

COUNTY OF HIDALGO COMMISSIONERS' COURT

BE IT REMEMBERED that on the 1st day of December, 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 ABELARCO (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

ITEM 2. LINE ITEM TRANSFER - \$140,000.00

(See Exhibit A)

ITEM 3. COUNTY CLERK

- A. Approval of Drainage District #1 Board of Directors' Board minutes for October 13, 14, 21, 28, 1997

Commissioner Arcaute 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. AUTHORIZATION OF REPLACEMENT OF GAGING STATIONS AT ARROYO CITY, LLANO GRANDE AND VALLEY VIEW OWNED BY HIDALGO COUNTY OPERATED AND MAINTAINED BY USIBWC

Godfrey Garza, Drainage District Director came before the Board requesting authorization to replace the gauging stations at Arroyo City, Llano Grande and Valley View. He stated that these stations have mercury and they need to be replaced. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve.

MOTION CARRIED.

(See Exhibit B)

ITEM 2. AUTHORIZATION TO ADVERTISE FOR TWO (2) NEW PICKUP TRUCKS

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to authorize the advertising for two new pickup trucks for Drainage District #1.

MOTION CARRIED.
(See Exhibit B)

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

MOTION CARRIED.

COMMISSIONERS' COURT

The Honorable Abelardo "Lalo" Arcaute, County Commissioner for Precinct Two, 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 C)

ITEM 2. PLANNING DEPARTMENT

A. Final Plat Approval

1. Lantana Acres No. 2 Subdivision - Pct. 1

(See Exhibit D)

ITEM 3. LINE ITEM TRANSFERS

- A. Master Court 1 - \$56.00
- B. Court at Law #2 - \$100.00
- C. Court at Law #4 - \$448.00
- D. Pct. 1- Sanitation - \$1,112.74
- E. Pct. 1- Parks - \$829.00
- F. Pct. 3 - Landfill - \$4,600.00
- G. Pct. 4 - Administration - \$404.13
- H. Pct. 4 - Landfill - \$8,688.74

- I. Sheriff's - \$12,400.00
- J. J.P. Pct. 1, Pl. 1 - \$2,172.50
- K. J.P. Pct. 2, Pl. 1 - \$95.00
- L. Extension Service - \$300.00
- M. Planning - \$3,000.00
- N. Capital Improvements Fund - \$460,800.00
- O. Veterans Service - \$594.14
- P. Health Dept. – Administration - \$1,557.00
- Q. District Attorney – General Fund - \$3,800.00
- R. District Attorney – General Fund - \$13,018.00
- S. District Attorney – General Fund - \$11,180.00
- T. Buildings & Grounds - \$1,000.00
- U. Treasury - \$970.97

(See Exhibit E)

ITEM 4. URBAN COUNTY PROGRAM

- A. HOME “First-Time Homebuyer Contract Agreement” and Letter of Commitment to Mortgage Company (7 families)

(See Exhibit F)

ITEM 5. RIGHT OF WAY

A. Permits:

1. Pct. No. 1

a. North Alamo Water Supply

- i. 2” water line ¼ Mile west of Mile 6 & 17 N
- ii. 2” water line 2000’ west of La Blanca Rd. north side of Washington Rd.
- iii. 2” water line on Mile 17 ½ N., NS of Mile 6 West
- iv. 6” water line 500’ west of FM 493 on NS of Roosevelt Rd.

b. Southwestern Bell Telephone

- i. to bury a cable across 2 ½ west between Mile 13N & 13 ½ N.

2. Pct. No. 2

a. Southwestern Bell Telephone

- i. to bury a cable across N. “I” Rd. north of 495

b. Tennessee Gas Pipeline Company

- i. to place a 24” gas line approx. 375’ west of “I” Rd.
- ii. to place a 24” gas line approx. 1500’ south of Juan Balli Rd.
- iii. to place a 24” gas line approx. 3,300’ east from the intersection of “I” Rd. and Thomas Rd.
- iv. to place a 24” gas line approx. 800’ south of FM 3072

- v. to cross approx. 1550' west of the intersection of Las Milpas and "I" Rd.
 - vi. to cross approx. 1,600' east of Bus. 281
 - vii. to place a 24" gas line approx. 1,300' west of Bus. 281
 - viii. to place a 24" gas line approx. 500' south of 281 (Military Rd.)
 - ix. to place a 24" gas line crossing approx. 1,500' south of 281 (Military Rd.)
3. Pct. No. 3
- a. Sharyland Water Supply
 - i. 2" water line 300' east of the intersection of 6 Mile Line & Taylor
4. Pct. No. 4
- a. Sharyland Water Supply
 - i. 1" water line to be encased in 2" PVC casing located at 2.4 miles north of the intersection of FM 1925 & McColl Rd.
 - b. North Alamo Water Supply
 - i. 2" water line ¼ mile north of 1925 on west side of Sunflower Rd.
 - ii. 6" water line approx. 500' west of FM 1423 on north side of Alberta Rd.
 - c. Southwestern Bell Telephone
 - i. to bury cable along Canton Rd. and its intersection with Cesar Chavez
 - ii. to bury cable across Davis Rd. 3,200' from its intersection with Freedom Rd.
 - iii. to bury cable across Sprague St. and its intersection with south Mon Mack Rd.

(See Exhibit G)

ITEM 6. TREASURY

A. List if Investment Brokers/Dealers

- 1. International Bank of Commerce
- 2. Merrill Lynch
- 3. Sandler O'Neill & Partners, L.P.
- 4. The Bank of New York

(See Exhibit H)

Commissioner Arcaute 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. OPEN FORUM

Commissioner Arcaute reported that no one had signed up for the Open Forum.

NO ACTION.

ITEM 2. PLANNING DEPARTMENT

- A. Preliminary Plat Approval
 - 1. Citrus Hills Subdivision – Pct. 1
- B. Variance Request
 - 1. Donato Serna – Pct. 4

2/A

Emilio Garcia, Chief Planner, came before the Court requesting preliminary plat approval of Citrus Hills Subdivision. This is in Precinct One located approximately 1640 feet west of FM 88 and on the south side of Mile 12 ½ North Road. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve.

MOTION CARRIED.
(See Exhibit I)

2/B

Mr. Garcia was also presenting a request for a variance from Mr. Donato Serna. The variance was for a family partition that would include a private twenty-foot road. A discussion ensued with regards to recommending that this individual follow the regulations as required.

NO ACTION.
(See Exhibit I)

ITEM 3. RIGHT OF WAY

- A. Approval of Change Order No. 2 – Irrigation relocation project No. Eng. 98.001 – J.E. Saenz & Associates

Godfrey Garza, Drainage District Director, came before the Court and stated that this item had to do with the Jackson Road Project. The change order was for additional work as a result of underground excavating. The change order was for an amount of \$20,994.00. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve.

MOTION CARRIED.
(See Exhibit J)

ITEM 4. SHERIFF'S DEPARTMENT

- A. Discussion and possible action on proposal for housing of prisoners within Hidalgo County
- B. Discussion and possible action to enter into contract with Frio County for the housing of inmates

4/A

Capt. Roy Quintanilha, from the Sheriff's Department, came before the Court to ask for discussion and possible action on a proposal for the housing of prisoners within Hidalgo County. He added that the County used to have a contract with Limestone County for the housing of prisoners, which they would use to project the cost to the County for this type of service by other counties. Capt. Quintanilha then went on to explain the cost for transporting prisoners and how this cost was derived at. He was proposing that the out-of-county prisoners be housed in a building that is currently being built in the La Villa area, until the new adult detention facility is built. This could be done by going out for bids for this type of service within the County to see what proposals, if any, come in and thus saving some money. After further discussion, it was recommended that no action be taken on this time, until this matter is researched further.

MOTION CARRIED.
(See Exhibit K)

4/B

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve a contract between the County of Hidalgo and Frio County, Texas for the housing of inmates.

MOTION CARRIED.
(See Exhibit K)

ITEM 5. URBAN COUNTY

- A. Approval of Construction Contract with Cornerstone Construction Company – City of Palmview – Parks, Recreational Facilities – Urban County Year 10 (1997)
- B. Approval of Change Order #1 for McCrea Water Tower, Inc. – City of Edcouch – Water & Sewer Improvements – Urban County Year 6 (1993)

5/A

The City of Palmview is requesting approval of a construction contract with Cornerstone Construction Company for a Parks, Recreational Facilities project. The amount of the contract is \$40,719.00. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve.

MOTION CARRIED.

(See Exhibit L)

5/B

The City of Edcouch is requesting approval of a change order with McCrea Water Tower, Inc. for a Water & Sewer Improvement Project. The change order is for an increase of \$11,075.00. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve.

MOTION CARRIED.

(See Exhibit L)

ITEM 6. AUDITOR'S

- A. Report of Delinquent Monthly Reports from County Departments to County Auditor for County Commissioners' Review

Manuel Cavazos, County Auditor, came before the Court to give his report on the delinquency of monthly reports from the County Departments to the County Auditor's Office for review by the County Commissioners' Court. Commissioner Arcaute reported that no action would be required on this item at this time.

NO ACTION.

(See Exhibit M)

ITEM 7. ADULT PROBATION

- A. Approval to process payment to George Garcia, Architect, for Schematic Design Services on the Restitution Center Project in the amount of \$10,066.76

Joe Lopez, Adult Probation Director, came before the Court and requested that no action be taken on this item at this time, as failed to include some documentation in the County Commissioners packets.

NO ACTION.
(See Exhibit N)

ITEM 8. COUNTY JUDGE

D. Approval of Line Well Agreement with Shell Western E & P, Inc.

8/D

After a brief explanation by Steve Crain, the County legal counsel, a motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve a line well agreement with Shell Western E&P, Inc.

MOTION CARRIED.
(See Exhibit O)

ITEM 9. TREASURY

A. Consider and approve budget amendment for the 1998 budget year

Norma Garcia, County Treasurer, informed the Court that she was requesting no action on this item at this time.

NO ACTION.
(See Exhibit P)

ITEM 10. PCT. #1

A. Approval of budget amendment

A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve a budget amendment in the amount of \$3,750.00 for Precinct One for an end of year adjustment.

MOTION CARRIED.
(See Exhibit Q)

ITEM 11. PCT. #4

A. Approval of budget amendment

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve a budget amendment in the amount of \$70,000.00 for Precinct Four to cover current and expected expenses.

MOTION CARRIED.

(See Exhibit R)

ITEM 12. HEALTH DEPARTMENT

- A. Approval of the transfer of property from Hidalgo County Health Department Early Childhood Intervention Program to the Easter Seal Society of the Rio Grande Valley, Inc. (ESSRGV)
- B. Approval of the TB Elimination Grant No. 746000717600 in the amount of \$324,219.00 for calendar year 1999
- C. Authorization to appropriate \$324,219.00 in the TB Elimination Grant No. 746000717600
- D. Authorization to set salaries on the TB Elimination Grant in the amount of \$324,219.00

12/A

Dr. J. Michael Keenan, County Health Director, came before the Court requesting approval to transfer of property from the Hidalgo County Health Department Early Childhood Intervention Program to the Easter Seal Society of the Rio Grande Valley, Inc. (ESSRGV). He stated that the Early Childhood Intervention Program had ended on August 31, 1998 and the contract was not renewed and all the property that had been purchased with state funds for this program had to be transferred to the early childhood intervention Program performing agency, which was the Easter Seal Society. A motion was made by Commissioner Rosel and seconded by Commissioners Handy and Garces to approve the request.

MOTION CARRIED.

(See Exhibit S)

12/B-D

Dr. Keenan was requesting that no action be taken on these items at this time.

NO ACTION.

(See Exhibit S)

ITEM 13. PURCHASING DEPARTMENT

A. HIDALGO COUNTY

1. Requesting exemption from competitive bidding requirements for Professional/Engineering Services for traffic engineering studies, general engineering services, traffic engineering services, traffic design and minor specific engineering services
2. Requesting approval of Professional/Engineering Services contract with Traffic Infrastructure Group
3. Requesting authority to cut back on the "Farm Land Lease 1998-1999" contract termination date to reflect the traditional farming season. Proposed termination date is August 31, 1999; thereafter contract term shall commence on September 1st and terminate on August 31st of the following year
4. Recommending award of bid for "Farm Land Lease 1998-1999" to Karle Farms-McAllen, Texas with commencement date of October 21, 1998 through August 31, 1999
5. Requesting approval of proposed Farmland Lease with Karle Farms
6. Requesting modification of contract with Certus Healthcare, L.L.C. regarding Open Enrollment date to be effective January 1, 1999. Open Enrollment date does not constitute a change of the anniversary date (March 23, 1999) under the present contract

B. HIDALGO COUNTY WIC PROGRAM

1. Requesting exemption from competitive bidding requirements for lease of "Rental of Office Space in the City of La Joya"
2. Requesting authority to extend lease with present lessor, Nellie Leo Garcia for a period six (6) months @ .90 which amounts to \$1,159.20 per month due to new awardee offering new construction of buildings, therefore occupancy will occur 120 days after award
3. Requesting approval of short term lease with Nellie Leo Garcia for a period of six (6) months
4. Recommending to award of bid for "Rental of Office Space in the City of La Joya"
5. Requesting approval of lease for "Rental of Office Space in the City of La Joya"
6. Recommending award of bid for "Rental of Office Space in the City of Pharr" to sole bidder
7. Requesting approval of lease for "Rental of Office Space in the City of Pharr" to sole bidder
8. Requesting an extension of lease for "Rental of Office Space in the City of Mercedes" with Magnum Land & Investments, Inc.

13/A/1

Aurelio Zapata, from the County Purchasing Department, came before the Court requesting an exemption from the competitive bidding requirements under Professional/Engineering Services for traffic engineering studies, general engineering services, traffic engineering services, traffic design and minor specific

engineering services. He mentioned that the company that the County had the contract had changed its name from Ted Z Engineering to Traffic Infrastructure Group and the old contract did not include a renewal clause. After some discussion, a motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the request.

MOTION CARRIED.
(See Exhibit T)

13/A/2

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve a professional/engineering services contract with Traffic Infrastructure Group, contingent on the contract being reviewed by legal counsel.

MOTION CARRIED.
(See Exhibit T)

13/A/3

Mr. Zapata was also requesting authority to cut back on the "Farm Land Lease 1998-1999" contract termination date to reflect the traditional farming season. He indicated that they were proposing a termination date of August 31, 1999 and thereafter the contractual term shall commence on September 1st and terminate on August 31st of the following year. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve.

MOTION CARRIED.
(See Exhibit T)

13/A/4

Mr. Zapata was recommending a bid award for "Farm Land Lease 1998-1999" to the sole bidder being Karle Farms. He was also recommending that the commencement date of this contract be December 1, 1998 and the termination date be August 31, 1999. A motion was made by Commissioner Garces and seconded by Commissioner Handy to award the bid as presented.

MOTION CARRIED.
(See Exhibit T)

13/A/5

A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve a farm lease with Karle Farms.

MOTION CARRIED.

(See Exhibit T)

13/A/6

Mr. Zapata announced that he was requesting approval of a modification of the contract with Certus Healthcare, L.L.C. regarding Open Enrollment date to be effective January 1, 1999. He mentioned that the Open Enrollment date does not constitute a change of the anniversary date (March 23, 1999) under the present contract and this was being done in order to have the same enrollment date as the Cafeteria Plan. A motion was made by Commissioner Garces and seconded by Commissioner Handy to approve.

MOTION CARRIED.

(See Exhibit T)

13/B/1

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize an exemption from the competitive bidding requirements for "Rental of Office Space in the City of La Joya" for the WIC Program. The lease would be with Nellie Leo Garcia.

MOTION CARRIED.

(See Exhibit T)

13/B/2

A motion was made by Commissioner Rosel and seconded by Commissioner Handy to authorize an extension of lease with present lessor Nellie Leo Garcia for a period of six months at 90¢ which amounts to \$1,159.20 per month.

MOTION CARRIED.

(See Exhibit T)

13/B/3

A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve a short-term lease with Nellie Leo Garcia for a period of six months.

MOTION CARRIED.

(See Exhibit T)

13/B/4

Mr. Zapata was announced that they had received two bids for the "Rental of Office Space in the City of La Joya". The recommendation was for Felix Alaniz, Sr. at 80¢ per square foot. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to award the bid as presented.

MOTION CARRIED.

(See Exhibit T)

13/B/5

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve a lease agreement for the "Rental of Office Space in the City of La Joya" with Felix Alaniz, Sr.

MOTION CARRIED.

(See Exhibit T)

13/B/6

A motion was made by Commissioner Garces and seconded by Commissioner Handy to award the bid for the "Rental of Office Space in the City of Pharr" to the sole bidder being First American Realty Co.

MOTION CARRIED.

(See Exhibit T)

13/B/7

A motion was made by Commissioner Handy and seconded by Commissioner Garces to approve a lease agreement for the "Rental of Office Space in the City of Pharr" with the sole bidder being First American Realty Co.

MOTION CARRIED.

(See Exhibit T)

13/B/8

A motion was made by Commissioner Handy and seconded by Commissioner Garces to authorize an extension of lease for the "Rental of Office Space in the City of Mercedes" with Magnum Land & Investments, Inc.

MOTION CARRIED.

(See Exhibit T)

ITEM 8. COUNTY JUDGE

- A. Approval of schematic design for Elsa Clinic
- B. Approval of budget breakdown
- C. Authorization to pay invoice submitted by Charlie Thomas Design

8/A-C

Paul Vazaldua, the Administrative Assistant to the County Judge, informed the Commissioners that the architect was present to present the

schematic design for the Elsa Clinic. Charlie Thomas, the architect, then proceeded with his presentation of the schematic design for the Elsa Health Clinic and the Justices of the Peace Offices. In his presentation, Mr. Thomas indicated that the proposed cost for this project is approximately \$857,000.00. A discussion then ensued with regards to how much was allocated for each health clinic. Commissioner Arcaute pointed out that this design reflected a Justice of the Peace Office and the bonds did not reflect this. A discussion ensued with regards to whether the funds had been appropriated for this project and whether they could approve a project that came in over the budget appropriated. After further discussion a motion was made by Commissioner Handy and seconded by Commissioner Rosel to table this item at this time.

MOTION CARRIED.
(See Exhibit U)

EXECUTIVE AGENDA

ITEM 1. CLOSED SESSION

Commissioners' Court may go into Closed Session pursuant to Chapter 551, Texas Government Code, Section 551.071 & 551.072 to discuss the following:

- A. Consultation with Attorney
- B. Deliberation Regarding Real Property

ADD. 1. CLOSED SESSION

Commissioners' Court may go into Closed Session pursuant to Chapter 551, Texas Government Code, Section 551.071 & 551.072 to discuss the following:

- A. Potential Litigation
 - 1. Discussion and action on pending litigation
 - a. West vs. County of Hidalgo, Civil Action No. M-95-268
 - b. Eloy Sanchez, et al vs. Hidalgo County, Civil Action No. M-95-083
 - c. Concepcion Soto Zuniga, et al vs. Henry Escalon et al, Civil Action No. M-94-086

The County Commissioners went into Executive Session accompanied by Armando Barrera, County Tax Assessor/Collector; Tito Flores and Steve Crain, County legal counsel. Mr. Crain indicated that no action would be required on item 1/A, due to improper posting.

NO ACTION.

ITEM 2. OPEN SESSION

- A. Consultation with Attorney

B. Deliberation Regarding Real Property

2/B

Armando Barrera, County Tax Assessor/Collector, informed the Court that this was regarding a tax re-sale deed. He added that the full amount that was due to the County had been paid and therefore no action was required, other than the signatures on the deed.

NO ACTION.
(See Exhibit V)

ADD. 2. OPEN SESSION

A. Potential Litigation

1. West vs. County of Hidalgo, Civil Action No. M-95-268
2. Eloy Sanchez, et al vs. Hidalgo County, Civil Action No. M-95-083
3. Concepcion Soto Zuniga, et al vs. Henry Escalon et al, Civil Action No. M-94-086

Add.2/A/1

Paul Vazaldua, Administrative Assistant to the County Judge, stated that the recommendation was to approach the county depository for a loan for the settlement on these three cases. A discussion ensued as to how the County would pay for this settlement. After further discussion, Mr. Vazaldua was instructed to check with bond counsel, the county depository and the County Auditor to see how they could fund this settlement.

NO ACTION.

There being no further business to come before the Commissioners' Court, a motion was made by Commissioner Handy 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 Commissioners' Court and the Drainage
District #1 Board are hereby adjourned**

**RENATO CUELLAR _____ ABSENT _____
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 16th 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 4th day of January 2000.**

