. This resulted in a discussion, in which Judge Renato indicated that he would not disobey a court order but he would like to have a legal interpretation on it. The discussion continued with regards to the County Auditor's budget and the fact that this Court has already approved the budget for 1999. After further discussion, no action was taken on this item at this time.

NO ACTION.

(See Exhibit P)

8/A/8

Mr. Vazaldua stated that this item could be taken up under the addendum that was posted for the jail project.

NO ACTION.

ITEM 9. COMMISSIONER PCT. #1

- A. Approval of Hidalgo County Rural Fire Prevention District #1 appointment to the Board of Commissioners

A motion was made by Commissioner Handy and seconded by Commissioner Garces to authorize the appointment of Mr. Russell Voss to the Hidalgo County Rural Fire Prevention District #1 Board of Commissioners.

MOTION CARRIED.

(See Exhibit Q)

ITEM 10. COMMISSIONER PCT. #2

- A. Approval to appropriate unreserved fund balance 1998 of \$34,525.47

A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to authorize the appropriation of the unreserved fund balance for 1998 in the amount of \$34,525.47.

MOTION CARRIED.

(See Exhibit R)

ITEM 11. COMMISSIONER PCT. #4

- A. Authorization to accept a cost-share fund from Charro #2 & Palm Lake Subdivisions and allocate into the Precinct's Paved & Unpaved Account
- B. Authorization to present a formal petition by families residing at Muñiz Subdivision
- C. Authorization to pay DiStefano/Santopetro Architects Inc. on schematic Design Jail Project

11/A

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to accept a cost share fund from Charro #2 Subdivision in the amount of \$700.00 and from Palm Lake Subdivision in the amount of \$600.00 and to allocate these funds into the Precinct Four's Paved/Unpaved account.

MOTION CARRIED.

(See Exhibit S)

11/B

Commissioner Garces noted that there were some residents present from Colonia Muñiz who wanted to present a petition to the Court. Patricia Mejia then approached the Court and indicated that the petition that was being presented was for assistance in drainage improvements and the paving of streets within Colonia Muñiz. Commissioner Garces stated that he wanted them to make a formal request to this Court and possibly the in-coming County Commissioner would consider it for next year.

NO ACTION.

(See Exhibit S)

11/C

Commissioner Garces indicated that he would wait on this item until to the addendum and then maybe take it into consideration.

NO ACTION.

(See Exhibit S)

ITEM 12. URBAN COUNTY PROGRAM

- A. Approval of Budget Amendment for Year 1997 & 1996 (10 & 9) – City of Alamo
- B. Approval to amend the FY 1996 Sub-recipient Agreement with Alamo Boys and Girls Club – The City of Alamo Year 9
- C. Approval of a Budget Amendment – City of Peñitas - UCY 11 – 1998
- D. County Wide – HOME/Housing Rehabilitation Program – Construction Contract Award
- E. Approval to enter into contracts with Rio Grande Valley Opportunities Industrialization Center, Inc., Proyecto Azteca and South Texas Economic Development Corporation as CHDO's for the County's FY 1998 HOME CHDO Program

12/A

The City of Alamo is requesting approval of a budget amendment for their 1996 and 1997 UCP budgets. The amendment under UCP 1997 is to reduce the Flood Drain Improvements line item by \$50,000.00 and create a Youth Center line item in the amount of \$50,000.00. For UCP 1996 the amendment is to reduce the Flood Drain Improvements line item by \$100,000.00 and increase the Youth Services line item by \$5,000.00 and create a Youth Center line item in the amount

of \$95,000.00. A motion was made by Commissioner Arcaute and seconded by Commissioners Garces and Handy to approve.

MOTION CARRIED.

(See Exhibit T)

12/B

The City of Alamo was also requesting to amend a sub recipient agreement with the Alamo Boys and Girls Club under UCP 1996. The amendment is to increase the amount by \$5,000.00 for a total of \$60,000.00. A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve.

MOTION CARRIED.

(See Exhibit T)

12/C

The City of Peñitas is requesting approval of a budget amendment under their UCP Year 1998 budget. The amendment is to zero out their Street Improvement line item and create a Planning line item in the amount of \$70,000.00 and a General Administration line item in the amount of \$26,000.00. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve.

MOTION CARRIED.

(See Exhibit T)

12/D

Anthony Covacevich, Urban County Director, reported that they were requesting a construction contract award under the County-wide HOME/Housing Rehabilitation Program. They were recommending that the contract be awarded to the low bidder being Alpha Construction in the amount of \$7,385.00 for home rehab improvements to the home of Joaquin Guzman. A motion was then made by Commissioner Handy and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.

(See Exhibit T)

12/E

A motion was made by Commissioner Handy and seconded by Commissioner Rosel to approve contracts with Rio Grande Valley Opportunities Industrialization Center, Inc., Proyecto Azteca and South Texas Economic Development Corporation as CHDO's for the County's FY 1998 HOME CHDO Program.

MOTION CARRIED.

(See Exhibit T)

ITEM 13. HEAD START PROGRAM

- A. Recommending award of bid for playground equipment
- B. Requesting approval of bid for playground equipment
- C. Recommending award of bid for school buses
- D. Requesting approval of bid for school buses
- E. Approval of appointment of one (1) Community Representative by Pct. #1 Commissioner to serve on the Hidalgo County Head Start Program Policy Council for a one year term
- F. Requesting approval of the Hidalgo County Head Start Program Conflict Resolution Procedures
- G. Authorization to exempt Yolanda Reyes from competitive bidding requirements for – Lease agreement for the San Carlos Head Start Center
- H. Approval of Lease Agreement for the San Carlos Head Start Center from January 1, 1999 to May 31, 1999

13/A&B

Mr. Garcia, from the Head Start Program, came before the Court requesting an award of bid for playground equipment. He stated that Ruben Casarez, their Procurement Officer was also present. Mr. Casarez stated that they were recommending that the bid for playground equipment be awarded to Spectrum Corporation since they met all the specifications. He did note that the low bidder did not meet specifications. A discussion ensued with some concerns from Commissioner Rosel regarding who was qualified to review and certify the recommendations made by not just the Head Start Program, but by the County Purchasing Department as well. A motion was then made by Commissioner Garces and seconded by Commissioner Rosel to award and approve the bid for playground equipment for the Head Start Program to Spectrum Corporation.

MOTION CARRIED.

(See Exhibit U)

13/C&D

Mr. Casarez stated that the next item was for award of bid for the purchase of school buses. He stated that they were recommending that the bid be awarded to Long Horn Bus Sales. He noted that Texas School Bus Center, the low bidder, did not comply with the air conditioning specifications. Steve Crain, the County legal counsel, stated that there was another low bidder and Mr. Casarez had not indicated whether this bidder met the specifications. Mr. Casarez replied that they were going with Long Horn because they were offering Thomas Built buses and they had parts to repair this type of bus. Capital Bus Sales was offering Blue Bird models and a discussion ensued as to what the specifications indicated. Mr. Crain then recommended that the bids be sent to the Purchasing Department

in order to be reviewed by Martha Salazar, the County Purchasing Agent, and for her to also check if the Head Start Program can purchase these buses through H-GAC. After further discussion, no action was taken on this time at this time.

NO ACTION.
(See Exhibit U)

13/E

Mr. Garcia stated that this Court needed to appoint a community representative to serve on the Hidalgo County Head Start Program Policy Council. Commissioner Handy indicated that she had just received notice of this and therefore did not have a recommendation at this time. She was requesting that this item be brought back for consideration at the next County Commissioners' Court meeting.

NO ACTION.
(See Exhibit U)

13/F

Mr. Garcia's next request was for the Hidalgo County Head Start Program Conflict Resolution Procedures. He pointed out that this had been presented to Court at the previous meeting and it was part of the federal guidelines for the program. He then proceeded to present the proposed procedures. The County Judge pointed out that there was a conflict under Step Three of the proposed procedures. He was proposing that they leave the mediator approach. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the Hidalgo County Head Start Program Conflict Resolution Procedures with the change as noted.

MOTION CARRIED.
(See Exhibit U)

13/G

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to authorize an exemption from the competitive bidding requirements for Yolanda Reyes for a lease agreement for the San Carlos Head Start Center.

MOTION CARRIED.
(See Exhibit U)

13/H

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve a lease agreement with Yolanda Reyes for the San Carlos Head Start Center from January 1, 1999 through May 31, 1999.

MOTION CARRIED.

(See Exhibit U)

ITEM 14. PURCHASING DEPARTMENT

A. HIDALGO COUNTY

1. Discussion & possible action on the review and/or revision of insurance specifications for "Hauling Services"
2. Requesting authority to advertise for and approval of specifications as attached hereto for "Pothole Repairs" for the Hidalgo County

B. HIDALGO COUNTY – HEALTH DEPARTMENT

1. Requesting exemption from competitive bidding requirements Professional Service for Interim Chief Physician of County's Health Department – Richard Barrera, MD
2. Requesting approval of Professional Service Contract with Richard Barrera, MD
3. Requesting exemption from competitive bidding requirements Professional Service for Pharmacist with David Castro
4. Requesting approval of Professional Service Contract with David Castro

C. HIDALGO COUNTY PURCHASING DEPARTMENT

1. Requesting approval of Budget Amendment to Hidalgo County Purchasing Department's account in the amount of \$39,000.00 to purchase the equipment required to complete the Electronic Requisitioning internal network; or
2. Requesting approval of Budget Amendment to Hidalgo County Purchasing Departments' account in the amount of \$29,500.00 to purchase the equipment required to complete the Electronic Requisitioning internal network, excluding backup system costing approximately \$10,000.00 installed

D. HIDALGO COUNTY WIC

1. Requesting authority to advertise and approval of specifications as attached hereto for "Rental of Office Space for the City of La Joya"
2. Requesting authority to re-advertise for "Rental of Office Space in the City of Pharr" for WIC Program, due to no bids received.

14/A/1

Martha Salazar, the County Purchasing Director, stated that the first item was on discussion and possible action on the review and/or revision of insurance specifications for "Hauling Services". She mentioned that the Purchasing Department has been modifying the insurance requirements on hauling services

and they have awarded for these services contingent on the low bidders meeting all the elements on the contract and all the specifications that the County has on insurance requirements. She then proceeded to hand out a copy of the present insurance requirements. Mrs. Salazar also pointed out that they have made it a point to make these insurance requirements a part of all advertisings in order to safeguard the County from any liability. After some discussion, no action was taken on this item at this time.

MOTION CARRIED.
(See Exhibit V)

14/A/2

A motion was made by Commissioner Handy and seconded by Commissioner Garces to authorize the advertising for bids for "Pothole Repairs" for the County of Hidalgo.

MOTION CARRIED.
(See Exhibit V)

14/B/1

A motion was made by Commissioner Arcaute and seconded by Commissioner Handy to authorize an exemption from the competitive bidding requirement under professional services for Richard Barrera, MD for the position of Interim Chief Physician of the County's Health Department.

MOTION CARRIED.
(See Exhibit V)

14/B/2

A motion was made by Commissioner Rosel and seconded by Commissioner Garces and Handy to approve a professional service contract with Richard Barrera, MD to serve as Interim Chief Physician of Hidalgo County's Health Department.

MOTION CARRIED.
(See Exhibit V)

14/B/3

A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to authorize an exemption from the competitive bidding requirements under professional services/pharmacists services for David Castro.

MOTION CARRIED.
(See Exhibit V)

14/B/4

A motion was made by Commissioner Handy and seconded by Commissioner Rosel to approve a professional services contract with David Castro.

MOTION CARRIED.
(See Exhibit V)

14/C/1

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve a budget amendment in the amount of \$39,500.00 for the Purchasing Department to purchase the equipment required to complete the Electronic Requisitioning internal network.

MOTION CARRIED.
(See Exhibit V)

14/C/2

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

NO ACTION.
(See Exhibit V)

14/D/1

A motion was made by Commissioner Rosel and seconded by Commissioner Handy to authorize the advertising for bids for "Office Space in the City of La Joya" for the WIC Program.

MOTION CARRIED.
(See Exhibit V)

14/D/2

A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to authorize the re-advertising for bids for the "Rental of Office Space in the City of Pharr" for the WIC Program.

MOTION CARRIED.
(See Exhibit V)

ADD. 1. COUNTY JUDGE

- A. Authorization of resolution for General Fund loan to Capital Projects Fund – Jail
- B. Appropriation of fund in Capital Projects Fund – Jail

C. Authorize payment to DiStefano/Santopetro

Add.1/A

COUNTY JUDGE

County Judge.

COMM. ARCAUTE

General Fund loan to Capital Projects.

PAUL VAZALDUA

Judge, Commissioners, uhm, the following addendum is on the County Jail project. It's the authorization of a resolution for the General Fund to loan to the Capital Projects fund for the Jail Projects. The County Auditor's Office and I have been talking for several days back and forth as to what would be appropriate for Commissioners' Court action to be taken and it was, it was resolved through the direction of Mr. Cavazos that this is the best way for us to allocate the funds at this time for the, for purposes of the design that the architect is working on. We currently have an invoice already from the architect for the, the, the first 15% of the work that he has done and if all comes on schedule we should have a full schematic design of the jail project by next week.

COMM. ARCAUTE

So we're paying before we get the product?

PAUL VAZALDUA

Ahm, we're, he's charging us for 15% of the schematic, not for the 100% of the schematic. And we have not gotten a copy of that, the only one that I know of, and Roy can probably tell me, that has seen the preliminary designs and is working with the architect on the design is the County Sheriff.

COMM. ROSEL

I mean we've had a meeting with the Sheriff's Department and they've invited me there to be there with them and we've looked at several...

PAUL VAZALDUA

Several.

COMM. ROSEL

...several scenarios. They had a meeting last week and I don't know what happened as a result of that meeting.

PAUL VAZALDUA I think the question, if the questions is 'have services been rendered and have, has the County actually received a service for what they're charging?' The answer is yes we have.

COUNTY JUDGE We have not. We have not received them. They're being worked on. Is that correct?

PAUL VAZALDUA Right. A full schematic has not been completed, but he's not billing for the full schematic.

COMM. GARCES Right. That's what I was gonna say.

COUNTY JUDGE But, again what he's doing, he has not given us a copy. We have not received...

PAUL VAZALDUA Right.

COUNTY JUDGE ...a product for his services.

COMM. ARCAUTE What does the contract say?

PAUL VAZALDUA Marty, do you want to address that?

COMM. GARCES There is a monthly term...

PAUL VAZALDUA What does the contract say in reference to payment for the schematics.

MARTHA SALAZAR I don't have the contract with me. There is a percentage that would be allocated, I don't know if Mr. Cavazos has a copy with him, but it was 15, was it 15%, Mr. Cavazos? I believe it's fifteen what had agreed to. He's asking for a portion of the fifteen like 30% of the fifteen. He's asking like for a drop.

COMM.GARCES Is that what the contracts say?

MARTHA SALAZAR No, ours says 15%.

COMM. ARCAUTE Of what?

COMM. GARCES That's, that's the question.

MARTHA SALAZAR
COMM. ARCAUTE

Of the schematic phase.
Yeah, I know, but 15% of what?

MARTHA SALAZAR

Oh, of the con... of the construction costs, total construction costs and he's given us a preliminary amount of \$32 million.

COMM. ARCAUTE

I'm gonna keep asking that question one of these days it's gonna be answered. So, now we have an idea how much the new jail is going to cost.

MARTHA SALAZAR

As the bill that I saw gave us \$32 million.

COMM. ARCAUTE

\$32 million.

MARTHA SALAZAR

That's the bill that I saw that I forwarded on to administration.

COMM. ARCAUTE

Okay.

JUDGE CUELLAR

I know that...

COMM. ARCAUTE

Now, now, now the cat's out of the bag, the public knows how much this jail is gonna cost. Since we're paying on that amount.

JUDGE CUELLAR

This is his recommendation.

COMM. ARCAUTE

Who's recommendation?

MARTHA SALAZAR

This is his estimate to the budget, is thirty-two, that's what, that's what I saw on the, on the...

JUDGE CUELLAR

What he's working on.

MARTHA SALAZAR

....that he, that he forwarded to us on part of that bill; is thirty-two million dollars.

COMM. ARCAUTE

So it could cost us thirty-two, it could be more?

MARTHA SALAZAR

Yes sir. That was his projected cost, was thirty-two. The projected amount

JUDGE CUELLAR

Do you recall...

- COMM. ARCAUTE Let the record reflect this subject on verbatim, Jenny, please, it's very important.
- JUDGE CUELLAR Do you recall what the other language is in the contract. I know that when we were dealing with another gentleman, we said it was all subject to funding.
- MARTHA SALAZAR Oh, we have a clause in the, in the, and actually it's in our "Exhibit B", fourteen thirteen, if I'm not mistaken, which, which give reference to the funding. That if funding is not in place then the architect gets paid either, it's either a percent or an am... a fixed amount up to where he had done some work. But he has to see, the architect is very aware of funding. Yes, that was one of our negotiation points where he was made aware of that possibility. We've even got it as a clause in our Juvenile Probation, even though it's a grant that for if for any reason the grants were to be pulled. So, the architects are made very aware that funding is critical.
- COMM. ARCAUTE I was just curious, cause if I recall correctly, he mentioned the fact that by using the existing jail, it would cost \$3.5 million. If he built it from scratch it would cost \$11 million. For four hundred beds and if it's a sixteen hundred-bed project; so, we're talking of \$44 million, now.
- MARTHA SALAZAR Commissioner, I don't recall...
- COMM. ROSEL (INAUDIBLE)
- COMM. ARCAUTE Do you all recall that?
- JUDGE CUELLAR If you re-locate...
- MARTHA SALAZAR Recalling it in his presentation, is that what you're saying.
- COMM. GARCES It is comparable if we re-locate the site, Commissioner Arcaute, let's say that we put it in

San Juan and we have to take the Sheriff's Office then you're gonna incur \$11 million additional, just to relocate.

COMM. ROSEL

For the building, for the facility. Not for the property. Then you have to go out and look for the property. So that's why I said you're looking close to \$50 million dollars.

COMM. ARCAUTE

Yup.

JUDGE CUELLAR

You're certain of these things that are not, that he's has nothing to do with, as far as...

COMM. ROSEL

No, no...

JUDGE CUELLAR

...as far as setting...

COMM. ROSEL

Site.

JUDGE CUELLAR

...how we're going to get the money is up to this Commissioners' Court and I think we ought to be working on that very soon.

COMM. ARCAUTE

It should be on the ballot already.

JUDGE CUELLAR

Yes.

COMM. ARCAUTE

This November.

JUDGE CUELLAR

Well, you can't set it in November. You can set it anytime, forty-five days after you call for, for a vote, but you can't have it at the same time that you have a General Election. I don't think. I think it does say you can't, I'm not positive of that.

COMM. ARCAUTE

So, how much are we borrowing from the General Fund? To pay the...

COMM. GARCES

Today it's what ninety something.

COMM. ARCAUTE

...the yet-to-be-delivered schematic.

PAUL VAZALDUA To date, he's, ahm, he's invoice is approximately ninety-three thousand dollars. Ahm, the total cost for the schematic is estimated to be around \$315,000.00; for the full schematic of the jail.

COMM. ARCAUTE You know, it is conceivable to go to a \$315,000.00 expense and yet not get a jail.

MANUEL CAVAZOS (INAUDIBLE)

PAUL VAZALDUA Yeah.

COMM. GARCES That's under ----- on the Article 222. Is that the insurance situation, you're asking about?

MANUEL CAVAZOS (INAUDIBLE)

COMM. GARCES You made a notation on your...

PAUL VAZALDUA The, the insurance that he's talking about it's, it's something that the auditors can control. The Auditor's Office can control in the event that you all would, were to approve this or approve a payment, he can still hold that check until the Auditor complies with the insurance requirements.

COMM. GARCES Okay.

PAUL VAZALDUA Okay. Because that's what the architect agreed to on the contract.

MANUEL CAVAZOS So he's basing his bill on \$32 million -----, I don't know what -----

COMM ROSEL Well, let's say a minimum of thirty-two, so...

MANUEL CAVAZOS (INAUDIBLE)

COMM. ARCAUTE It's gonna be, it's gonna be more than that.

COMM. ROSEL It's gonna be more.

JUDGE CUELLAR It's never less, verdad, Commissioner?

COMM. ARCAUTE Huh-huh, no.

PAUL VAZALDUA For the record, the, the amount of the invoice is \$93,600.00.

COMM. ARCAUTE That's what we need to borrow from the General Fund?

MANUEL CAVAZOS (INAUDIBLE)

COMM. ROSEL Well, I mean, with the resolution we're going to borrow up to that much. Approximately, up, no we can't even say that, it may be more.

COMM. ARCAUTE (INAUDIBLE)

COMM. GARCES Well, at least appropriating what we need, ah, and just wait until he comes in with the insurance and what not.

COMM. ARCAUTE Let's sell the bonds next week.

COMM. ROSEL We'll let him worry about that one.

JUDGE CUELLAR We're going after election, aren't we?

COMM. ARCAUTE (INAUDIBLE)

PAUL VAZALDUA Judge, Commissioners, Steve's bringing out an important point of the contract. The way the invoice is submitted, the way that the invoice is submitted we would have to ask the architectural firm, to, to, for additional information. Because according to the contract we are, we do require some more detail, some more detailed breakdown, as well as the total amount of hours that was worked to arrive to this amount.

COMM. GARCES Fine.

PAUL VAZALDUA That still does not...

COMM. GARCES We can still...

PAUL VAZALDUA ...preclude us from taking action on, on this if you all so choose.

COMM. GARCES You see we're not authorizing the payment, we're appropriating that invoice...

MARTHA SALAZAR Correct.

COMM. GARCES It still needs to be satisfied.

MARTHA SALAZAR Correct and...

JUDGE CUELLAR And Mr. Cavazos has a job that he has to do and...

COMM. GARCES Yeah, and, and...

JUDGE CUELLAR ...we never ----- for doing, maybe we didn't like it...

COMM. ARCAUTE Who's making the requisition? Who's signing the P.O.? Who's, all of that stuff? No?

MANUEL CAVAZOS (INAUDIBLE) Who's making sure that -----, I don't that anybody-----, I don't know that much about architecture.

JUDGE CUELLAR I think when he presents that, that we have a joint meeting. I think after that meeting we can present you with what was done and see if it meets with your duties.

COMM. ARCAUTE This is gonna...

COMM. GARCES We're looking at what, ninety-three six or the three fifteen?

MARTHA SALAZAR You're asking for either the three-fifteen or the ninety-three six.

COMM. ARCAUTE No, no, no, no, no, no jala.

COMM. GARCES We're not approving the payment, we're not approving payment.

PAUL VAZALDUA

Since the, since the three hundred, the three hundred and twelve thousand dollars is what the architect has estimated to be his cost for the fee, for the schematic fee...

COMM. ROSEL

Right.

PAUL VAZALDUA

...then at this time, we could allocated that full amount, knowing that we're going to get the full schematic within the next few weeks.

COMM. GARCES

The key word is allocate, not pay.

PAUL VAZALDUA

Not pay, it's allocated.

COMM. GARCES

We should have done this before we even got into...

COMM. ARCAUTE

You said two weeks a week ago; a while ago you said one week.

PAUL VAZALDUA

Well...

COMM. ARCAUTE

...several weeks, ay, ay, ay, I don't know...

PAUL VAZALDUA

We could...

COMM. ARCAUTE

We couldn't even get started on the right foot this time.

PAUL VAZALDUA

We can get a confirmed date from the architect and Roy, you might know what he's told the Sheriff's as to when he's going to complete that schematic.

ROY QUINTANILHA

I can ask him -----

COMM. ROSEL

What was the question?

PAUL VAZALDUA

When the full schematic design is gonna be complete. Mr. Santopetro said, told us last week when he was here, we asked him that question and he told us that it would be a couple of weeks. So...

COMM. ROSEL

Two weeks.

PAUL VAZALDUA

...I imagine this is one of the weeks and next week is the next week. That's where I'm basing that on, Commissioner.

COMM. ARCAUTE

Okay. If we're going to borrow this money from the General Fund, that has, comparing to what you read in the paper, this County has two million three hundred and eighty-three thousand dollars and fifty... three hundred and eighty-three thousand fifteen and forty-two cents...

PAUL VAZALDUA

Yes sir.

COMM. ARCAUTE

If we borrow the three hundred and twelve from that amount, how soon does the General Fund, or how soon does it expect to recover that money.

PAUL VAZALDUA

Ahm, it can, if I'm not mis...

COMM. ARCAUTE

It's a bargain; you know, not like, no interest rate...

PAUL VAZALDUA

If I'm not mistaken, Commissioner, we have eighteen months to reimburse the General Fund from any types of bonds that we go out to borrow for the jail.

COMM. ARCAUTE

This is the same thing that we applied to the other projects...

PAUL VAZALDUA

Exactly, that we borrowed money for Court of Appeals and we borrowed money for the roof and the Courthouse renovation and so forth.

COMM. GARCES

On one of them we did not meet the timeline.

PAUL VAZALDUA

On one of them we met the timeline only for part of the project.

COMM. ARCAUTE

So, the estimated fund balance of December '98 is not gonna be what we have already said it would be. Or for '99 for that matter. Right?

PAUL VAZALDUA

Right.

COMM. ARCAUTE

I think we need to table this item since we need to do a little re-grouping here, gentlemen.

JUDGE CUELLAR

Before we do there's other items that we need to put in line because we're gonna have to work on them. One of them, the City is coming up to look at, at the decision of the Planning and Zoning. I don't think they have all the facts. I intend to ask the Commissioners' Court to let me send somebody to represent us at that meeting just so they can answer questions of where we're at and why we're there. I've been petitioned by several groups against the building of a jail there and they forgot to say retroactively, because there's been a jail there and there's a jail there and there will most likely, I won't finish that statement, but you do the things you have to do sometimes. You do the best you can with the tools you have. It's not a matter of being hardheaded; it's a matter of what makes sense. When you look at building a jail the thirty-two million that you thought was gonna cost twenty-four and if you move it, it's gonna cost you no less than forty-four or fifty-four million, you have to take consideration, not just of the people that live in Edinburg, but the people that live in the County, five hundred thousand strong.

COMM. ARCAUTE

We're just gonna have to; you have to live in Edinburg to sign this petition.

PAUL VAZALDUA

I don't know. Judge, that city council meeting is scheduled for November 3rd...

JUDGE CUELLAR

Which is the same day we have our meeting.

PAUL VAZALDUA

I believe theirs is in the evening, though. I need to...

JUDGE CUELLAR

Well, we'll...

PAUL VAZALDUA

And Steve, Steve has been working on...

JUDGE CUELLAR

----- at their pleasure, so, it's not a matter, we're not making an argument. We're just

saying this is the position we're in. I didn't see one ----- say he wants want to build a jail. I think we all said we have to build a jail.

COMM. GARCES

That's a fact. I still think we got Atlas & Hall, and, what law firm are you all discussing this with, Steve. Henrichson, or who is it?

COMM. ARCAUTE

You get a court order that says no.

STEVE CRAIN

Commissioner, if I may, I have reported to, Judge, Commissioners, I reported to you all last week that I was going to make a report based on what my discussions have been with the City Attorney for the City of Edinburg. I've already talked to Judge Cuellar that next week we'll have an item in closed session to discuss and it will qualify for closed session to discuss some aspects of this.

COMM. ARCAUTE

Discuss the...

STEVE CRAIN

Some aspects of, of...

COMM. ARCAUTE

...potential litigation or what?

STEVE CRAIN

I'm trying not to use those words, Commissioner.

COMM. ARCAUTE

They're the most popular ones.

STEVE CRAIN

You're on target.

COMM. GARCES

-----the addendum, Judge, we just go ahead and no action it -----

COMM. ROSEL

No action. The monies, or one requirement is that we don't know the cost -----, you know what I'm saying.

COMM. ARCAUTE

Oh, we do know the cost now, we, we're paying a bill for the 10%.

JUDGE CUELLAR

We can pass the resolution but we've been forewarned by the, by the Auditor that he's not gonna pay something that isn't, that doesn't have

all the things that his, that his office requires. And I have no quarrel with that.

COMM. ROSEL

That's his baby.

JUDGE CUELLAR

That's right. There's no quarrel with that.

PAUL VAZALDUA

And we wouldn't forward an invoice to him either that's not prepared, that's not properly detailed the way the contract asks us to. And, I mean, I showed this invoice to Judge Cuellar and, you know, had questions on it myself and we, we decided to, you know, put it...

COMM. ROSEL

----- requesting it in proper... I don't know if it's changed much. I don't feel comfortable

COMM. ARCAUTE

Oh, we have a procurement process in this County, let's just follow it the way it's supposed to be.

COMM. ROSEL

(INAUDIBLE)

JUDGE CUELLAR

Anything else to come before this Court? Anything else to come before this Court? There being none...

COMM. ARCAUTE

I move we adjourn.

JUDGE CUELLAR

Motion made, is there a... Is there a second to that motion?

COMM. ROSEL

I second the motion.

JUDGE CUELLAR

Motion made and seconded. All those in favor signify by saying aye.

COMMISSIONES

Aye.

JUDGE CUELLAR

Opposed. Ayes have it and so ordered.

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

MOTION CARRIED.

**There being no further business to come before said Court,
the meetings of the Commissioners' 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 the 8th day of December, 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 21st day of December 1999.**