

The Honorable J. Edgar Ruiz, County Judge, called this Commissioner's Court to order, whereupon the following items were had to wit:

CONSENT AGENDA

ITEM 1. APPROVAL OF BILLS - COUNTY AUDITOR

GENERAL FUND	- #127588 - #127841	- \$1,706,880.95
SPECIAL REVENUE FUND	- #127067 - #127251	- \$2,650,915.86
DEBT SERVICE FUND	- # 1050 - # 1056	- \$ 389,582.93
ENTERPRISE FUND	- # 3056 - # 3060	- \$ 11,001.58

(EXHIBIT A)

ITEM 2. PLANNING DEPARTMENT:

- A. SUBDIVISION PLAT APPROVAL:
1. BRIDGE PLAZA SUBDIVISION - PCT. 1
 2. EAST CHEROKEE ESTATES - PCT. 2
 3. SOL BRILLA UNIT V - PCT. 2
 4. VALLEY YAMAHA SUBDIVISION - PCT. 2

(EXHIBIT B)

ITEM 3. PERMITS:

- A. NORTH ALAMO WATER SUPPLY - PCT. 1 & 4
- B. SOUTHERN UNION GAS - PCT. 3
- C. SOUTHWESTERN BELL TELEPHONE CO. - PCT. 3

(EXHIBIT C)

ITEM 4. INTERNAL LINE ITEM TRANSFER: (1996)

- A. PLANNING DEPARTMENT - NO ACTION

(EXHIBIT D)

ITEM 5. INTERNAL LINE ITEM TRANSFERS: (1997)

- A. JUVENILE PROBATION DEPARTMENT - GENERAL FUND - \$1,300.00
- B. PLANNING DEPARTMENT - \$1,525.00
- C. HEALTH DEPARTMENT - ECI - RISC MILESTONES - \$1,000.00
- D. HEALTH DEPARTMENT - SANITATION - \$400.00
- E. CONSTABLE PCT. 2 - \$620.00

(EXHIBIT D)

Judge Ruiz opened by stating that Commissioner Arcaute would not be present at this meeting. He then went on with the Consent Agenda following some announcements. There would be no action on item 4A. **A motion was then made by Commissioner Handy and was seconded by Commissioner Rosel to approve the Consent Agenda as amended deletion action on 4A.**

MOTION CARRIED

(EXHIBITS A-D)

REGULAR AGENDA

ITEM 1. AUXILIARY COURT:

- A. **APPROVAL TO CREATE ASSISTANT DISTRICT ATTORNEY**
- B. **SET SALARY**

1A&B

Judge Ruiz stated that this was a ratification of action that was taken the previous week. This will be to create and ADA position and set the salary at \$40,000. Fringes will be paid by the D.A.'s Office. Commissioner Rosel stated that the position had already been created. All they are doing now is setting the salary. **A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to ratify the creation of the position of assistant D.A. and setting salary at \$40,000 with fringe benefits to be paid from the investigation fund.**

MOTION CARRIED
(EXHIBIT E)

ITEM 2. HEALTH DEPARTMENT:

- A. **ORAS GRANT:**
 - 1. **AUTHORIZATION TO RECLASSIFY VACANT POSITION #3 - MEDICAL ASSISTANT TO AN LVN POSITION**
 - 2. **SET SALARY**
- B. **AUTHORIZATION TO RECLASSIFY POSITION #14 FROM IMMUNIZATION COORDINATOR TO LVN IMMUNIZATION COORDINATOR - HEALTH CLINICS**
- C. **REDUCE LVN POSITION #10 FROM \$24,845 TO \$22,635 AND ALLOCATE DIFFERENCE INTO POSITION #14, LVN IMMUNIZATION COORDINATOR AND SET SALARY**

2A1&2

Ofelia Espinoza that this vacant position currently has \$10,391. They also have undistributed funds in the amount of \$12,855. The fringes for the LVN position are appropriated. They will take \$12,244 from the undistributed funds. Judge Ruiz asked where this LVN will be used and Mrs. Espinoza stated that this she will be doing a new scope of work. Ledia Serna then addressed the Court and stated that because of the grant changing the its scope of work, this LVN will help her in cancer and cardiac prevention outreach and education for the County. The entire county has to be reached. This program must be in place before the fiscal year starts. This person will also assist in screening or other duties at the clinics. **A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve.**

MOTION CARRIED
(EXHIBIT F)

2B&C

Mrs. Espinoza stated that this position is currently in the Health Clinic Budget. The position is vacant and it has an amount of \$19,593. They would like this position to be classified as an Immunization Coordinator/LVN. This is for position 14. They also have position 10, LVN is appropriated at \$24,845. They salary being used from this amount is \$22,635. That leaves funds available in the amount of \$2,210.

They would like to use position 14 funds and the remainder of funds for position 10 to set the salary. This person handles the coordinating of immunization and biological aspect of the administration. They will also deal with the providers that the Health Department distributes vaccines to. Mrs. Serna feels that this person should be an LVN due to the scope of work. Judge Ruiz asked how much an LVN would know about auditing, bookkeeping and tracking vs. and accountant or business administration individual. Mrs. Serna stated that this individual will not deal with money per say but in fact will deal with the medical aspect of this such as ordering vaccines and/or medical supplies that she may need. Judge Ruiz did not feel that this aspect of administration should be dealt with by an LVN but it should be someone with administration experience. He did not feel comfortable recommending this. Mrs. Serna stated that if a nurse or herself is not available to answer questions from providers concerning vaccines or other medical questions, this person will be able to answer them. Sometimes her and the other nurses might go to other clinics and sites and therefore make them inaccessible. Commissioner Garces asked if this was needed very urgently. His reasoning for asking this is because he would like to wait for the Public Health Administrator to make this evaluation. The Commission was in agreement that this needed to be looked at more carefully. **The Commission took no further action at this time.**

***NO ACTION
(EXHIBIT F)***

ITEM 3. URBAN COUNTY:

- A. **CITY OF HIDALGO - APPROVAL OF BUDGET AMENDMENT FY 1996**
- B. **APPROVAL OF SECTION 108 APPLICATION FOR THE CITY OF LA JOYA FOR CONSTRUCTION OF A WATER TREATMENT PLANT**
- C. **APPROVAL OF RESOLUTION TRANSFERRING UCP FUNDS FROM THE CITY OF LA VILLA TO HIDALGO COUNTY/COUNTY-WIDE FUND**
- D. **APPROVAL OF BUDGET AMENDMENT - FY 1994 FOR THE CITY OF LA VILLA AND HIDALGO COUNTY WIDE**
- E. **CITY OF PROGRESO - APPROVAL OF PROFESSIONAL ENGINEERING CONTRACT FOR PROGRESO STREET IMPROVEMENTS WITH JAVIER HINOJOSA ENGINEERING**
- F. **SUBRECIPIENT AGREEMENT BETWEEN THE COUNTY OF HIDALGO PCT. 3 (FY 1996) AND EL PARAISO EBANOS, INC.**
- G. **CONSIDERATION AND APPROVAL OF YR. 8, 1996 COUNTY WIDE PROFESSIONAL ARCHITECTURAL SERVICE CONTRACT FOR PARKS AND RECREATIONAL FACILITIES IMPROVEMENTS FOR THE MONTE ALTO ISD**
- H. **AMERICAN RED CROSS - APPROVAL OF BUDGET AMENDMENT FOR ESG 1995**

3A

Anthony Covacevich stated that this budget amendment is in the amount of \$99,714.05 from water and sewer to street improvements. They will improve Tejano Drive. There is no change in the amount. **A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve budge amendment for City of Hidalgo, Urban County year 9 activities as presented.**

**MOTION CARRIED
(EXHIBIT G)**

3B

Anthony Covacevich opened by stating that they are seeking approval of the 424 form as well as a resolution. This will be a section 108 in the amount of 1 million dollars. The cash available to retire the debt on a yearly basis is \$260,104 and the debt on the project is \$152,312. The figures were prepared by First Southwest's Chris Vela at a rate of 7.03. The annual payment will be \$150,000 and the total payment will be \$1,418,285. The amount available inclusive the section 108 is \$1,900,000 and the construction amount at this time stands at under \$1,500,000. The way this is done is they secure their allocation and on a yearly basis, they will budget in their interlocal agreement the full amount of payment for that year which will be interest twice a year and principal in August. This amount is secured by section 108 and that represents 100% of the repayment. The amount of cash that is available after debt will guarantee the additional 15% that is required on an annual basis. They do have sufficient money to retire the debt but the allocation is a form of insurance of payment. Judge Ruiz wanted again to know how this is secured through section 108. Mr. Covacevich stated that this will be done through their urban county allocation of \$500,000 and out of that amount, they will set aside approximately \$150,000 depending on what is required that year. That amount is to secure payment to section 108. They also have monies from their revenues which is \$260,104 in cash. Commissioner Garces asked about not getting funding for urban county two years from now, what would happen? Mr. Covacevich stated that HUD requires that 15 to 20% additional cash be available in the case that something like this does happen. HUD figures that if Congress were to eliminate HUD or CDBG Funding, it will be done through a phase down process. This is totally dependent on future federal funding. If funding ceases, they will turn to the project for payment and if that is not sufficient enough, then it becomes part of the federal responsibility. Judge Ruiz asked what the liability will be. Mr. Covacevich stated that the liability is minimal in that full amount of the allocation will be used to retire the debt. If the government no longer existed, the County would not be liable for any of the money according to Mr. Covacevich. He stated that they had done this with the Edcouch project where they had a lien on the project and they also had repayment on the owner as well as the allocation. This situation is similar. The Commission is in favor of this project. They just want to limit the liability as much as possible due to projects the County wants to undertake. This is a guaranteed loan by HUD and their allocations. This is not in the name of the County or their lending ability and it will not go on the debt statements of the County. If HUD or Congress no longer allocated any monies, they look at 108 projects that they funded and resolve those issues with the cities. After further brief comments, **a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the resolution for the section 108 loan guarantee in which there are four sections; the application submittal, authorize the County Judge to sign, La Joya will abide by the provisions and La Joya will be responsible for repayment and La Joya's allocation will be used to satisfy the debt.**

**MOTION CARRIED
(EXHIBIT G)**

3C

Mr. Covacevich stated that this resolution would allow monies to be transferred from the City of La Villa to the County of Hidalgo. This is due to a finding by the Texas Department of Housing and Community Affairs. The reason they are taking this route is because there is no money in the general fund of the city. The amount of this funding is \$34,007.56. This amount is on some contracts with the State from 1985-1988. They will be allowed to pay from their allocation. The money will stay in the County to be used on a project that the State is interested in funding. This is the only way to resolve this issue for the City of La Villa. After further comments, **a motion was made by Commissioner Handy and was seconded by Commissioner Rosel to approve resolution transferring, authorize the transfer of Urban County Funds from the City of La Villa to Hidalgo County, Urban County, County Wide Fund that will further be used for the Hidalgo County Self Help Center.**

***MOTION CARRIED
(EXHIBIT G)***

3D

Mr. Covacevich stated that this was in relation to the action just taken. Being that they just accepted the \$34,000, then the next item is to approve the budget amendment that would reduce year 7 activity \$34,007.56 and moving it to Urban County year 7. **A motion was made by Commissioner Handy and was seconded by Commissioner Rosel to approve the budget amendment for year 7, City of La Villa and year 7, County Wide.**

***MOTION CARRIED
(EXHIBIT G)***

3E

Mr. Covacevich stated that this contract was with Javier Hinojosa Engineering in the amount of \$23,000. This will be for Street Improvements. After further comments, **a motion was made by Commissioner Handy and was seconded by Commissioner Garces to authorize a contractual agreement between Javier Hinojosa Engineering and County of Hidalgo, City of Progreso for street improvements. Amount of contract is anticipated for \$23,000.**

***MOTION CARRIED
(EXHIBIT G)***

3F

Mr. Covacevich stated that this agreement is for \$30,000 between the County and El Paraiso Ebanos Inc. The budget is \$31,200 instead of the \$14,000 listed on the exhibit. This agreement will allow for the purchase of some property to build a community center. After further comments, **a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the subrecipient agreement between the County of Hidalgo through Pct. 3, Urban County Funds and El Paraiso Ebanos Inc. allocating \$30,000 to this project.**

***MOTION CARRIED
(EXHIBIT G)***

3G

Mr. Covacevich stated that this contract will be used to pay for an architect to design and oversee the construction of a basketball court. The amount to be paid at this time is \$3,000. Monte Alto ISD may later wish to place a roof over this court but that will be at their expense. Also if the costs exceed the amount allocated which is \$25,000, then they will be responsible for covering any additional costs. **A motion was made by Commissioner Handy and was seconded by Commissioner Garces to award a professional service contract to Alcocer & Assoc. in the amount of \$3,000 for the Monte Alto ISD Parks and Recreation Facility Improvements.**

***MOTION CARRIED
(EXHIBIT G)***

3H

Mr. Covacevich stated that he Red Cross was asking for an increase of \$18,361.53 to their Essential Services Line Item and reduce Maintenance and Operation by this same amount. This will be used to house the homeless people in their own home or a hotel. This will be used for other essential services. After further comments, **a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to authorize a budget amendment in the American Red Cross ESG Budget reducing Maintenance and Operations by \$18,361.53 and increasing Essential Services.**

***MOTION CARRIED
(EXHIBIT G)***

ITEM 4. COUNTY JUDGE:

- A. DISCUSSION AND APPROVAL FOR VARIOUS PROFESSIONAL SERVICES RENDERED BY INDEPENDENT AUDITOR**
- B. BUDGET AMENDMENT**

4A&B

Judge Ruiz stated that this was placed on the agenda due to his office receiving several bills by the previous auditor, Burton, McCumber & Prichard. He wanted to bring to the Court for review because he did not know if there were any prior agreements concerning this issue. He then proceeded to mention what the bills covered as per the exhibit. Judge Ruiz also stated that he was under the understanding that this was requested by the County Auditor and did not know under what authority the auditor did so. After further discussion concerning these invoices, **there were several questions raised and the Commission decided to take no action until they are clarified.**

***NO ACTION
(EXHIBIT H)***

ITEM 5. PCT. 3:

- A. BUDGET AMENDMENT - TRANSFER FUNDS FROM R/B COUNTY WIDE TO GENERAL FUND**

B. APPROPRIATE FUNDS - GENERAL FUND**5A&B**

Judge Ruiz stated that this was in relation to the \$50,000 that were allocated the previous week. \$47,000 was needed for ambulance service. The other \$3,000 is undetermined. Judge Ruiz then stated that they do not want to transfer the whole amount. They just want to transfer \$47,000 from Road and Bridge County Wide to the General Fund to the issue of ambulance service. **Commissioner Rosel so moved and was seconded by Commissioner Garces to authorize transfer of funds from Road and Bridge County Wide to General Fund in the amount of \$40,000 to be appropriated into ambulance services.**

***MOTION CARRIED
(EXHIBIT I)***

ITEM 6. PLANNING DEPARTMENT:**A. PLAT APPROVAL:**

1. **BENTSEN LAKE SUBDIVISION - PCT. 4**

B. PRELIMINARY PLAT APPROVAL:

1. **RANCHITO ESCONDIDO SUBDIVISION - PCT. 3**

C. FINAL PLAT APPROVAL:

1. **TERRAZO DE ZAVALA - PCT. 3**

6A1

Emilio Garcia stated that this subdivision has been approved by the City of McAllen. All requirements have been met. Upon his approval, **a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve Bentsen Lake Subdivision as presented.**

***MOTION CARRIED
(EXHIBIT J)***

6B1

Mr. Garcia stated that this subdivision was in a rural area of the County in Pct. 3. This subdivision is 1 lot of 5 acres. This subdivision needs a cull de sac to be constructed at the beginning of the subdivision. Mr. Garcia is recommending preliminary approval subject to the developer completing the cull de sac. **A motion was made by Commissioner Rosel and was seconded by Commissioner Handy to give preliminary plat approval to Ranchito Escondido Subdivision in pct. 3 as presented.**

***MOTION CARRIED
(EXHIBIT J)***

6C1

Mr. Garcia stated that the preliminary approval had been granted the previous year on 12/9/96. Since then, all improvements have been completed by the developer in accordance to the City of Mission and the County. Upon his recommendation, **a**

motion was made by Commissioner Rosel and was seconded by Commissioner Handy to give final plat approval to Terrazo De Zavala in pct. 3 as presented.

***MOTION CARRIED
(EXHIBIT J)***

ADD. #1. PLANNING DEPARTMENT:

**A. DISCUSSION AND ACTION ON AMENDMENT TO HIDALGO COUNTY
SUBDIVISION REGULATIONS AS THEY RELATE TO THE
INSTALLATION OF CULVERT PIPES**

ADD. 1A

Judge Ruiz stated that this was in reference to item 9.213.2 of the subdivision regulations. He paraphrased the regulations to say that before final plat approval, \$450 will be paid to the County so that the County can install the pipe as prescribed by the County Engineer. He felt that there was a lot going wrong with this section. He has discussed this with several developers and he has received some mixed reactions although more positive than negative. Some developers feel that this amount is excessive and they feel that it would be as cost effective to provide curb and gutter vs. culvert pipes. They would also like to cover the pipe through the letter of credit that is submitted for all other improvements as opposed to cash. **Judge Ruiz is now recommending that the regulations be amended to read that all ½ acre tract lot subdivisions, instead of installing culvert pipes, that they be curb and gutter.** Everything would stay the same as far as the current requirements. Emilio Garcia read out the amounts by precincts that were for culvert pipes. Pct. 1 has \$92,450, Pct. 2 has \$52,860, Pct. 3 has \$340,599 and Pct. has \$225,517. **Judge Ruiz then suggested another approach to take to this issue. Any lots 1 acre and under will have curb and gutter. Any lots 1 acre and above will have culvert pipes. Instead of giving the deposit for the pipes, they can tie it to the septic tanks. The septic tank permits will not be approved for final approval until the culvert is installed.** Using this method, the Commission felt that this would give them more policing authority and there will be no deposit. This will be the sole responsibility of the developer or the owner. A discussion ensued where the Commission expressed different methods concerning the installation of culvert pipes. Following further comments, the Commission followed the recommendation of Judge Ruiz that subdivisions less than 1 acre tract of land, subdivisions with lots less than one acre should be curb and gutter. Anything above should be culvert pipes and they should be installed prior to final approval of the septic tank permit. **Mr. Garcia asked about those subdivisions that have mixed lots such as some over 1 acre and some less. Judge Ruiz stated that this would be an exception to the rule and they will have to deal with that exception. He would like to bring something back to the next meeting to address this. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to amend our subdivision regulations 9.213.2 to reflect that all subdivision plats that are platted with lots less than one acre, all new roads should be curb and gutter. All subdivision plat with one acre and above should be with culvert pipes. Said culvert pipes to be installed by property owners and should be installed prior to final approval of the septic tank permit.**

MOTION CARRIED

(NO EXHIBIT)

Judge Ruiz also added that the developer had to option to curb and gutter on the one acre or above if they wanted to do so. At the minimum, there would be culvert pipes. The effective date will be March 1, 1997.

ADD. 2. DISCUSSION AND ACTION ON SIGNATURE AUTHORITY OF COUNTY JUDGE ON PURCHASE REQUISITIONS AND PURCHASE ORDERS

Judge Ruiz opened by stating that he had spoken with Mrs. Salazar concerning this issue. The reason for this is because the route of the requisitions and order is contrary to the purchasing authority. He feels that the intent of the purchasing policy is that the requisition should be directed to the Judge's Office. It should have an estimate of what something might cost. It should not have any vendor's on it and by this requisition, the buyer is saying that they have enough funds to pay for the item. The Judge gives the okay to buy the item. The requisition then goes to the Purchasing Agent. Then the agent obtains the quotes necessary to confirm either the estimate or the price that is there. The purchase order is then printed and sent the Judge's Office for signature and then bought. The way the policy is going now, is they are getting the requisition and order all together along with quotes, estimates and signatures. As far as this is concerned, the item is bought. The only person that should both the requisition and the PO is the Purchasing Agent. Any other way is an improper check and balance. What Judge Ruiz is trying to say is the that the requisition should not be signed by the County Judge. Only the purchase order. He can waive that signature authority. The only thing that should come to the Judge's Office is the PO. He will in effect be the last step as opposed to the first and last. After further brief comments, Judge Ruiz requested a motion and second to approve an order that the County Judge waive his authority on signing of all requisition forms. He stated that in doing so, there will be added responsibility for the Court as a whole being that claims will have to be reviewed more carefully by the Commission. **Commissioner Rosel then so moved and was seconded by Commissioner Garces to approve an order authorizing County Judge authority to waive signature authority on the requisition form.**

**MOTION CARRIED
(EXHIBIT K)**

This will be effective March 1, 1997.

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to adjourn Commissioner's Court.

MOTION CARRIED

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

DRAINAGE DISTRICT

The Honorable J. Edgar Ruiz, County Judge, called this Drainage District Board Meeting to order, whereupon the following items were had to wit:

CONSENT AGENDA

ITEM 1. PERMITS:

- A. CITY OF EDINBURG
- B. CITY OF EDINBURG

(EXHIBIT L)

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve two permits by the City of Edinburg as presented.

MOTION CARRIED
(EXHIBIT L)

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to adjourn Drainage District.

MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS DRAINAGE DISTRICT, THIS MEETING IS ADJOURNED.