

THE STATE OF TEXAS :

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 25TH day of APRIL, 1995, after due notice having been given, there was begun and holden, a SPECIAL MEETING of the Commissioners' Court and the Drainage District, in the Commissioners' Courtroom of the Administration Building in the City of Edinburg, Hidalgo County, Texas with the following members of said Court present and participating:

Hon. J. Edgar Ruiz
County Judge

Hon. Samuel Sanchez
County Commissioner, Precinct #1

Hon. Lalo Arcaute
County Commissioner, Precinct #2

Hon. Juan Rosel
County Commissioner, Precinct #3

Hon. Guadalupe "Lupe" Garces
County Commissioner, Precinct #4

WHEREUPON, the following proceedings

were had, to-wit:

APRIL 25, 1995

VOL 0200 032

The Honorable J. Edgar Ruiz, County Judge, called this Commissioner's Court Meeting to order, where upon the following proceedings were had to wit:

CONSENT AGENDA

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ITEM 1. APPROVAL OF BILLS - COUNTY AUDITOR
(SEE EXHIBIT A)

ITEM 2. APPROVAL OF MONTHLY FEE REPORTS:

- A. DISTRICT CLERK - \$127,209.08 - MARCH
- B. COUNTY CLERK - Part I - \$ 90,127.00 - MARCH
- COUNTY CLERK - Part II - \$120,000.10 - MARCH
- C. JUSTICE OF THE PEACE:
 - 1. Adan Caballero - \$ 6,957.00 - MARCH
- D. CONSTABLES:
 - 1. Horacio Aguirre - \$ 55.00 - MARCH
 - 2. Gilberto Alaniz - \$ 275.00 - MARCH
 - 3. Luis Zamora - \$ 550.00 - MARCH
 - 4. Rumaldo Cerda - \$ 235.00 - MARCH
 - 5. Eduardo Bazan - \$.00 - MARCH
- E. SHERIFF DEPARTMENT - \$ 45,853.51 - MARCH

(SEE EXHIBIT B)

ITEM 3. PLANNING DEPARTMENT:

- A. SUBDIVISIONS:
 - 1. Lemon Tree Subdivision Unit 2 - Pct. 4
 - 2. Sugar North Apartments Subdivision - Pct. 4
- B. RELEASE LETTER OF CREDIT:
 - 1. Basham No. 38 Subdivision - Pct. 3

(SEE EXHIBIT C)

ITEM 4. PERMITS:

- A. NORTH ALAMO WATER SUPPLY - PCT. 1

(SEE EXHIBIT D)

ITEM 5. INTERNAL LINE ITEM TRANSFERS:

- A. ADULT DETENTION CENTER (JAIL)
- B. CONSTABLE PCT. 1
- C. COUNTY COURT AT LAW #1

(SEE EXHIBIT E)

ITEM 6. TRANSFER OF FUNDS FROM REVENUE SHARING TO OFFICE EQUIPMENT - COUNTY WIDE.

(SEE EXHIBIT F)

At this time, The Cosent Agenda was approved with Commissioner Sanchez so moving and being seconded by Commissioner Garces.

(SEE EXHIBITS A-F)

REGULAR AGENDA

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ITEM 1. REQUEST FOR AUDIENCE:

A. Concerned Citizens Committee of Hidalgo County Irrigation District No. 16

1A

Soila Jimenez of the Concerned Citizens Committee opened by stating they wanted the canal between Brushline and Abram on Five Mile Rd. taken down due to some deaths and a new subdivisions in the area. Following further discussion and comments, there was no action on this item at this time.

NO ACTION

(See Exhibit G)

ITEM 2. APPROVAL OF COURT REPORTER'S FEES:

- A. MARK KVAPIL - \$1,626.00
- B. ANNETTE ESCOBAR - \$112.00
- C. FRANSISCO MORENO - \$119.00

2A-C

A motion was made by Commissioner Arcaute which was seconded by Commissioner Garces to approve court reporter's fee for Mark Kvapil, Annette Escobar, and Fransisco Moreno as presented

MOTION CARRIED
(SEE EXHIBIT H)

ITEM 3. TAX OFFICE:

- A. APPROVAL OF TAX REFUND:
 - 1. Miles, Inc. - \$1,155.82

3A1

A motion was made by Commissioner Arcaute which was seconded by Commissioner Sanchez to grant the refund.

MOTION CARRIED
(SEE EXHIBIT I)

ITEM 4. APPOINTMENTS TO THE HIDALGO COUNTY HOUSING AUTHORITY BOARD

Judge Ruiz opened up this topic by stating that there were 2 present appointments that needed to be made from County wide and Pct. 1. The appointment from Pct. 1 has been held off until the following week. Concerning the County wide appointment, a motion was made by Commissioner Arcaute which was seconded by Commissioner Sanchez to reappoint Mr. Joe Rodriguez who will now be serving his second term on the Housing Authority Board.

MOTION CARRIED
(SEE EXHIBIT J)

ITEM 5. TEXAS RURAL LEGAL AID, INC.

- A. PROPOSAL FOR DEFENSE SERVICES FOR MENTALLY ILL OR RETARDED PERSONS ACCUSED OF CRIMES

5A

After brief comments from Judge Ruiz concerning the representation of the mentally ill and retarded, a motion was made by Commissioner Rosel whcih was seconded by Commissioner Garces to take the proposal of Texas Rural Legal Aid for defense services for mentally ill

and/or retarded persons accused of crimes under advisement.

MOTION CARRIED
(SEE EXHIBIT K)

ITEM 6. CONSIDERATION & APPROVAL OF AGREEMENT WITH McCALL, PARKHURST AND HORTON

Judge Ruiz opened by stating that this firm had been assisting legal counsel in working up legal documents order to finance some of the compensatory time and overtime situations in the County of Hidalgo. After some brief discussion, a motion was made by Commissioner Garces which was seconded by Commissioner Rosel to approve agreement with McCall, Parkhurst & Horton as presented.

MOTION CARRIED
(SEE EXHIBIT L)

ITEM 7. AUTHORIZATION AND ACTION ON PAYROLL COUNTY WIDE TO INCLUDE PAY PERIOD, PAYROLL FORM PROCEDURES AND SALARIES

Judge Ruiz stated the he, Dick Dickinson, and Steve Crain had been reviewing how payroll is computed. Judge Ruiz still felt that a workshop was needed in regards to this matter. After brief comments Judge Ruiz asked that this topic be set for a workshop the following week and no action be taken at this time.

NO ACTION

ITEM 8. WIC:

A. AUTHORIZATION TO RESCIND ACTION TAKEN ON APRIL 18,1995.

8A

Norma Longoria stated that after some evaluation, she wanted to rescind the action of 04/18/95. She wanted to reinstate the full time position. A motion was made by Commissioner Sanchez which was seconded by Commissioner Rosel to rescind action taken on April 18, 1995, rescinding a part-time position and action to reduce a full-time to a part-time.

MOTION CARRIED
(SEE EXHIBIT M)

ITEM 9. HEALTH DEPARTMENT:

A. ALLOCATION & APPROVAL OF 1995 CO-PAY BUDGET

9A

Ofelia Espinoza stated that the Health Department is requesting that \$224,921 be allocated into the co-pay budget. After much discussion and questions on this issue a motion was made by Commissioner Sanchez which was seconded by Commissioner Rosel to authorize the allocation of the co-pay amount of \$224,921.

MOTION CARRIED
(SEE EXHIBIT N)

ITEM 10. AUTHORIZATION FOR CONCURRENCE - TEXAS DEPARTMENT OF HEALTH

Judge Ruiz stated that they had recieved several letters since the 1st of the year from Mr. Rust, Director of Grant Management Division. He stated in his letter that there was unauthorized costs in travel in this contract. Following further discussion, a motion was made by Commissioner Rosel which was seconded by Commissioner Garces to authorize payment in the amount of \$3,798.85.

MOTION CARRIED
(SEE EXHIBIT O)

- ITEM 11. COMPUTER DEPARTMENT:
- A. DECLARE EQUIPMENT SURPLUS

11A

A motion was made by Commissioner Sanchez which was seconded by Commissioner Rosel to declare equipment surplus.

MOTION CARRIED
(SEE EXHIBIT P)

- ITEM 12. APPROVAL TO AMEND HIDALGO COUNTY PURCHASING POLICY

Judge Ruiz opened by stating that last week, it had been discussed to bring some amendment to the purchasing policy. After lengthy conversations and discussion there was a motion by Commissioner Sanchez which was seconded by Commissioner Arcaute to approve an amendment to the Hidalgo County Purchasing Policy requiring the bidding limit to be changed from \$10,000 to \$15,000.

MOTION CARRIED
(NO EXHIBIT AVAILABLE)

- ITEM 13. PURCHASING DEPARTMENT:
- A. AWARD BIDS:
 - 1. Electronic Monitoring Services - Adult Probation
- B. REQUEST TO ADVERTISE:
 - 1. Pit-run caliche gravel - Hidalgo County
 - 2. Rental space in Alton - WIC
- C. FOOD EXEMPTION FOR A PERIOD OF ONE YEAR TO INCLUDE: SHERIFF'S DEPARTMENT, YOUTH VILLAGE, ADULT PROBATION, RESTITUTION CENTER, JUVENILE PROBATION & OTHER DEPARTMENTS NEEDING FOOD PURCHASES.
- D. ACTION TO TAKE ALL STATEMENT OF QUALIFICATIONS UNDER ADVISEMENT:
 - 1. Architectural Firm
 - 2. Financial Advisors
 - 3. Bond Underwriters
 - 4. Bond Counsel
 - 5. Project Management
 - 6. Construction Management

13A1

Mary Maldonado made a recommendation to reject all bids due to specs not being met and the price being to high. A motion was made at this time to reject all bids received for electronic monitoring services under adult probation by Commissioner Garces and was seconded by Commissioner Rosel.

VOL 0200 036

MOTION CARRIED
(SEE EXHIBIT Q)

13B1

A motion was made by Commissioner Rosel which was seconded by Commissioner Garces to authorize the advertising for bids for Pit-run caliche gravel for County wide. Bid opening May 17, 1995 and bid award May 23, 1995.

MOTION CARRIED
(SEE EXHIBIT Q)

13B2

Mary Maldonado requested to bring this back next due to some more revisions to the specs. No action at this time.

NO ACTION

13C

A motion was made by Commissioner Rosel which was seconded by Commissioner Sanchez to exempt for the period of one year, for food purchases in the Sheriff's Department, Youth Village, Adult Probation, Restitution Center, Juvenile Probation & other departments that uses food purchases to feed inmates or individuals.

MOTION CARRIED
(SEE EXHIBIT Q)

13D

Judge Ruiz stated that they had advertised for Statements of Qualification for several services. He also stated that any combination of services would get us through the possibility of building a new detention facility. At this time a motion was made by Commissioner Sanchez which was seconded by Commissioner Garces to take them all under advisement.

MOTION CARRIED
(SEE EXHIBIT Q)

ITEM 14. PLANNING DEPARTMENT:

- A. FINAL PLAT APPROVAL:
 - 1. San Carlos Estates Unit II - Pct. #4
- B. DISCUSSION & POSSIBLE ACTION ON SECTION 9.3.4. - DRIVEWAY CULVERT PIPES
- C. DISCUSSION & POSSIBLE ACTION ON WASTE DISPOSAL PERMIT FEE

14A1

A motion was made by Commissioner Garces which was seconded by Commissioner Rosel to give final plat approval to San Carlos Estates Unit II - Pct. 4 as presented.

MOTION CARRIED
(SEE EXHIBIT R)

14B

A motion was made by Commissioner Arcaute and seconded by Commissioner Rosel, to set policy, by amending our Subdivision Regu-

lations, that the County continue to require a 15-inch, 24-foot section reinforced concrete pipe culvert, that will be purchased and installed by the County of Hidalgo; that an annual cost be applied each individual lot, to install this pipe, labor and materials, equal to \$450.00 deposit for each lot; and that the County provide an option or alternative, whichever may be the case, to the Developer that instead of this deposit of \$450.00 per lot for the 15-inch, 24-foot culvert pipe installed by the County, that they can go to a 50-foot right-of-way with a 27-foot back-to-back rollover curb and gutter. (NOTE: This applies to a residential arterial street.)

MOTION CARRIED.
(SEE EXHIBIT R)

This policy will go into effect sixty days from now, so as to allow for notice to the public. This policy applies for all subdivisions that are properly filed and reviewed with the County of Hidalgo within this sixty day time limit.

14C

A motion was made by Commissioner Garces and seconded by Commissioner Rosel, that within the building permit process there will be a solid waste disposal fee of \$5.00 per one hundred square feet of construction addition, deletion, renovation and demolition.

MOTION CARRIED.
(SEE EXHIBIT R)

A motion was made by Commissioner Rosel and seconded by Commissioner Garces, to amend the Solid Waste Policy, to do away with the per ton delivery of \$15.00; to do away with construction material delivery of pick-up of \$25.00, truck of \$100.00 and trailer of \$400.00; by applying the same policy of \$5.00 for one cubic yard; reaffirming our costs, as previously stated of:

- 1) a 32-gallon bag should be \$1.00,
- 2) delivery of tire to be \$1.00 each,
- 3) a 55-gallon drum of solid waste will be \$1.00, also
- 4) for delivery of large items like mattresses and appliances will be \$1.00.

The County Judge recommended that this policy be put into effect in thirty days, in order to give time to inform the public of the changes.

ITEM 15. URBAN COUNTY:

- A. APPROVAL TO ENTER INTO CONTRACT WITH SOUTH TEXAS RURAL DEVELOPMENT CORPORATION AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION
- B. CITY OF ALTON - HOME HOUSING REHABILITATION PROGRAM - CONSTRUCTION CONTRACT AWARD
- C. HOME - HOMEOWNER OCCUPIED HOUSING REHABILITATION APPLICATION
- D. CITY OF PALMVIEW - CHANGE OF ORDER NO. 1 - MISSION PAVING, CO.
- E. CITY OF SAN JUAN - CHANGE OF ORDER NO. 2 - SOUTH TEXAS UTILITY CONTRACTOR
- F. RESOLUTION AUTHORIZING COUNTY TO APPLY FOR AN ECONOMIC

DEVELOPMENT INITIATIVE GRANT
G. APPROVAL OF BILLS

15A

After a short briefing from Mr. Covacevich a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve contract with South Texas Rural Development Corporation as a Community Housing Development Organization.

MOTION CARRIED
(SEE EXHIBIT S)

15B

Mr. Covacevich is asking to reject the only bid due to it being too high. He is also requesting to readvertise. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to authorize the rejection of sole bid and authorize the readvertisement for bids for the Housing Rehabilitation Program for the City of Alton.

MOTION CARRIED
(SEE EXHIBIT S)

15C

A motion was made by Commissioner Arcaute which was seconded by Commissioner Garces to approve the three recommendations for the City of Hidalgo for owner Occupied Housing Rehab Program; deferred loan grant program. The amount is up to \$12,000.

MOTION CARRIED
(SEE EXHIBIT S)

15D

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve change order no. 1 in the amount of \$6,885 decreasing the contract from Mission Paving by said amount.

MOTION CARRIED
(SEE EXHIBIT S)

15E

A motion was made by Commissioner Arcaute and was seconded by Commissioner Rosel to approve a change order increasing the contract with South Texas Utility by \$6,652.

MOTION CARRIED
(SEE EXHIBIT S)

15F

After a briefing on what this particular grant was, a motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve resolution authorizing the submittal of a grant application for housing under Section 108 loan funds.

MOTION CARRIED
(SEE EXHIBIT S)

15G

After reading off the bills, a motion was made by Commissioner Garces and was seconded by Commissioner Arcaute to approve all bills as presented.

MOTION CARRIED
(SEE EXHIBIT S)

ITEM 16. EXECUTIVE SESSION:

Commissioner's Court may go into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.074 to discuss the following matter:

- A. DISCUSSION & ACTION ON DISALLOWED COST FOR FISCAL YEAR 1993 - OFFICE OF EMPLOYMENT AND TRAINING

At this time Commissioner's Court went into an Executive Session.

ITEM 17. OPEN SESSION:

- A. DISCUSSION & ACTION ON DISALLOWED COST FOR FISCAL YEAR 1993 - OFFICE OF EMPLOYMENT AND TRAINING

Judge Ruiz opened by stating that with questioned cost under all contracts in regards to severance pay, the total amount is \$13,625. He recommended there be no action at this time. At this time Mr. Salinas came forward to explain some of the other costs that accrued during 1993. Contract 0242 in the amount of \$61.00 was because OET had issued that check and then voided it but the bank went ahead and cleared it. That particular transaction included the check amount and the printing fee. He then stated that contract 07324 in the amount of \$9,350 was part of Metropolitan Bank. There was some question as to which transactions had gone through and which were voided. Some of these particular checks were unclaimed checks for approximately \$8,000. The other approximate \$1000 has not been cleared up at this time. Contract 09424 in the amount of \$96.00 as stated by Gloria Cantu-Garcia was that they paid participants payroll checks and those checks were voided. This was an error on behalf of the IRS. They had set a receivable. The next time the checks were issued they did reduce the amount by \$96.00 and made an incorrect journal entry. Subsequently, the money cannot be accounted for. Contract 06324 in the amount of \$695.00 was travel pay that was paid in advance to a board member who failed to provide a travel report therefore, there is no accounting for that. They are seeking to provide an affidavit on behalf of the board member stating dates to clear up this issue. Mr. Salinas feels that all of this will be resolved by May 8, 1995. As of this time there is no action needed at this time for this particular item.

NO ACTION

After some brief comments and statements a motion was made by Commissioner Sanchez and seconded by Commissioner Rosel to adjourn

MOTION CARRIED

There being no further action to come before this Commissioner's Court, this meeting is now adjourned.

DRAINAGE DISTRICT #1

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The Honorable J. Edgar Ruiz, County Judge, called the Drianage District Board meeting to order where the following proceedings were had to wit:

ITEM 1. RESOLUTION AUTHORIZING CONDEMNATION - RANCHO SANTA CRUZ DRAIN ELIVARIO GARCIA, ET AL

Vona Walker opened by stating that the Garcias' sold the property to the Rodriguez' but never gave them the conveyance. Now the Rodriguez' are trying to sell the property to the Vasquez' and cannot work things out. A motion was made by Commissioner Arcaute and seconded by Commissioner Sanchez to approve resolution and order in reference to Rancho Santa Cruz Drain - Elivario Garcia.

MOTION CARRIED
(SEE EXHIBIT T)

ITEM 2. PERMIT - CITY OF ELSA

A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve request for permit by the City of Elsa as presented.

MOTION CARRIED
(SEE EXHIBIT U)

A motion was made by Commissioner Arcaute which was seconded by Commissioner Garces to adjourn Drainage District Board.

MOTION CARRIED

There being no further business to come before the Drainage District Board, this meeting is hereby adjourned.

[Faint signature]

THERE BEING NO FURTHER BUSINESS TO COME
BEFORE SAID COURT, the meetings of the Commissioners' Court and
the Drainage District were hereby adjourned.

J. Edgar Ruiz _____
County Judge

Samuel Sanchez _____
County Commissioner, Precinct #1

Lalo Arcaute _____
County Commissioner, Precinct #2

Juan Rosel _____
County Commissioner, Precinct #3

Guadalupe "Lupe" Garces _____
County Commissioner, Precinct #4

Dated this 25TH day of APRIL, 1995.

ATTEST:

JOSE ELOY PULIDO, County Clerk
Hidalgo County, Texas



By: Aaron Betancourt
AARON BETANCOURT, Deputy