

COUNTY OF HIDALGO COMMISSIONERS' COURT

BE IT REMEMBERED that on the 17th day of November, 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 (LUPE) 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 CHECK REGISTER AND PAYMENT OF CLAIMS AND BILLS - COUNTY AUDITOR

ITEM 2. LINE ITEM TRANSFER - \$200.00

(See Exhibit A)

ITEM 3. COUNTY CLERK

- A. Approval of Drainage District #1 Board of Director's Board minutes for September 02, 08, 16, 23, 30, 1997 and October 06, 07, 1997

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 Garces and seconded by Commissioner Rosel to approve.

MOTION CARRIED.

REGULAR AGENDA

ITEM 1. COUNTY JUDGE'S OFFICE

- A. Approval of Retirement Plan Change Documents or No Change Plan Documents for 1999

Valde Guerra, Administrative Assistant to the County Judge, came before the Board requesting approval of the retirement plan change documents or no change plan document for 1999. He mentioned that a workshop had been held earlier this year and they had notified the Texas County & District System that Hidalgo County would have no change to the retirement plan. He went on to state that this would mean an employee contribution of 7% and an employer contribution of 9.81%. During discussion, Mr. Guerra explained that for every dollar that an employee put in the County would contribute \$2.25. After further discussion, a motion was made by Commissioner Arcaute and seconded by Commissioner Handy to approve the request as presented.

MOTION CARRIED.

(See Exhibit B)

ITEM 2. PURCHASING DEPARTMENT

- A. Requesting approval of modification of contract to reflect vendor requested new effective date November 1, 1998 for Gasoline/On Highway Diesel Fuel & Off Highway Diesel Fuel

Martha Salazar, County Purchasing Director, came before the Board requesting approval of a modification to a contract to reflect vendor requested new effective date November 1, 1998 for Gasoline/On Highway Diesel Fuel & Off Highway Diesel Fuel. After some discussion, a motion was made by Commissioner Garces and seconded by Commissioners Rosel and Handy to approve the request as presented.

MOTION CARRIED.

(See Exhibit C)

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

ITEM 2. LINE ITEM TRANSFERS

- A. Commissioner Pct. #1 - Parks - \$1,800.00
- B. Commissioner Pct. #1 - Road & Bridge - \$32,500.00
- C. Commissioner Pct #2 - Road & Bridge - \$30,000.00
- D. Commissioner Pct #3 - Administration - No Action
- E. Commissioner Pct #3 - Paved/Unpaved Roads - No Action
- F. Commissioner Pct #3 - Landfill - \$4,000.00
- G. Commissioner Pct #4 - Landfill - \$1,528.00

- H. Commissioner Pct #4 – Administration - \$1,662.54
- I. Commissioner Pct #4 – Road & Bridge - \$26,082.11
- J. Constable Pct. 5 - \$490.30
- K. 275th District Court - \$1,000.00
- L. 332nd District Court - \$500.00
- M. 370th District Court - \$18,000.00
- N. Health Department – Administration - \$4,200.00 & \$1,000.00
- O. Health Department – Health Clinics - \$4,000.00 & \$1,880.00
- P. Library System - \$24,800.00
- Q. Texas DPS - \$75.00
- R. Personnel Department - \$1,000.00
- S. Civil Service - \$2,000.00
- T. Sheriff's Office - \$15,000.00
- U. Jail Impact Court - \$590.00
- V. J.P. Pct. 1 Pl. 1 – No Action
- W. Buildings & Grounds - \$6,368.91

(See Exhibit E)

ITEM 3. RIGHT OF WAY DEPARTMENT

A. Permits

1. Pct. #1 – City of Weslaco
 - Southwestern Bell Telephone
2. Pct. #2 – Vastar Resources, Inc.
3. Pct. #3 – Western Geophysical
 - Coastal Oil & Gas Corp.
4. Pct. #4 – North Alamo Water Supply – Mile 19 on Brushline Rd.
 - North Alamo Water Supply – north of State Hwy. 107 on Cesar Chavez
 - RGV All Valley Const.
 - Southwestern Bell Telephone – east of Ramseyer and 1050 north on Kenyon Rd.
 - Southwestern Bell Telephone – west of Hwy. 281 on Miller Rd.

(See Exhibit F)

ITEM 4. URBAN COUNTY PROGRAM

- A. HOME – First Time Homebuyer contract Agreement and letter of commitment to Mortgage Company – 5 families
- B. Approval to terminate commitment to Parras-Wilson Mortgage Company and issue a new commitment letter to Shell-Mayer Mortgage Company on the HOME First Time Homebuyer Contract Agreement – 1 family
- C. HOME – Homeowner Occupied Housing Rehab Applications – 1 family

(See Exhibit G)

ITEM 5. COUNTY AUDITOR

A. JP Ochoa	\$37,948.74	July 1998
B. JP Treviño	\$15,212.94	July 1998
C. JP Espinoza	\$36,677.00	July 1998
D. JP Ochoa	\$24,945.33	August 1998
E. JP Treviño	\$15,826.73	August 1998
F. JP Espinoza	\$20,712.75	August 1998
G. Sheriff Escalon	\$78,644.65	September 1998
H. Anzalduas Park	\$ 2,808.00	September 1998
I. Law Library	\$ 1,913.45	September 1998
J. Constable Aguirre	\$ 45.00	September 1998
K. Constable Alaniz	\$ 580.00	September 1998
L. Constable Peña	\$ 1,840.00	September 1998
M. Constable Cerda	\$ 395.00	September 1998
N. Constable Bazan	\$ 200.00	September 1998
O. JP Corpus	\$ 3,985.45	September 1998
P. JP Morales	\$ 3,447.55	September 1998
Q. JP Jackson	\$13,574.10	September 1998
R. JP Espinoza	\$35,083.27	September 1998
S. JP Treviño	No Report	September 1998
T. JP Saenz	\$20,703.28	September 1998
U. JP Martinez	\$15,998.43	September 1998
V. JP Ochoa	\$27,617.64	September 1998
W. JP Torrez	No Report	September 1998

(See Exhibit H)

ITEM 6. DISTRICT CLERK

- A. Approval of monthly fee report for the month ending in October 30, 1998 –
Total - \$202,402.15

(See Exhibit I)

ITEM 7. COUNTY CLERK

- A. Approval of monthly fee report for the month ending in October 1998 –
Total - \$122,556.41

(See Exhibit J)

ITEM 8. PURCHASING DEPARTMENT

- A. Hidalgo County WIC: Approval of Service Agreement with Cruz's Lawn Care effective 11/19/98 to 11/18/99
- B. Hidalgo County 332nd District Court: Approval of Maintenance Agreement with Southwest Business Machines for Adler Royal effective 10/14/98 to 10/13/99

(See Exhibit K)

The County Judge introduced the Consent Agenda and asked if there were any questions and/or comments. Manuel Cavazos, the County Auditor, stated that he was requesting that no action be taken on items 2/D and 2/E, because they were budget amendments and not line item transfers. He was also requesting that no action be taken on item 2/V, since there were insufficient funds in that account. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the Consent Agenda with the changes.

MOTION CARRIED.

EXECUTIVE AGENDA

ITEM 1. CLOSED SESSION

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

A. Litigation

1. Concepcion Soto Zuniga, et al vs. Henry Escalon et al – Civil Action No. M-94-086
2. George Brewster Sanchez, Jr. vs City of Weslaco, et al Brig Marmolejo, Hector Gutierrez - Cause No. C-4593-94-A

The County Judge and County Commissioners went into Executive Session accompanied by David Girault, County legal counsel, and Paul Vazaldua, Administrative Assistant to the County Judge.

MOTION CARRIED.

ITEM 2. OPEN SESSION

A. Litigation

1. Concepcion Soto Zuniga, et al vs. Henry Escalon et al – Civil Action No. M-94-086
2. George Brewster Sanchez, J r. vs City of Weslaco, et al Brig Marmolejo, Hector Gutierrez – Cause No. C-4593-94-A

2/A/1

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

NO ACTION.
(See Exhibit L)

2/A/2

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

MOTION CARRIED.

(See Exhibit L)

REGULAR AGENDA

ITEM 1. OPEN FORUM

The County Judge asked if anyone had signed up for Open Forum and Mr. Scott Stripling approached the Court. The County Judge stated that the topic had to do with the 1999 budget. Commissioner Arcaute asked that the record reflect that the open forum topic is not related to any of the items on the agenda. Mr. Stripling announced that the CRITICS organization had retained legal counsel and they intended to file an injunction to prevent the 1999 proposed budget from being implemented due to a dispute between the Commissioners' Court and the County Auditor over that budget. Their reason for this was that they wanted the Court to re-work the budget and not to obligate the tobacco settlement monies. They wanted these funds to be used to fund the proposed County Jail. After further comments no action was taken on this item.

NO ACTION.

ITEM 2. RIGHT OF WAY

- A. Release of easement out of Lot 2, Block 18 Steele and Pershing Subdivision and set fee for release

Godfrey Garza, Drainage District Director, came before the Court requesting authorization to release an easement out of Lot 2, Block 18 Steele and Pershing Subdivision and also that this Court set the fee for the release of this easement. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to authorize the release subject to an appraisal of the easement and the setting of the fee by this Court at a later date.

MOTION CARRIED.

(See Exhibit M)

ITEM 3. GEORGE SNODGRASS

- A. Discussion and possible action of new County Jail Facility

George Snodgrass, II, came before the Court to request that the proposed jail facility be moved to a location other than the present location. He noted that during the consideration of the special use permit by the City of Edinburg, several petitions were signed opposing the present location. Mr. Snodgrass then went into some specifications of the City of Edinburg's City Council meeting and also his interpretation of what it would cost to build a jail not only in the present site but also in an alternate site. After some discussion, no action was taken on this item at this time.

NO ACTION.
(See Exhibit N)

ITEM 4. LAW LIBRARY

A. Approval of budget amendment

A motion was made by Commissioner Handy and seconded by Commissioners Arcaute and Garces to approve a budget amendment in the amount of \$25,000.00 for the purchase of library books.

MOTION CARRIED.
(See Exhibit O)

ITEM 5. SHERIFF'S OFFICE - JAIL

A. Approval of budget amendment - Elevator initial inspection & compliance repairs

A motion was made by Commissioner Rosel and seconded by Commissioners Arcaute and Garces to approve a budget amendment in the amount of \$10,369.00 for the initial inspection and compliance repairs of elevators at the Jail.

MOTION CARRIED.
(See Exhibit P)

ITEM 6. URBAN COUNTY PROGRAM

- A. Approval of a construction contract with Mission Paving Co. Inc. - Progreso - Street Improvements - UCY 10 - FY 1997**
- B. Approval of a budget and program amendment for the City of Weslaco - UCY 8 - 1995**
- C. Approval of S Sub recipient Agreement with Abram Senior Service - Pct. #3 Year 10-11 (1997-1998)**

6/A

The City of Progreso is requesting approval of a construction contract with Mission Paving Co. Inc. for street improvements. The amount of the contract is \$138,025.00. A motion was made by Commissioner Handy and seconded by Commissioner Rosel to approve.

MOTION CARRIED.
(See Exhibit Q)

6/B

The City of Weslaco is requesting approval of a budget and program amendment to their Year UCP budget. The amendment is to reduce the Water/Sewer Improvement line item by \$128,381.07 and increase the Street Improvement line item by \$78,381.07 and the Fire Station/Equipment line item by \$50,000.00. A motion was made by Commissioner Handy and seconded by Commissioner Arcaute to approve.

MOTION CARRIED.
(See Exhibit Q)

6/C

Precinct Three was requesting approval of a sub recipient agreement with Abram Senior Services in the amount of \$2,000.00 from Year 10 and \$2,500.00 from Year 11. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve.

MOTION CARRIED.
(See Exhibit Q)

ITEM 7. OFFICE OF EMPLOYMENT AND TRAINING

A. Approval to amend the CHOET Accounting Policy and Procedure manual to include Incentive Compensation for employees

Dick Dickinson, OET Executive Director, came before the Court requesting approval to amend the CHOET Accounting Policy and Procedure manual to include Incentive Compensation for employees. After some discussion in which Mr. Dickinson explained the need for this action and how it would be implemented, a motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve an amendment to the CHOET Accounting Policy and Procedure manual to read "Incentive awards would be made to employees of CHOET at the discretion and decision of the Executive Director, with concurrence of the County's Chief Elected Officials (CEO's) providing such awards are reasonable, fair, made in good-faith and based on sound fiscal principles".

MOTION CARRIED.

(See Exhibit R)

ITEM 8. COMMISSIONER PCT. #1

- A. Approval to appropriate funds from Pct. #1 – Paved/Unpaved to Pct. #1 Road & Bridge Administration

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the appropriation of \$5,500.00 from the Precinct One Paved/Unpaved account to the Precinct One Road and Bridge Administration for utilities.

MOTION CARRIED.

(See Exhibit S)

ITEM 9. CONSTABLE PCT. #4

- A. Approval of budget amendment – Investigation funds
- B. Approval of budget amendment

9/A

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve a budget amendment for the Constable for Precinct Four from the Investigation Funds in the amount of \$646.52 for maintenance of vehicles.

MOTION CARRIED.

(See Exhibit T)

9/B

A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve a budget amendment in the amount of \$2,150.00 for the Constable for Precinct Four for the maintenance of vehicles.

MOTION CARRIED.

(See Exhibit T)

ITEM 10. COUNTY JUDGE

- A. Approval of budget amendment – Lunacy Trials
- B. Approval of Retirement Plan Change Documents or No change Plan Documents for 1999

10/A

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve a budget amendment in the amount of \$1,000.00 for Lunacy Trials.

MOTION CARRIED.
(See Exhibit U)

10/B

Valde Guerra, Administrative Assistant to the County Judge, informed the Court that a workshop had been held previously to discuss the retirement plan. He stated that during the workshop this Court had agreed to change the retirement plan to indicate the employee contribution rate at 7% and the employer contribution rate at 8.50%. This was a ratio of 2 to 1. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the retirement plan no changes plan documents as presented.

MOTION CARRIED.
(See Exhibit U)

ITEM 11. PURCHASING DEPARTMENT

A. HIDALGO COUNTY

1. Results from Evaluation Committee's grading of Engineering Firms' Statements of Qualifications for Engineering Services for the "Engineer-Mile 2 West Project"
2. Requesting final ranking and selection for purposes of contract negotiations with and Engineering Firm for the project and services referenced above
3. Requesting authority to enter into contract negotiations with the number one ranked Engineering Firm as selected by Commissioners' Court
4. Requesting authority to exercise sixty (60) day grace period option and extend present contract for: "Catalog Office Supplies, Furniture and Equipment – Hidalgo County" so as not to have a lapse in service while the evaluation of bids is ongoing. Extension period is contingent upon award of bid.
5. Requesting approval of modification of contract to reflect vendor requested new effective date of November 1, 1998 for "Gasoline/On Highway Diesel Fuel & Off Highway Diesel Fuel"

B. HIDALGO COUNTY LIBRARY SYSTEM

1. Requesting approval to terminate the contract #C-98-127-06-06 under Art. #7 with Valley Tech Corporation which would have

provided Wide Area Network Connectivity and Internet Services to the Hidalgo County Library System

11/A/1

Martha Salazar, County Purchasing Director, came before the Court to present the results from the Evaluation Committee's grading of Engineering Firms' Statements of Qualifications for Engineering Services for the "Engineer-Mile 2 West Project". She added that there were three submittals: Salinas & Associates; Carter & Burgess and Ted Z Infrastructure Group.

NO ACTION.
(See Exhibit V)

11/A/2

A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve the final ranking and selection for purposes of contract negotiations as follows: Ted Z Infrastructure, Carter & Burgess and Salinas & Associates.

MOTION CARRIED.
(See Exhibit V)

11/A/3

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the commence of contract negotiations with the number one ranked engineering firm, Ted Z Infrastructure.

MOTION CARRIED.
(See Exhibit V)

11/A/4

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the Purchasing Director to exercise the sixty (60) day grace period option and extend present contract for: "Catalog Office Supplies, Furniture and Equipment – Hidalgo County" so as not to have a lapse in service while the evaluation of bids is ongoing. Extension period is contingent upon award of bid.

MOTION CARRIED.
(See Exhibit V)

11/A/5

A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve a modification of the contract to reflect vendor

requested new effective date of November 1, 1998 for "Gasoline/On Highway Diesel Fuel & Off Highway Diesel Fuel.

MOTION CARRIED.
(See Exhibit V)

11/B/1

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to terminate the contract #C-98-127-06-06 under Art. #7 with Valley Tech Corporation which would have provided Wide Area Network Connectivity and Internet Services to the Hidalgo County Library System.

MOTION CARRIED.
(See Exhibit V)

ADD. 1. COMMISSIONER PCT. #1

- A. Discussion of construction costs and insurance; possible action on approval of Architect invoice for the Weslaco Sub-Station Project
- B. Authorization for the Auditor to process payment to Alvarado Architects for the Weslaco Sub-Station Project

Add.1/A

Raul Lozano, Administrative Assistant for Precinct One, came before the Court requesting approval of an invoice from the Architect for the Weslaco Sub-Station Project. He added that this was for the schematic design phase and the completion of the design development phase. The invoice was for 30% of the total fee for the design development phase and 15% of the schematic design phase. The invoice at this time is for an amount of \$37,525.00. A payment of \$5,000.00 was made previously. Mr. Lozano also mentioned that the County Auditor with regards to the insurance brought up a concern and he asked that Martha Salazar, the County Purchasing Director, elaborate on this issue. She mentioned that when the contract was negotiated an amount on the insurance hadn't been specified. She continued by saying that they would come back later and modify this issue at a later date. After further discussion with comments from the architect, a motion was made by Commissioner Handy and seconded by Commissioners Garces and Rosel to approve the architect's invoice as presented.

MOTION CARRIED.
(See Exhibit W)

Add. 1/B

A motion was made by Commissioner Handy and seconded by Commissioners Garces and Rosel to authorize the County Auditor to process

payment in the amount of \$37,525.00 to Alvarado Architects for the Weslaco Sub-Station Project subject to this Commissioners' Court approving the schematic design.

MOTION CARRIED.
(See Exhibit W)

There being no further business to come before the Commissioners' Court, a motion was made by Commissioner Arcaute and seconded by Commissioner Handy 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 13th 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 28th day of December 1999.**