

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

**INTERLOCAL COOPERATION AGREEMENT BETWEEN THE
COUNTY OF HIDALGO AND CITY OF PENITAS, TEXAS
CONCERNING CERTAIN IMPROVEMENTS TO
LIBERTY ROAD FROM US83 TO MILE 3**

THIS agreement is made on this the 29th day of September, 2015 by and between the CITY OF PEÑITAS, TEXAS, hereinafter referred to as the "CITY" and the COUNTY OF HIDALGO, Texas hereinafter referred to as "COUNTY", pursuant to the provisions of the Texas Interlocal Cooperation Act, as follows:

WITNESSETH:

WHEREAS, the City is a home rule municipality located in Hidalgo County, Texas;

WHEREAS, the County is a county in the State of Texas; and

WHEREAS, the City and County desire to cooperate in making needed transportation improvements to Liberty Road from US83 to Mile 3 as outlined in Exhibit A (the "Project");

WHEREAS, the County finds the Project of Liberty Road from US 83 to Mile 3 is a major public thoroughfare necessary for travel to different parts of Hidalgo County and is used by a significant number of County residents;

WHEREAS, the City and County agree it is essential to develop this very important corridor, which is in much need of improvements, specifically in need of adding capacity for increased safety;

WHEREAS, the County will be the fiduciary agent for this project and assume the role of project development lead;

WHEREAS, the City and County desires to proceed and complete Phase II & III of the road as outlined below;

- Phase II: ROW Map, Surveys and PS&E
- Phase III: ROW Acquisition and Construction Oversight;

WHEREAS, the City and County will cooperatively seek to fund the construction and right of way ("ROW") costs of this Project through the Hidalgo County Metropolitan Planning Organization (HCMPO) and TxDOT;

WHEREAS, the total Phase II and III project development cost is estimated to be \$2,522,356.00 as more particularly described on Exhibit C attached hereto and incorporated herein at the point for all purposes and will be paid for by the County;

WHEREAS, the City desires to cooperate by agreeing that the grant identified in Exhibit B and B-1 (the "Grant") be utilized for the project costs associated with the ROW land costs, compensable utility costs and any remaining funds be designated for the construction of this Project;

WHEREAS, the County and City are authorized to enter into this Agreement pursuant to the Interlocal Cooperation Act, Texas Government Code 791.001 et. Seq. which authorizes local governments to contract with each other to perform governmental functions and services under the terms of the Act; and

WHEREAS, the City agrees County assumes the role of project sponsor to develop the Phase II and III of the project development, which includes the ROW Map, Surveys, PS&E, ROW Acquisition and Construction Oversight for Liberty Road from US83 to Mile 3 within the City limits.

NOW, THEREFORE, County and City, in consideration of the mutual covenants expressed hereinafter, agree to enter into this agreement as follows:

1. The County agrees to complete Phase II and III of the project development, which includes the ROW Map, Surveys, PS&E, ROW Acquisition and Construction Oversight services more particularly described in that portion of Exhibit C attached hereto and made a part hereof for all purposes that relates to said Phase II and III.
2. The County finds the Project of Liberty Road is a major public thoroughfare necessary for travel to different parts of Hidalgo County and is used by a significant number of County residents.
3. County finds no proceeds of bonds issued or taxes levied pursuant to article III, section 52 (b) or (c) of the Texas Constitution shall be used for the Project.
4. The City shall commit the \$560,000 of Grant money towards the project costs associated with the Right-of-Way Land costs, Compensable Utility costs and any remaining funds be designated for the construction of this project.
5. City, pursuant to Tex. Trans. Code 251.012, authorizes County to perform the work and services described herein within its corporate city limits.
6. Each party agrees to conform to its own applicable purchasing laws, regulations, policies, and procedures with respect to the portion of the work under this Agreement performed by each party.
7. Conflict of Applicable Law: Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and whenever there is any conflict between any provision of their Agreement and any present or future law, ordinance, or administrative, executive or judicial regulation, order or decree, or amendment thereof, contrary to which the parties have no legal right to contract, the latter shall prevail, but in such event the affected provision or provisions of the Agreement shall be modified only to the extent necessary to

bring them within the legal requirements and only during the time such conflict exists.

8. **No Waiver:** No waiver by any party hereto of any breach of any provision of the Agreement shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision hereof.
9. **Entire Agreement:** This Agreement contains the entire contract between the parties hereto and each party acknowledges that neither has made (either directly or through any agreement or representative) and representation or agreement in connection with this Agreement not specifically set forth herein. This Agreement may be modified or amended only by agreement in writing executed by the CITY and County, and not otherwise.
10. **TEXAS LAW TO APPLY:** THIS AGREEMENT SHALL BE CONSTRUED UNDER AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AND ALL OBLIGATION OF THE PARTIES CREATED HEREUNDER ARE PERFORMABLE IN HIDALGO COUNTY, TEXAS. THE PARTIES HEREBY CONSENT TO PERSONAL JURISDICTION IN HIDALGO COUNTY, TEXAS.
11. **Notice:** Except as maybe otherwise specifically provided in this Agreement, all notices, demands, requests or communication required or permitted hereunder shall be in writing and shall either be (i) personally delivered against a written receipt, or (ii) sent by registered or certified mail, return receipt requested, postage prepaid and addressed to the parties at the addresses set forth below, or at such other addresses as may have been theretofore specified by written notice delivered in accordance herewith:

If to City: City of Peñitas
 Attention: Hon. Rodrigo "Rigo" Lopez, Mayor
 1111 S. Main Street
 Peñitas, Texas 78576

If to County: Hidalgo County, Texas
 Attention: Hon. Ramon Garcia, County Judge
 302 W. University Drive
 Edinburg, Texas 78539

With copy to: Hon. Joe M. Flores, Commissioner Pct. #3
 724 N. Breyfogle
 Mission, Texas 78572

12. Each notice, demand, request or communication which shall be delivered or mailed in the manner described above shall be deemed sufficiently given for all purposes at such time as it is personally delivered to the addressee, or, if mailed, at such time as it is deposited in the United States mail.

13. Either party may terminate this Agreement with or without cause upon thirty (30) days written notice to the other.
14. Additional Documents: The parties hereto covenant and agree that they will execute such other and further instruments and documents as are or may become necessary or convenient to effectuate and carry out the terms of this agreement.
15. Successors. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors, and assigns where permitted by this Agreement.
16. Assignment: This Agreement shall not be assignable.
17. Headings. The headings and captions contained in this Agreement are solely for the convenience reference and shall not be deemed to affect the meaning or interpretation of any provision of paragraph hereof.
18. Gender and Number. All pronouns used in this Agreement shall include the other gender, whether used in the masculine, feminine or neuter gender, and singular shall include the plural whenever and as often as may be appropriate.
19. Authority to Execute. The execution and performance of this Agreement by the City and County have been duly authorized by all necessary laws, resolutions or corporate action, and this Agreement constitutes the valid and enforceable obligations of the City and County in accordance with its terms.
20. Governmental Purpose. Each party hereto is entering into the agreement for the purpose of providing for governmental services or functions and will pay for such services out of current revenues available to the paying party as herein provided.
21. Commitment or Current Revenues Only. In the event that during any term hereof; the governing body of any party does not appropriate sufficient funds to meet the obligations of such party under this Agreement, then any party may terminate this Agreement upon ninety (90) days written notice to the other party. Each of the parties hereto agrees, however, to use its best efforts to secure funds necessary for the continued performance of this Agreement. The parties intend this provision to be a continuing right to terminate this Agreement at the expiration of each budget period of each party hereto pursuant to the provisions of Tex. Loc. Govt. Code Ann. §271.903

WITNESS THE HANDS OF THE PARTIES effective as of the day and year first written above.

COUNTY OF HIDALGO

By: Ramon Garcia
Ramon Garcia, County Judge

ATTEST: Arturo Guajardo Jr.
Arturo Guajardo, Jr., County Clerk

APPROVED BY
COMMISSIONERS' COURT
ON: 9/29/15

CITY OF PEÑITAS

ATTEST: Ana M. Valdez
City Secretary

By: Rodrigo Lopez
Hon. Rodrigo "Rigo" Lopez, Mayor



APPROVED AS TO FORM:

ATLAS, HALL & RODRIGUEZ, LLP.

By: Stephen L. Crain
Stephen L. Crain

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

**APPROVAL OF
INTERLOCAL COOPERATION AGREEMENT
PROJECT**

In accordance with Texas Government Code §791.014, Hidalgo County, Texas, acting by and through the Hidalgo County Commissioners Court, has been advised of a proposed project regarding certain road improvements to Liberty Road from US83 to Mile 3, a section which is in part within the city limits of Peñitas and in part within County jurisdiction through an Interlocal Cooperation Agreement to be entered into with the City of Peñitas, Texas, and Hidalgo County.

By vote on Sept. 29, 2015, the Hidalgo County Commissioners Court has approved the Project identified above.

Ramon Garcia
By: Ramon Garcia, County Judge

ATTEST:

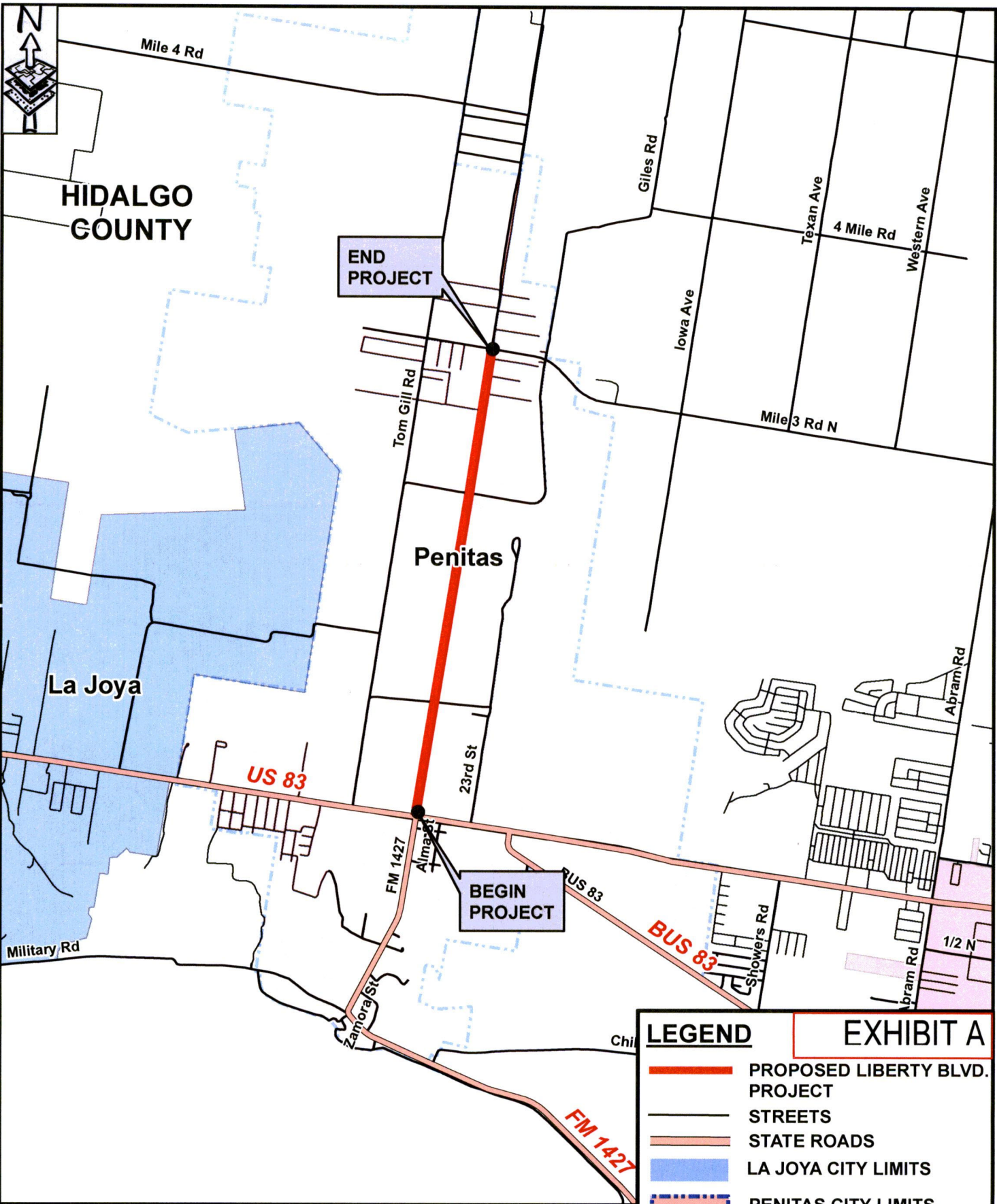
Arturo Guajardo Jr.
Arturo Guajardo, Jr., County Clerk

APPROVED BY
COMMISSIONERS' COURT
ON: 9/29/15 ml

APPROVED AS TO FORM:

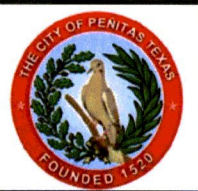
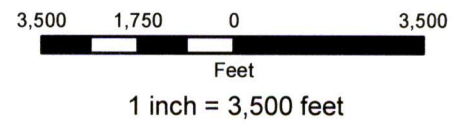
Atlas, Hall & Rodriguez, LLP.

By: SLC
Stephen L. Crain



LEGEND **EXHIBIT A**

- PROPOSED LIBERTY BLVD. PROJECT
- STREETS
- STATE ROADS
- LA JOYA CITY LIMITS
- PENITAS CITY LIMITS



**LIBERTY BOULEVARD
LOCATION MAP**
FROM US 83 TO MILE 3
APPROX. PROJECT LENGTH 2.4 MILES

EXHIBIT "B"

PUBLIC LAW 109-59—AUG. 10, 2005

SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT
TRANSPORTATION EQUITY ACT: A LEGACY
FOR USERS

Public Law 109–59
109th Congress

An Act

Aug. 10, 2005
 [H.R. 3]

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Safe,
 Accountable,
 Flexible, Efficient
 Transportation
 Equity Act: A
 Legacy for Users.
 Inter-
 governmental
 relations.
 23 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “**Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users**” or “**SAFETEA-LU**”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. General definitions.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorization of Programs

- Sec. 1101. Authorization of appropriations.
- Sec. 1102. Obligation ceiling.
- Sec. 1103. Apportionments.
- Sec. 1104. Equity bonus program.
- Sec. 1105. Revenue aligned budget authority.
- Sec. 1106. Future Interstate System routes.
- Sec. 1107. Metropolitan planning.
- Sec. 1108. Transfer of highway and transit funds.
- Sec. 1109. Recreational trails.
- Sec. 1110. Temporary traffic control devices.
- Sec. 1111. Set-asides for Interstate discretionary projects.
- Sec. 1112. Emergency relief.
- Sec. 1113. Surface transportation program.
- Sec. 1114. Highway bridge program.
- Sec. 1115. Highway use tax evasion projects.
- Sec. 1116. Appalachian development highway system.
- Sec. 1117. Transportation, community, and system preservation program.
- Sec. 1118. Territorial highway program.
- Sec. 1119. Federal lands highways.
- Sec. 1120. Puerto Rico highway program.
- Sec. 1121. HOV facilities.
- Sec. 1122. Definitions.

Subtitle B—Congestion Relief

- Sec. 1201. Real-time system management information program.

Subtitle C—Mobility and Efficiency

- Sec. 1301. Projects of national and regional significance.
- Sec. 1302. National corridor infrastructure improvement program.
- Sec. 1303. Coordinated border infrastructure program.
- Sec. 1304. High priority corridors on the National Highway System.
- Sec. 1305. Truck parking facilities.
- Sec. 1306. Freight intermodal distribution pilot grant program.
- Sec. 1307. Deployment of magnetic levitation transportation projects.

- (D) \$487,000,000 for fiscal year 2008; and
 - (E) \$389,600,000 for fiscal year 2009.
- (11) COORDINATED BORDER INFRASTRUCTURE PROGRAM.—For the coordinated border infrastructure program under section 1303 of this Act—
- (A) \$123,000,000 for fiscal year 2005;
 - (B) \$145,000,000 for fiscal year 2006;
 - (C) \$165,000,000 for fiscal year 2007;
 - (D) \$190,000,000 for fiscal year 2008; and
 - (E) \$210,000,000 for fiscal year 2009.
- (12) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of such title—
- (A) \$26,500,000 for fiscal year 2005;
 - (B) \$30,000,000 for fiscal year 2006;
 - (C) \$35,000,000 for fiscal year 2007;
 - (D) \$40,000,000 for fiscal year 2008; and
 - (E) \$43,500,000 for fiscal year 2009.
- (13) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 147 of such title—
- (A) \$38,000,000 for fiscal year 2005;
 - (B) \$55,000,000 for fiscal year 2006;
 - (C) \$60,000,000 for fiscal year 2007;
 - (D) \$65,000,000 for fiscal year 2008; and
 - (E) \$67,000,000 for fiscal year 2009.
- (14) PUERTO RICO HIGHWAY PROGRAM.—For the Puerto Rico highway program under section 165 of such title—
- (A) \$115,000,000 for fiscal year 2005;
 - (B) \$120,000,000 for fiscal year 2006;
 - (C) \$135,000,000 for fiscal year 2007;
 - (D) \$145,000,000 for fiscal year 2008; and
 - (E) \$150,000,000 for fiscal year 2009.
- (15) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE PROGRAM.—For the projects of national and regional significance program under section 1301 of this Act—
- (A) \$177,900,000 for fiscal year 2005;
 - (B) \$355,800,000 for fiscal year 2006;
 - (C) \$444,750,000 for fiscal year 2007;
 - (D) \$444,750,000 for fiscal year 2008; and
 - (E) \$355,800,000 for fiscal year 2009.
- (16) HIGH PRIORITY PROJECTS PROGRAM.—For the high priority projects program under section 117 of title 23, United States Code, \$2,966,400,000 for each of fiscal years 2005 through 2009.
- (17) SAFE ROUTES TO SCHOOL PROGRAM.—For the safe routes to school program under section 1404 of this Act—
- (A) \$54,000,000 for fiscal year 2005;
 - (B) \$100,000,000 for fiscal year 2006;
 - (C) \$125,000,000 for fiscal year 2007;
 - (D) \$150,000,000 for fiscal year 2008; and
 - (E) \$183,000,000 for fiscal year 2009.
- (18) DEPLOYMENT OF MAGNETIC LEVITATION TRANSPORTATION PROJECTS.—For the deployment of magnetic levitation projects under section 1307 of this Act—
- (A) \$15,000,000 for each of fiscal years 2006 and 2007;
- and
- (B) \$30,000,000 for each of fiscal years 2008 and 2009.

(2) by striking “section 1602 of the Transportation Equity Act for the 21st Century.” and inserting “such section 1602 or 1702, as the case may be.”

(d) AVAILABILITY OF OBLIGATION LIMITATION.—Section 117(g) of such title is amended by inserting after “21st Century” the following: “or section 1102(g) of the SAFETEA-LU, as the case may be”.

(e) FEDERAL-STATE RELATIONSHIP.—Section 145(b) of such title is amended—

(1) by inserting after “described in” the following: “section 1702 of the SAFETEA-LU,”;

(2) by inserting after “for such projects by” the following: “section 1101(a)(16) of the SAFETEA-LU,”; and

(3) by striking “117 of title 23, United States Code,” and inserting “section 117 of this title,”.

SEC. 1702. PROJECT AUTHORIZATIONS.

Subject to section 117 of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 1101(a)(16) of this Act) for fiscal years 2005 through 2009 to carry out each such project:

Highway Projects
High Priority Projects

No.	State	Project Description	Amount
1	CA	Construct safe access to streets for bicyclists and pedestrians including crosswalks, sidewalks and traffic calming measures, Covina	\$400,000
2	CA	Develop and implement ITS master plan in Anaheim	\$800,000
3	TN	Improve circuitry on vehicle protection device installed at highway/RR crossing in Athens, TN	\$47,200
4	CA	Builds a pedestrian bridge from Hiller Street to the Bay Trail, Belmont	\$1,960,000
5	OH	Renovate and expand National Packard Museum and adjacent historic Packard facilities	\$2,750,000
6	IL	Land acquisition for the widening of Rt. 47 in Yorkville, IL	\$4,000,000
7	NE	Interstate 80 Interchange at Pflug Road, Sarpy County, Nebraska	\$1,600,000
8	TX	Construction of Segment #1 of Morrison Road for the City of Brownsville	\$1,600,000
9	MI	I-96 at Latson Road Interchange improvements	\$4,800,000
10	IL	Preconstruction and Construction of IL 83 at IL 132	\$800,000
11	TN	Add third lane on U.S. 27 (State Route 29) for truck-climbing lane and realignment of roadway at Wolf Creek Road to Old U.S. 27 north of Robbins	\$4,800,000
12	MI	Reconfiguration of U.S. 31 from the Manistee Bascule Bridge to Lincoln Street in the City of Manistee	\$600,000
13	AR	Bentonville, Arkansas—Widen and improve I-540 and SH 102 Interchange	\$1,420,000
14	WA	Interstate 5 and 41st Street/Broadway Interchange and Arterial Improvement Project, Everett	\$3,180,000

Highway Projects
High Priority Projects—Continued

No.	State	Project Description	Amount
1400	TX	Rehabilitate Yale Street between IH 10 to IH 610	\$800,000
1401	CA	Reconstruct Long Beach Blvd. with medians and improve drainage from Palm Ave. to Tweedy Blvd. in Lynwood	\$2,400,000
1402	CA	Expand carsharing pilot program to serve low- and moderate-income neighborhoods in the City and County of San Francisco	\$1,600,000
1403	FL	Implement Kennedy Boulevard corridor improvements to improve safety in Tampa	\$2,000,000
1404	MD	Construct Broadneck Peninsula Trail, Anne Arundel County, Maryland	\$1,200,000
1405	MO	Relocation and reconstruction of Rt. MM from Rt. 21 to Rt. 30	\$13,744,000
1406	MN	Replace three at-grade highway-railroad crossings with grade-separated crossings adjacent to Winona State University	\$473,600
1407	CA	Construct Traffic flow improvements Vincent and Lakes Drive, West Covina	\$600,000
1408	CA	Construction of a Lincoln Bypass on SR 65 in Placer County, CA	\$2,400,000
1409	KS	Construct highway-rail grade separation from Douglas Avenue to 17th Street North in Wichita, KS	\$11,200,000
1410	OH	Conduct Phase II of U.S. Route 68 bypass project in Urbana	\$1,840,000
1411	GA	Construct sidewalks and install landscaping, Vienna	\$500,000
1412	TX	Extension of FM 1427 in Penitas	\$560,000
1413	MD	MD 124, Woodfield Road, from Midcounty Highway to Warfield Road	\$1,600,000
1414	CA	Rio Vista Bridge Realignment Study and Street Sign Safety Program	\$560,000
1415	CO	SH 121/Bowles Ave. Intersection and Roadway Improvements, Jefferson County Colorado ...	\$1,600,000
1416	NY	Implement Improvements for Pedestrian Safety in Queens County	\$600,000
1417	NY	Repair and improve Jericho Turnpike (NYS Hwy 25) and construct streetscapes along the Turnpike in New Hyde Park	\$1,600,000
1418	GA	SR 316/SR 20 interchange construction Gwinnett County	\$400,000
1419	IL	Construct pedestrian walkways and streetscaping projects in the Village of Western Springs	\$3,553,600
1420	WA	SR 518 corridor—Improvements to SR 518-509 interchange and addition of eastbound travel lane on a portion of the corridor	\$800,000
1421	CA	Development and construction of improvements to State Route 79 in the San Jacinto Valley	\$2,400,000
1422	MN	Construct roadway improvements on the Great River Road on CSAH 10 and CSAH 21, Aitkin County	\$5,568,000
1423	WA	Conduct preliminary engineering and EIS for Columbia River Crossing in WA and OR	\$7,000,000
1424	NC	Greensboro Signal System Replacement ITS Enhancement Project	\$10,000,000

FROM : CITY OF PEÑITAS

FAX NO. : 9565838833

Feb. 04 2009 04:43PM P2

EXHIBIT "B-1"



Congress of the United States House of Representatives

February 10, 2006

LLOYD DOGGETT
5th DISTRICT, TEXAS

COMMITTEE ON
WAYS AND MEANS

SUBCOMMITTEE ON
HEALTH

WASHINGTON OFFICE:
201 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(703) 226-4886

DISTRICT OFFICES:
311 NORTH 16TH STREET
McALLEN, TX 78501
(361) 807-3921

300 EAST 17TH STREET, SUITE 702
AUSTIN, TX 78701
(512) 918-3021

E-MAIL: LLOYD.DOGGETT@MAIL.HOUSE.GOV
WWW.HOUSE.GOV/HQ/DOGS/1-866-916-5921

Julian J. Gonzalez
City Administrator
City of Peñitas
PO Box 204
Peñitas, Texas 78576

*Made File
For
Whitney
(1427)*

Dear Julian:

Thank you for your recent communication concerning FM 1427 in Peñitas and the Texas Department of Transportation's (TxDot) request that the project description be adjusted for clarification purposes. I understand that TxDot has request that the project description be changed from the "Extension of FM 1427 in Peñitas" to the "Construction of Liberty Blvd through Peñitas." I do not object to this adjustment if it does not alter the project's eligibility for funding and completion.

Please continue to keep me advised of any federal matters on which I may be of assistance.

Sincerely,

Lloyd Doggett

LD:CS

EXHIBIT "C"
LIBERTY ROAD PROJECT
ESTIMATED PRELIMINARY PROJECT FACT SHEET COSTS

ROADWAY PROJECT:	Liberty Road
LIMITS:	from US83 to Mile 3
EXISTING ROADWAY SECTION:	40-ft Rural
EXISTING ROW WIDTH:	65' to 100' Varies
PROPOSED ROADWAY SECTION:	4-lane divided urban
PROPOSED ROW WIDTH:	120-FT
ESTIMATED CONSTRUCTION COST	\$10,800,000.00
LENGTH FOR 4-LANE ROADWAY	2.4 Miles

ESTIMATED PROJECT COSTS	ESTIMATED % LOCAL COST	TOTAL ESTIMATED PROJECT COST	ESTIMATED LOCAL COST
PHASE I - EA, PUBLIC INVOLVEMENT & SCHEMATIC DESIGN			
Environmental Assessment with TxDOT	COMPLETED		
Public Involvement for the project (1 Public Meeting)	COMPLETED		
Archeological and Historical Research	COMPLETED		
Engineering Technical Support at Public Mtgs with Layouts etc	COMPLETED		
Schematic	COMPLETED		
Hydrological Map	COMPLETED		
Office Surveys for Schematic (Preliminary Ownership Identification and Property Rights)	COMPLETED		
Preliminary Compensable Utilities Identification on Schematic for Approval by TxDOT/FHWA	COMPLETED		
Update Schematic based on FIELD SURVEYS and ROW Map as provided by City of Peñitas and provide to TxDOT/County for EA update w/ FHWA	COMPLETED		
Engineering Technical Support at Public Hearing with Layouts etc	COMPLETED		
Public Involvement and Public Hearing	COMPLETED		
SUB-TOTAL		\$ -	\$ -
Work Authorization No. 1			
PHASE II - ROW Map, Surveys, PS&E			
Complete ROW Map (Estimated 24 Parcels)	100%	\$ 91,200.00	\$ 91,200.00
Field Surveys for Design and Construction	100%	\$ 115,200.00	\$ 115,200.00
PS&E Development Roadway (7% Engineering Fee)	100%	\$ 756,000.00	\$ 756,000.00
Permanent and Temporary Signal Designs	100%	\$ 37,500.00	\$ 37,500.00
Engineering Fee to Create 1 set of Plans and Submit through TxDOT	100%	\$ 66,000.00	\$ 66,000.00
Geotechnical Soil information and Scour Report for Bridge and Roadway Pav't design	100%	\$ 60,000.00	\$ 60,000.00
Bridge and Siphon Designs	100%	\$ 135,000.00	\$ 135,000.00
Permitted Utilities Coordination to adjust	100%	\$ 43,200.00	\$ 43,200.00
Preliminary Engineering Direct State Costs for State Review and Oversight (Est. 1.2% of Construction)	100%	\$ 129,600.00	\$ 129,600.00
SUB-TOTAL		\$ 1,433,700.00	\$ 1,433,700.00
PHASE III - ROW Acquisition and Construction Oversight			
Right-of-Way Costs - Acq.Services @ (est.24 Parcels)	100%	\$ 331,200.00	\$ 331,200.00
Estimated Compensable Utility Mgmt for Acq. of Property Rights and Compensate for Utility Adjust(s)	100%	\$ 162,000.00	\$ 162,000.00
Eng Consultant Construction Management (18 Months)	100%	\$ 189,000.00	\$ 189,000.00
Estimated Roadway Right-of-Way Costs	20%	\$ 250,000.00	\$ 50,000.00
COMPENSABLE UTILITY COSTS	20%	\$ 1,033,000.00	\$ 206,600.00
Right-of-Way State Division Review and Oversight	100%	\$ 6,000.00	\$ 6,000.00
ROADWAY CONSTRUCTION COST	1.2%	\$ 10,800,000.00	\$ 129,600.00
TxDOT/LPA Construction Inspection (11%)	1.2%	\$ 1,188,000.00	\$ 14,256.00
SUB-TOTAL		\$ 13,959,200.00	\$ 1,088,656.00
TOTAL		\$ 15,392,900.00	\$ 2,522,356.00

Work Authorization No. 1	FY 16	\$ 1,986,300.00	NOT ISSUED
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TOTAL ESTIMATED LPA COST: **\$ 2,522,356.00**

16%

TOTAL ESTIMATED PROJECT COST : **\$ 15,392,900.00**

COUNTY COSTS NOT INCLUDED IN WORK AUTHORIZATION(S): **\$ 536,056.00**

AI-51346

Precinct #3 22. B.

CC - REGULAR

Meeting Date: 09/29/2015

Submitted By: Norma Ceballos, COMM. PCT. #3

Department: COMM. PCT. #3

Information

CAPTION

1. Requesting approval of Interlocal Cooperation Agreement between the County of Hidalgo and City of Penitas, concerning certain improvements to Liberty Rd. from US83 to Mile 3.
2. In accordance with Texas Government Code 791.014, requesting approval of the Interlocal Cooperation Agreement on the purposed project regarding certain road improvements to Liberty Road from US83 to Mile 3, a section which is in part within the city limits of Penitas and in part within County jurisdiction.

BACKGROUND

Fiscal Impact

FISCAL YEAR:

ACCT. #:

FUNDS AVAILABLE Y/N?:

MATCHING FUNDS Y/N?:

BUDGETARY IMPACT:

Funding for County's portion to be paid from anticipated CO2015 proceeds.

Attachments

ICA - City of Penitas

EXHIBITS

Form Review

Inbox	Reviewed By	Date
Budget & Management	Debbie Tamez	09/11/2015 03:18 PM
Manuel Chapa	Manuel Chapa	09/24/2015 02:41 PM
Purchasing Department	Monica Badillo	09/25/2015 05:39 PM
Form Started By: Norma Ceballos		Started On: 09/11/2015 12:26 PM
Final Approval Date: 09/25/2015		

Construction cost of Drainage Improvements within Heidelberg and Spanish Palms Subdivisions out of the Rural Drainage Development funds from Precinct #1, total cost is \$390,416.70.

On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 2, EDUARDO "EDDIE" CANTU, the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

Court proceeded to Item.21.B.

Attachments:

ICA
legal
ICA Executed

21. **Precinct #2 - Comm. Cantu:**

- A. AI-51543 Proclamation declaring October 2015 as Manufacturing Month in Hidalgo County.

Commissioner Palacios joined the meeting.

On motion by COMMISSIONER PCT. 2, EDUARDO "EDDIE" CANTU, seconded by COMMISSIONER PCT. 3, JOE FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 -Unanimously

Commissioner Flores joined the meeting.

Court proceeded to Item.6.A.

Attachments:

PROCLAMATION
Attachment
Proclamation/Executed

- B. AI-51510 CO2014 - Pct. 2 (1345)
Approval of 2015 appropriation of funds in the amount of \$845,180.09 to fund Pct 2 Eldora Road (Jackson-I Rd) project expenditures.

On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

Attachments:

Appropriation

22. **Precinct #3 - Comm. Flores:**

- A. AI-51405 Approval of the Right of Way Acquisition Statement and Utility Adjustment Certification as it relates to TxDot Project SH 364 (SH 495 to FM 1924) project and for County Judge to sign required documentation.

On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 2, EDUARDO "EDDIE" CANTU, the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

Attachments:

Document
Forms

- B. AI-51346 1. Requesting approval of Interlocal Cooperation Agreement between the County of Hidalgo and City of Penitas, concerning certain improvements to Liberty Rd. from US83 to Mile 3.

On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval subject to legal review.

Vote: 4 - 0 - Unanimously

2. In accordance with Texas Government Code 791.014, requesting approval of the Interlocal Cooperation Agreement on the proposed project regarding certain road improvements to Liberty Road from US83 to Mile 3, a section which is in part within the city limits of Penitas and in part within County jurisdiction.

On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

Attachments:

EXHIBITS
ICA - City of Penitas

23. **Precinct #4 - Comm. Palacios:**

- A. AI-51402 [Requesting authority for title reports for the County owned portion at Hillcrest Memorial Cemetery within Hidalgo County Precinct No. 4 Project.](#)

[On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 2, EDUARDO "EDDIE" CANTU the Court made a UNANIMOUS vote of approval.](#)

[Vote: 4 - 0 - Unanimously](#)

[Court proceeded to Item.25.A.](#)

Attachments:

Cemetery Property Proposal

24. **Budget & Management - Sergio Cruz:**

- A. AI-51230 [1. Public hearing on the 2016 Proposed Budget as per Texas Local Government Code 111.067.](#)

[Sergio Cruz mentioned that the 2016 budget was formulated using the tax rate of \\$.59 per \\$100.00 evaluation it includes the general fund budget of \\$190,936,754 and a total budget of \\$265,933,699](#)

Judge Garcia Opened Public Hearing.

[Virginia Townsend approached the board in regards to the 2016 budget stating that she was confused about new proposals and changes at different times of the workshops.](#)

[Fern McClaugherty mentioned that she has received phone calls in regards to employees not prioritizing customers and that a raise should only be given to those who work hard. She mentioned that regardless of not raising the tax rate, property values also affect the tax payer.](#)

[Judge Garcia stated that Commissioners Court has nothing to do with the appraisal of property values.](#)

[Commissioner Palacios spoke in regards to his experience as a tax payer explaining that he has noticed the change in tax. He also restated that giving a COLA is not a raise. He manifested that the county is always looking at different ways to help the poor and get federal funds to aid the needy. Commissioner Palacios reinstated Judge Garcia comment on the appraisal of property.](#)

[Mr. Valde Guerra commented on his experience working for the county since the beginning of his career, stating that he has seen how the county and the court have tried to help as many citizens and employees as much as possible. Mr. Guerra expressed his disagreement with Ms. McClaugherty's statement of county employees not caring for customers, expressing that county employees are dedicated and care for the well being of the county. Once more, he reinstated that Cost of Living Adjustment is not a raise.](#)

[Commissioner Eduardo Cantu also commented on Ms. McClaugherty's statement, he expressed his disagreement on her comment in regards to employees. He mentioned that he inherit a great amount of good employees, he stated that is not fair to group the bad employees with the good employees. The commissioner made known that he supports the Sheriff's Department because they also take care of the citizens.](#)

Judge Garcia Closed Public Hearing.

[2. Discussion, consideration, and action on changes and corrections to the 2016 Proposed Budget.](#)

[Sergio Cruz mentioned that there are twenty corrections or changes to the 2016 proposed budget. Changes do not affect the budget.](#)

[On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 4, JOSEPH PALACIOS, the Court made a UNANIMOUS vote of approval.](#)

[Vote: 5 - 0 – Unanimously](#)

[3. Approval to set salaries, allowances, and other compensation for Fiscal Year 2016, effective the first full pay period of 2016.](#)

[Sergio Cruz mentioned that this includes salaries in appendix A and changes in the previous changes approved on item 2.](#)

[Mr. Ray Eufrazio mentioned that the percentage of the county's credit is too low. He also explained that 2 million dollars is 1% of the Fund Balance. He suggested looking at some of the increases and facing them at another point in time. Mr. Cruz mentioned those elected officials who denied their COLA, Commissioner Cuellar, Commissioner Cantu, Judge Garcia, Commissioner Flores, Commissioner Palacios, Sheriff Guerra, Tax Assessor Paul Villarreal, District Attorney Ricardo Rodriguez, District Clerk Laura Hinojosa, Pct. 3 Constable Larry Gallardo, Pct.4 Constable Atenacio Gaytan, J.P. Pct. 2 Palce 2 Jaime J. Muñoz, J.P. Pct.3 Place 1 Luis Garza and J.P. Pct. 3 Place 2 Marcos Ochoa.](#)

[Court members together with Sergio Cruz and Mr. Eufrazio discussed the timeline for salaries. They](#)

Hidalgo County

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Meeting: 09/29/2015 - CC - REGULAR

[PDF](#)**SPECIAL MEETING - September 29, 2015**

BE IT REMEMBERED, that on this 29th day of September A.D., 2015, there was begun and held a SPECIAL MEETING of the Honorable Commissioners' Court of Hidalgo County, Texas, wherein the following members thereof were present, to-wit:

HONORABLE RAMON GARCIA	HIDALGO COUNTY JUDGE
HONORABLE A.C. CUELLAR, JR.	COMMISSIONER, PRECINCT NO. 1
HONORABLE EDUARDO "EDDIE" CANTU	COMMISSIONER, PRECINCT NO. 2
HONORABLE JOE M. FLORES	COMMISSIONER, PRECINCT NO. 3
HONORABLE JOSEPH PALACIOS	COMMISSIONER, PRECINCT NO. 4

and ARTURO GUAJARDO, JR., COUNTY CLERK & EX-OFFICIO CLERK OF THE COMMISSIONERS' COURT of Hidalgo County, Texas, wherein the following proceedings were had, to-wit:



**AGENDA
 CC REGULAR
 HIDALGO COUNTY
 COMMISSIONERS COURT MEETING
 September 29, 2015
 9:30 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held at the Edinburg Council Chambers 415 W. University Drive, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:

- 1. Roll Call**
All members of the court were in attendance.
- 2. Pledge of Allegiance**
Judge Garcia led the court and audience in reciting the Pledge of Allegiance.
- 3. Prayer**
Virginia Townsend led the audience in Prayer.
- 4. Approval of Consent Agenda**
The court moved to approved the Consent Agenda for the exception of Items. 2.F., 12.O. and 12.H. to be pulled for discussion.
Court proceeded to Item. 12.C.
- 5. Open Forum**
Commissioner Cuellar stepped away from meeting.
Fern McClaugherty manifested her wish to stop the construction of the new courthouse until there's more money available. She also expressed her support for raising salaries for the Sheriff's Department. Ms. McClaugherty also criticized the way the court spend and invest the money.
Commissioner Cuellar joined the meeting.
Andrea Landeros, ARISE, cordially invited Commissioners Eduardo "Eddie" Cantu and A.C. Cuellar to