

**COUNTY OF HIDALGO COMMISSIONERS' COURT**

**BE IT REMEMBERED** that on the 23<sup>rd</sup> day of March, 1999  
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 JOSE ELOY PULIDO  
COUNTY JUDGE**

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

**HONORABLE HECTOR (TITO) PALACIOS  
COUNTY COMMISSIONER, PRECINCT 2**

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

**HONORABLE OSCAR L. GARZA, JR.  
COUNTY COMMISSIONER, PRECINCT 4**

**and where the following proceedings were had, to-wit:**

**COMMISSIONERS' COURT**

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

**REGULAR AGENDA**

**ITEM 1. ROLL CALL**

The County Judge announced that all members of the Commissioners' Court were present.

NO ACTION.

**ITEM 2. PLEDGE OF ALLEGIANCE**

Judge Pulido asked Martha Salazar, the County Purchasing Director, to lead the Court in the Pledge of Allegiance.

NO ACTION.

**ITEM 3. PRAYER**

The invocation was also given by Mrs. Salazar.

NO ACTION.

**CONSENT AGENDA**

**ITEM 1. APPROVAL OF CHECK REGISTER AND PAYMENT OF CLAIMS AND BILLS**

**- COUNTY AUDITOR**

(See Exhibit A)

**ITEM 2. LINE ITEM TRANSFERS:**

- A. Planning Department - No Action
- B. Historical Commission - \$2,600.00
- C. WIC - \$6,000.00
- D. Library System - No Action
- E. County Commissioners - \$150.00
- F. Juvenile Probation - \$1,767.00
- G. Juvenile Probation - Detention Home - \$720.00
- H. Pct. #3 - Landfill - \$100.00
- I. Pct. #3 - Paved/unpaved - \$23,000.00

- J. Pct. #4 - Landfill - \$400.00
- K. Pct. #4 - Administration - \$1,000.00
- L. Health Department - Clinics - \$1,000.00
- M. Health Department - Sanitation - \$500.00
- N. County Clerk (2) - \$413.90 & \$2,375.00
- O. County Clerk - Records Management - \$2,000.00

(See Exhibit B)

**ITEM 3. RIGHT OF WAY - PERMITS:**

- A. Pct. #1 - North Alamo Water Supply
- B. Pct. #1 - Southwestern Bell Telephone
- C. Pct. #1 - Donna Irrigation District
- D. Pct. #3 - Valley Telephone Cooperative, Inc.
- E. Pct. #4 - Reliant Energy Field Service, Inc.
- F. Pct. #4 - Resendez Plumbing

(See Exhibit C)

**ITEM 4. TAX OFFICE:**

- A. Approval of tax refund - Cameron County Title Co. - \$ 1,429.30

(See Exhibit D)

**ITEM 5. URBAN COUNTY:**

- A. HOME - "First-Time Homebuyer Contract Agreement" and Letter of Commitment to Mortgage Company (2 Families)

(See Exhibit E)

**ITEM 6. PLANNING DEPARTMENT:**

- A. Final Plat Approval:
  - 1. Taurus Estates No. 4 - Pct. #3
  - 2. Getsemani Missions Subdivision - Pct. #4
- B. Release of the Letter of Credit:
  - 1. Kenwood Estates Phase III S/D - Pct. #3

(See Exhibit F)

**ITEM 7. PURCHASING DEPARTMENT:**

- A. Adult Probation - Requesting approval of maintenance agreement for currency counter with Financial Business Machines for a period of one (1) year from 1-1-99 to 12-31-99
- B. Youth Village - Requesting approval of service contract for residential treatment service for a period of one (1) year from 10-01-98 to 09-30-99

C. WIC Program - Requesting approval of service agreement for monthly on-site inspections and replacement of A/C filters for a period of one (1) year from 3-16-99 to 3-15-00

D. Elections Administration - Requesting approval of maintenance agreement for typewriter(s) with Southwest Business Machines for a period of one (1) year from 1-1-99 to 12-31-99

(See Exhibit G)

The County Judge introduced the Consent Agenda and asked if there were any questions and/or comments. Judge Pulido then indicated that he would like to withdraw item 2/D from the Consent Agenda. Manuel Cavazos, the County Auditor was also recommending no action on item 2/A. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve the Consent Agenda, with the changes.

MOTION CARRIED.

### **REGULAR AGENDA**

#### **ITEM 5. LIBRARY SYSTEM:**

A. Approval of Interlocal Agreement with City of La Joya

A motion was made by Commissioner Palacios and seconded by Commissioner Rosel to approve an interlocal agreement between the Hidalgo County Library System and the City of La Joya.

MOTION CARRIED.

(See Exhibit H)

#### **ITEM 6. PRESENTATION ON “ENERGY CONSERVATION MEASURES FOR LOCAL GOVERNMENTS” BY STRATEGIC RESOURCE SOLUTIONS (SRS) (TO PROCEED WITH FACILITY ANALYSIS) - SCOTT NAAB**

Scott Naab, Strategic Resource Solutions, came before the Court and gave a presentation on “energy conservation measures for local governments”. He added that this was a program that allowed local government to upgrade their facilities through a self funding program. He then went on to explain the services that were provided by this corporation. After some discussion, the County Judge asked that he meet with the Purchasing Director. No action was required on this item at this time.

NO ACTION.

(See Exhibit I)

**ITEM 4. OPEN FORUM**

The County Judge asked if anyone had signed up for the Open Forum and Mr. Rene Martinez approached the podium. He was in Court to address the issue of open fires in the area of Monte Alto. He reported that this concern has been addressed by Rene Guerra but the residents in the area continue to light fires in the area.

NO ACTION.

**ITEM 7. COUNTY CLERK:****A. Consideration and Adoption of Resolution Supporting House Bill 1599**

J.D. Salinas, III, Hidalgo County Clerk, came before the Court to ask their support of House Bill 1599. He was also requesting the adoption of a resolution to this effect and he went on to explain the benefits of this Bill with regards to old county records and the restoration of the courthouse. Mr. Salinas noted that he would be in Austin the following morning and would speak on behalf of its support. A motion was made by Commissioner Palacios and seconded by Commissioner Handy to approve.

MOTION CARRIED.

(See Exhibit J)

**ITEM 8. APPROVAL OF DELINQUENT TAX ATTORNEY REPORT - JUAN M. PENA / LUCY G. CANALES**

Juan Peña came before the Court to present and request approval of the delinquent tax attorney report for the period of July 1, 1998 through February 28, 1999. After a brief recap of the report, a motion was made by Commissioner Palacios and seconded by Commissioner Handy to approve.

MOTION CARRIED.

(See Exhibit K)

**ITEM 9. CONSTABLE PCT. #4:****A. Request approval of budget amendment in the amount of \$ 27,000.00 for the purchase of two (2) vehicles**

Commissioner Garza stated that this was a request from Constable Rumaldo Cerda. The Constable was having a problem in maintaining his vehicles, which are fairly old, and he was requesting authorization to purchase two used vehicles in the total amount of \$27,000.00. After some discussion, Judge Pulido reported that no action would be required on this item at this time to give the Auditor some time into possible financing these vehicles.

NO ACTION.  
(See Exhibit L)

**ITEM 10. SHERIFF DEPARTMENT:**

- A. Authorization to submit "Troops to COPS Grant" Application
- B. Approval of budget amendment to appropriate \$ 4,125.65 in the Federal Sharing - U.S. Treasury acct. # 9-111-421-100 based on the fund balance at 12/31/98

10/A

A motion was made by Commissioner Rosel and seconded by Commissioner Garza to authorize the submittal of an application for the "Troops to COPS Grant.

MOTION CARRIED.  
(See Exhibit M)

10/B

A motion was made by Commissioner Palacios and seconded by Commissioner Handy to approve a budget amendment to appropriate \$4,125.65 in the Federal Sharing U.S. Treasury acct. # 9-111-421-100 based on the fund balance at 12/31/98.

MOTION CARRIED.  
(See Exhibit M)

**ITEM 11. HEALTH DEPARTMENT:**

- A. Approval of Proclamation proclaiming March 24, 1999 as Hidalgo County TB Day

A motion was made by Commissioner Palacios and seconded by Commissioner Handy to approve a proclamation declaring March 24, 1999 as Hidalgo County TB Day.

MOTION CARRIED.  
(See Exhibit N)

**ITEM 12. URBAN COUNTY:**

- A. Approval of a budget and program amendment for the City of Weslaco - Urban County Program Year 8 (1995)
- B. Approval of a Construction Contract with Sascon, Inc. - City of Mercedes - Flood/Drain and Street Improvements - UCP Year 9, 10 & 11 (1996 - 1998)
- C. Approval of a Budget Amendment for UCP Year 9 (1996) - The City of Donna
- D. City of Granjeno - HOME/Housing Rehabilitation Change Order (1 Family)

## 12/A

The City of Weslaco is requesting approval of a budget and program amendment under their Year 8. The amendment is to delete the Acquisition line item and increase the Parks and Recreational Facilities line item by \$125,000.00. A motion was made by Commissioner Handy and seconded by Commissioner Garza to approve.

MOTION CARRIED.  
(See Exhibit O)

## 12/B

The City of Mercedes was requesting approval of a construction contract with Sascon, Inc. in the amount of \$283,406.50. A motion was made by Commissioner Handy and seconded by Commissioner Rosel to approve.

MOTION CARRIED.  
(See Exhibit O)

## 12/C

The City of Donna was requesting approval of a budget amendment under their Year 9. The amendment is to delete the Clearance & Demolition line item and the Code Enforcement line item and increasing the Street Improvement line item by \$45,000.00. A motion was made by Commissioner Handy and seconded by Commissioner Rosel to approve.

MOTION CARRIED.  
(See Exhibit O)

## 12/D

The City of Granjeno is requesting approval of a change order under their HOME Housing Rehabilitation Program. The change order is for an increase of \$1,925.00. A motion was made by Commissioner Palacios and seconded by Commissioner Rosel to approve.

MOTION CARRIED.  
(See Exhibit O)

**ITEM 13. PCT. #1:**

- A. Request authorization to accept contributions from residents of Donna Palm Terrace - \$ 1,600.00; Colonias Puesta del Sol - \$ 7,716.00; and Delta West Subdivision - \$ 5,435.00 for pipe culverts installed
- B. Authorization to enter into an Interlocal Agreement with the City of Weslaco and acceptance of contribution

- C. Authorization and approval to transfer slot #5 (mechanic) from County Wide Shop to Road & Bridge - Pct. #1
- D. Approval of Budget Amendment de-obligating County Wide Shop and obligating Road & Bridge Pct. 1

13/A

A motion was made by Commissioner Handy and seconded by Commissioner Rosel to authorize the acceptance of contributions from residents of Donna Palm Terrace - \$ 1,600.00; Colonias Puesta del Sol - \$7,716.00; and Delta West Subdivision - \$ 5,435.00 for the installation of culvert pipes.

MOTION CARRIED.  
(See Exhibit P)

13/B

Commissioner Handy indicated that no action would be required on this item at this time.

NO ACTION.  
(See Exhibit P)

13/C

A motion was made by Commissioner Handy and seconded by Commissioner Palacios to authorize the transfer of slot #5 from the Precinct Two County Wide Shop Account to the Precinct One Road & Bridge Account.

MOTION CARRIED.  
(See Exhibit P)

13/D

A motion was made by Commissioner Rosel and seconded by Commissioner Palacios to approve a budget amendment in the amount of \$20,401.20, by de-obligating the funds from the Precinct Two County Wide Shop and obligating them into Road and Bridge for Precinct One.

MOTION CARRIED.  
(See Exhibit P)

**ITEM 14. PCT. #2:**

- A. Authorization and approval to create 1-5 temporary full time positions to operate swimming pool - Park
- B. Budget Line item transfer - Park acct.

14/A

A motion was made by Commissioner Garza and seconded by Commissioner Palacios to authorize the creation of up to five temporary full-time positions to operate the swimming pool, in Precinct Two.

MOTION CARRIED.  
(See Exhibit Q)

14/B

A motion was made by Commissioner Palacios and seconded by Commissioner Garza to approve a line item transfer in the amount of \$900.00 in the Precinct Park Account.

MOTION CARRIED.  
(See Exhibit Q)

**ITEM 15. PLANNING DEPARTMENT:**

A. Preliminary Plat Approval:

1. Texas Valley Estates #7 - Pct. #1
2. International Village Unit No. 2 - Pct. #3

B. Approval of a budget amendment - telephone bill

15/A/1

Emilio Garcia, Chief Planner, came before the Court requesting preliminary plat approval of Texas Valley Estates #7. This subdivision is in Precinct One located approximately 1200 feet east of F.M. 493 on the south side of Mile 10 Road. He noted that preliminary plat approval is subject to the street signs, traffic control devices and testing of the streets; the installation of all septic tanks be completed, inspected and approved by the County health department and that the water meter and membership dues be paid to North Alamo Water Supply Corporation. A motion was made by Commissioner Garza and seconded by Commissioner Palacios to approve.

MOTION CARRIED.  
(See Exhibit R)

15/A/2

Mr. Garcia was also requesting preliminary plat approval for International Village Unit No. 2. This subdivision is in Precinct Three located approximately 2640 feet north of Mile 6 North Road on the west side of Los Ebanos Road. Preliminary plat approval is being requested subject to the street signs, traffic control devices and testing of the streets; the installation of all septic tanks be completed, inspected and approved by the County health department and that the water meter and membership...

dues be paid to Sharyland Water Supply Corporation. A motion was made by Commissioner Garza and seconded by Commissioner Palacios to approve.

MOTION CARRIED.

(See Exhibit R)

15/B

A motion was made by Commissioner Garza and seconded by Commissioner Handy to approve a line item transfer in the amount of \$2,929.00 for the Hidalgo County Planning Department.

MOTION CARRIED.

(See Exhibit R)

**ITEM 16. RIGHT OF WAY:**

- A. Authorization to acquire 1.18 acres from - Eduardo Rodriguez, Sylvia Rodriguez, Olga Rodriguez, Rolando Rodriguez, Patricia Rodriguez, Gilberto Rodriguez, Jesus Rodriguez, Unberto Rodriguez and Ememorio Rodriguez for the required expansion of Ingle Road and to pay damages for existing fence relocation

Godfrey Garza, Drainage District Director, came before the Court requesting Authorization to acquire 1.18 acres for the required expansion of Ingle Road and to pay damages for the relocation of the existing fence. He added that he had discussed this with legal counsel and he was requesting authorization to proceed with this project based on legal counsel acquiring an additional title report and review of the amounts that will be paid to the individuals listed. Mr. Garza stated that they were looking at a cost of approximately \$10,000.00 an acre for the land and approximately \$5,000.00 for the damages to the fence. A motion was made by Commissioner Palacios and seconded by Commissioner Garza to approve the request as presented.

MOTION CARRIED.

(See Exhibit S)

Commissioner Garza then informed Mr. Rodriguez that they would be requesting a title report and if there were any liens on the property, they would have to be cleared by the owners. He added that once the documentation is in and is satisfactory to counsel then payment will be authorized.

**ITEM 17. PURCHASING DEPARTMENT:**

- A. Pct. #1:

1. Requesting authority to advertise for and approval of specifications for: "Hauling of Rap Material Services"

B. Pct. #2:

1. Requesting approval of an Interlocal Agreement(s) with the City of Alamo, City of McAllen, and with the School Districts of Pharr-San Juan-Alamo, Valley View and Hidalgo

C. Constable Pct. #4:

1. Requesting various seized vehicles be declared surplus

D. Law Library:

1. Requesting numerous books be declared surplus

E. Hidalgo County:

1. Discussion and action on a request to exempt from competitive bidding requirements a professional services/consulting services contract for: "A Health Insurance Plan Project" for Hidalgo County
2. Approval to negotiate a professional services/consulting services contract for: "A Health Insurance Plan Project" for Hidalgo County

17/A

A motion was made by Commissioner Handy and seconded by Commissioner Garza to authorize the advertising for bids and approval of specifications for "Hauling of Rap Material Services" for Precinct One.

MOTION CARRIED.  
(See Exhibit T)

17/B

A motion was made by Commissioner Palacios and seconded by Commissioner Handy to approve interlocal agreements between Precinct Two and the Cities of Alamo, McAllen and with the school districts of Pharr-San Juan-Alamo, Valley View and Hidalgo.

MOTION CARRIED.  
(See Exhibit T)

17/C

A motion was made by Commissioner Palacios and seconded by Commissioner Garza to authorize the declaration of various seized vehicles as surplus from the Office of the Constable for Precinct Four.

MOTION CARRIED.  
(See Exhibit T)

17/D

A motion was made by Commissioner Garza and seconded by Commissioner Palacios to authorize the declaration of numerous books from the Hidalgo County Law Library as surplus.

MOTION CARRIED. (See Exhibit T)

17/E

Martha Salazar, County Purchasing Director, reported that no action would be required on these items at this time.

NO ACTION.  
(See Exhibit T)

**ITEM 18. RISK MANAGEMENT:**

A. Approval to amend Order Banning Open Fires

Charlie Montgomery, County Risk Manager, came before the Court requesting approval to amend the Order Banning Open Fires. She then introduced Mr. Shawn Snider, the Edinburg Fire Chief, who have a more detailed explanation of the dangers in the County of Hidalgo and how this order would alleviate the damages to the surrounding areas and the costs to the County. He was promoting that the public made aware of the restrictions that are in place and the enforce of this type of order. After some discussion, Ms. Montgomery noted that the amendment was to closely monitor the trash burning in the rural areas and the burning of brush in un-enclosed areas, both presently require permits. A motion was then made by Commissioner Rosel and seconded by Commissioner Palacios to amend the order.

MOTION CARRIED.  
(See Exhibit U)

**ITEM 19. COUNTY JUDGE:**

A. Discussion and appointment of Census Committee

B. Approval to increase slot 8 (Enrollment Coordinator) and decrease slot 2 by \$3,242.00

C. Set salaries at \$ 16,000.00 (slot 8) and \$ 49,401.00 (slot 2)

19/A

Dairen Cedillo, Chief of Staff to the County Judge, indicated that this was basically to appoint the members to the Census Committee. Judge Pulido began by recommending the appointment of Father Bart Flat from Valley Interfaith, Anthony Covacevich, Emilio Garcia, Roger Garza from the City of McAllen, Roland Arriola from UTPA and Tozi Gutierrez from the County Judge's Office. Commissioner Garza recommended the appointment of Manuel Carranza. Commissioner Rosel recommended the appointment of Noemi Flores, Ester Vela and Irene Garcia. Commissioner Palacios recommended the appointment of Alejos Salinas, Luis Ramos and Bill Morgan. Judge Pulido then stated that they would place the approval of the resolution on the meeting of March 30, 1999.

NO ACTION.  
(See Exhibit V)

19/B&C

Mrs. Cedillo indicated that no action would be required on these items at this time.

NO ACTION.  
(See Exhibit V)

**ITEM 20. CLOSED SESSION:**

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

A. Consultation with Attorney

1. Deliberation Regarding Real Property
2. Noe Garza Engineers, et al v. Hidalgo County Water Development Board & County of Hidalgo
3. Gerardo Lopez, et al v. County of Hidalgo cause #M-97-085

A motion was made by Commissioner Garza and seconded by Commissioner Palacios to authorize the members of Commissioners' Court to convene in Closed Session.

MOTION CARRIED.

**ITEM 21. OPEN SESSION:**

A. Consultation with Attorney

1. Deliberation Regarding Real Property
2. Noe Garza Engineers, et al v. Hidalgo County Water Development Board & County of Hidalgo
3. Gerardo Lopez, et al v. County of Hidalgo cause #M-97-085

20/A

The County Judge indicated that no action was taken during the Closed Session.

NO ACTION.

20/B

Juan Peña, delinquent tax attorney, reported that this item was in reference to cause number E-4541, State of Texas, Hidalgo County vs W.D. Cochran et al with regards to Lot 18, Block 3, North side Addition to the City of Edcouch, Hidalgo County, Texas. This was on a foreclosure that was done on August 6, 1946 and the current appraisal value of this property is \$1,125.00 and the amount of the bid is \$1,000.00. His request at this time is to approve the resolution authorizing these tax re-

sale and the approval of the tax re-sale deed. A motion was made by Commissioner Rosel and seconded by Commissioner Handy to approve.

MOTION CARRIED.  
(See Exhibit W)

20/C&D

The County Judge indicated that no action was required on these items at this time.

NO ACTION.  
(See Exhibit W)

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

MOTION CARRIED.

### **DRAINAGE DISTRICT**

The Honorable Jose Eloy Pulido, County Judge, called the Drainage District #1 Board 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 X)

#### **ITEM 2. PERMIT - PCT. #3 - TEJAS ENERGY OPERATION COMPANY**

(See Exhibit Y)

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

MOTION CARRIED.

**REGULAR AGENDA**

**ITEM 1. HIDALGO COUNTY:**

- A. Discussion and action on a request to exempt from competitive bidding requirements a professional services/consulting services contract for: "A Health Insurance Plan Project" for Hidalgo County
- B. Approval to negotiate a professional services/consulting services contract for: "A Health Insurance Plan Project" for Hidalgo County

Martha Salazar, the County Purchasing Director, indicated that no action would be required on these items at this time.

NO ACTION.  
(See Exhibit Z)

There being no further business to come before the Drainage District #1 Board, a motion was made by Commissioner Handy and seconded by Commissioner Palacios 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 are hereby adjourned.

JOSE ELOY PULIDO \_\_\_\_\_  
COUNTY JUDGE

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

HECTOR PALACIOS \_\_\_\_\_  
COUNTY COMMISSIONER, PRECINCT 2

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

OSCAR L. GARZA, JR. \_\_\_\_\_  
COUNTY COMMISSIONER, PRECINCT 4

Dated this the 20<sup>th</sup> day of October, 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 16<sup>th</sup> day of March, 1999.