

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

CONSENT AGENDA

ITEM 1. APPROVAL OF CHECK REGISTER AND PAYMENT OF CLAIMS/BILLS - COUNTY AUDITOR

GENERAL FUND - #129919 - #130140 - \$986,975.63
SPECIAL REVENUE FUND - #129151 - #129327 - \$686,648.51
DEBT SERVICE FUND - # 1075 - # 1077 - \$128,517.17
TRUST AND AGENCY FUND - # 6230 - # 6259 - \$466,035.45

(EXHIBIT A)

ITEM 2. MONTHLY COLLECTION REPORTS:

A. LAW LIBRARY - MARCH 1997 - \$1,022.25

(EXHIBIT B)

ITEM 3. APPROVAL OF COMMISSIONER'S COURT MINUTES:

- A. AUGUST 06, 1996
- B. AUGUST 12, 1996
- C. AUGUST 20, 1996
- D. AUGUST 27, 1996

ITEM 4. PLANNING DEPARTMENT:

A. SUBDIVISIONS:

- 1. PCT. 1:
 - a. RESUBDIVISION OF TRACT 2 OF THE H.E. VOGEL SUBDIVISION
- 2. PCT. 2:
 - a. COMANCHE SUBDIVISION
- 3. PCT. 3:
 - a. RANCHO HEIGHTS SUBDIVISION
 - b. SHARY BUSINESS CENTER
 - c. SUBDIVISION OF LOTS 56A & 56B MISSION ACRES SUBDIVISION
- 4. PCT. 4:
 - a. CASSANDRA SUBDIVISION
 - b. WILSON SUBDIVISION

(EXHIBIT C)

ITEM 5. RIGHT OF WAY:

- PERMITS - PCT. 1
 - 1. NORTH ALAMO WATER SUPPLY
- PERMITS - PCT. 2
 - 1. NORTH ALAMO WATER SUPPLY
- PERMITS - PCT. 3
 - 1. SOUTHWESTERN BELL
- PERMITS - PCT. 4
 - 2. COASTAL OIL & GAS CORPORATION

1. NORTH ALAMO WATER SUPPLY
(EXHIBIT D)

ITEM 6. INTERNAL LINE ITEM TRANSFERS:
A. COUNTY JUDGE - \$ 72.67
B. 92ND DISTRICT COURT - \$1,000.00
(EXHIBIT E)

A motion was made by Commissioner Handy and was seconded by Commissioner Garces to approve the Consent Agenda as presented.

MOTION CARRIED
(EXHIBITS A-E)

REGULAR AGENDA

ITEM 1. TAX OFFICE:
A. AUTHORIZATION TO REFUND ALBERT TURRUBIARTES \$591.20

1A

A motion was made by Commissioner's Court Garces and was seconded by Commissioner Handy to approve the tax refund as presented.

MOTION CARRIED
(EXHIBIT F)

ITEM 2. RURAL FIRE DISTRICT #4
A. APPROVAL OF A 30 DAY EXTENSION FOR SUBMISSION OF THE RURAL FIRE DISTRICT #4 AUDIT FROM APRIL 30 TO MAY 30, 1997

7A

Judge Ruiz stated that this is another extension request. They were previously approved an extension. After further comments, **a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve a 30 day extension for the submittal of the audit by Rural Fire District #4.**

MOTION CARRIED
(EXHIBIT G)

ITEM 3. HUMAN SERVICES:
A. APPROVAL OF SETTLEMENT IN THE AMOUNT OF \$3,629.44 FOR INDIGENT HEALTH CARE SERVICES RENDERED TO HUMBERTO MATA IN 1992 - THIS AMOUNT WAS SUBSEQUENTLY RECOVERED VIA CIVIL LITIGATION

3A

Rudy De La Vina stated that this will be 100% repayment to the County as a result of litigation. **A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve \$3,629.44 for reimbursement due to**

settlement under civil charges of Humberto Mata.

MOTION CARRIED
(EXHIBIT H)

ITEM 4. JUVENILE PROBATION:

- A. APPROVAL OF SETTLEMENT IN THE AMOUNT OF \$8,000.00 OF THE 1996 STATE FUNDS (6-180-423-700) INTO THE 1997 BUDGET (7-180-423-700.95)

4A

Buddy Silva addressed the Court and stated that these were interest earned funds. They were using these monies to upgrade their computers. **A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to authorize the re-appropriation of \$8,000 which are state funds, program income from 1996 to 1997 budget.**

MOTION CARRIED
(EXHIBIT I)

ITEM 5. CONSTABLE PCT. 2:

- A. DISCUSSION REGARDING THE NEED FOR CONSTABLE PCT. 2 TO HIRE ADDITION DEPUTY CONSTABLES IN ORDER TO COMPLY WITH JUSTICE OF THE PEACE MARTINEZ ORDER THAT A CONSTABLE BE PRESENT AT EACH J.P. COURT (TEXAS GOVERNMENT CODE 86.021 (e) "THE CONSTABLE SHALL ATTEND EACH JUSTICE COURT HELD IN THE PRECINCT)
- B. APPROVAL OF ONE DEPUTY CONSTABLE POSITION AND SET SALARY AT \$18,017.73
- C. APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$14,011.00

5A,B&C

Gilbert Alaniz addressed the Court and stated that he is in need of another deputy due to a problem he has had with Judge Martinez since he took office. Judge Martinez is ordering that a deputy be present at all times when court is in session for service as a bailiff. This is an inconvenience to him due to him having only two deputies. Mr. Alaniz has attempted to send him reserve officers but the Judge has not been satisfied. He is requesting assistance from the Commission. Mr. Alaniz stated that he has correspondence that he will be incarcerated if he does not comply. The law does state that he shall provide a bailiff but he does not feel it has to be 8 hours per day. Because of this order, he is losing a constable. This problem has not existed in the past because his deputies were only called on an as needed basis. Commissioner Rosel then added to he does not see a need at this time. Commissioner Garces feels that the J.P. should be present to ask him some questions and attempt to work this out. The Commission was not in favor of this being that they have to look after the budget and if they provide one deputy to serve as bailiff, then the other precincts will want a deputy and they do not feel that they should hire 9 deputies just to fill one bailiff position. If anyone will get deputies, it will be the Sheriff's Department. Judge Ruiz also added that

if Judge Martinez takes one of Mr. Alaniz' employees, the Court will take an employee from the J.P. After further comments, **the Commission took no further action.**

NO ACTION
(EXHIBIT J)

ITEM 6. HEALTH DEPARTMENT:

- A. APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$5,000 FOR AUTO ALLOWANCE - HEALTH INSPECTOR ACCOUNT - 7-010-441-440.09
- B. RECLASSIFY VACANT POSITIONS:
 - 1. #14 IMMUNIZATION COORDINATOR TO NETWORK MANAGER ACCOUNT #7-010-400-700)
 - 2. #7 ASSISTANT TB MANAGER TO NETWORK MANAGER (ACCOUNT #7-150-441-727 TITLE V GRANT)
- C. SET SALARY OF NETWORK MANAGER AT \$36,000 TO BE PAID FROM GENERAL FUND AND TITLE V GRANT MONIES

6A

Michael Keenan addressed the Court and stated that this request due to the inspector always using his own vehicle to conduct inspections because of the lack of vehicles to go around. This is also attributed to the growth of inspections. After further comments, **a motion was made by Commissioner Garces and was seconded by Commissioner Handy to approve a budget amendment for an auto allowance of \$5,000 annual to be prorated thru December 31.**

MOTION CARRIED
(EXHIBIT K)

6B&C

Dr. Keenan stated that he would like to take these two positions and make one known as the Network Manager. These two positions are vacant at this time. This position is needed to centralize all clinics to one network. This person will manage the ICES program. As it stands now, the clinics cannot communicate with each other. After further comments, **a motion was made by Commissioner Handy and was seconded by Commissioner Garces to delete Immunization Coordinator and delete Assistant TB Manager and create the position of Network Manager at an annual salary of \$36,000.**

MOTION CARRIED
(EXHIBIT K)

ITEM 7. RIGHT OF WAY:

- A. RESOLUTION ACCEPTING RECOMMENDATION OF THE TEXAS DEPARTMENT OF TRANSPORTATION TO CHANGE DESIGNATION OF A PORTION OF JACKSON ROAD FROM FM 3420 TO FM 3362 (THE ENTIRE LENGTH OF JACKSON FROM US 83 BUSINESS TO SH 107

7A

Vona Walker addressed the Court and stated that the Department of Transportation would like to delete FM 3420 and make it all FM 3362 from Business 83 to 107. This is in relation of Jackson Road. This portion of road was split into two Farm To Market designations back in the 70's. **A motion was made by Commissioner Garces and was seconded by Commissioner Handy to designate a portion of Jackson Road 3362; that portion is from U.S. Business 83 to SH 107.**

MOTION CARRIED
(EXHIBIT L)

ITEM 8. PCT. 1:

- A. AUTHORIZATION TO PAY OVERTIME TO AMADO RIVERA FOR WORK PERFORMED DURING FLOOD AND TRANSFER FUNDS FROM COUNTY WIDE ROAD AND BRIDGE TO PCT. 1 PAVED/UNPAVED IN THE AMOUNT OF \$736.93

8A

Commissioner Handy stated that this individual was left out from the original request. **A motion was made by Commissioner Handy and was seconded by Commissioner Garces to approve.**

MOTION CARRIED
(EXHIBIT M)

ITEM 9. URBAN COUNTY:

- A. HIDALGO COUNTY - PUBLIC HEARING ON FY 1997 CONSOLIDATED PLAN UPDATE ON ONE YEAR ACTION PLAN FOR C.D.B.G., HOME AND E.S.G. FUNDING
- B. HIDALGO COUNTY - APPROVAL OF RESOLUTION AUTHORIZING URBAN COUNTY TO SUBMIT ITS FY 1997 CONSOLIDATED PLAN UPDATE ON ONE YEAR ACTION PLAN FOR C.D.B.G., HOME AND E.S.G. FUNDING
- C. EXTENSION ON LETTER OF COMMITMENT TO MORTGAGE COMPANY ON HOME FIRST TIME HOME BUYER CONTRACT AGREEMENT (1 FAMILY)
- D. HOME FIRST TIME HOME BUYER CONTRACT AGREEMENT AND LETTER OF COMMITMENT TO MORTGAGE COMPANY (1 FAMILY)
- E. RESOLUTION ADOPTING GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT IN REINVESTMENT ZONES CREATED IN UNINCORPORATED AREAS OF HIDALGO COUNTY, TEXAS

9A

Judge Ruiz opened this item for public hearing. Anthony Covacevich stated that this public hearing is the end of the public comment period of 30 days that was begun in his office. There will be a combined total for all the programs of \$10,937,000.00 for one year. Mr. Covacevich gave a breakdown of this plan update. This plan is due to HUD by May 12. The figures for this program can be found at the

office of Urban County. After further comments from the Commission and there being no comments from the public, **Judge Ruiz closed the public hearing.**

NO ACTION

9B

Mr. Covacevich stated that this resolution called for a funding year of \$10,937,000 and authorizes the County Judge to sign any and all documents in relation to the plan. **A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to authorize a resolution to submit our consolidated plan for action plan for CDBG, HOME and ESG funding and authorize County Judge to sign all documents thereof.**

MOTION CARRIED
(EXHIBIT N)

9C

Mr. Covacevich stated that this was an extension of 90 days due to inclement weather. **A motion was made by Commissioner Handy and was seconded by Commissioner Garces to approve 90 day extension of letter of commitment to mortgage company, first time home buyer, Mr. Pedro Rodriguez Jr.**

MOTION CARRIED
(EXHIBIT N)

9D

Mr. Covacevich stated that one family has qualified for this program under the set guidelines. **A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve first time home buyer contract with Sinai Ramirez and approve letter of commitment to Texas State Bank under the Home Program.**

MOTION CARRIED
(EXHIBIT N)

9E

Mr. Covacevich stated that that the reason for this is because this has been an effective economic tool for the County. This extends the current guidelines for another two years. The most recent guidelines expired in 1996 and there is currently a company ready to locate within the County once this is adopted. This will be effective today. After further comments, **a motion was made by Commissioner Rosel and was seconded by Commissioner Handy to approve.**

MOTION CARRIED
(EXHIBIT N)

ITEM 10. PLANNING DEPARTMENT:
A. SUBDIVISIONS:

1. SANTO VICTOR SUBDIVISION - PCT. 4
- B. PRELIMINARY APPROVAL:
 1. PORSALDO SUBDIVISION - PCT. 4
- C. DISCUSSION AND POSSIBLE ACTION:
 1. DOUBLE Z SUBDIVISION - PCT. 4

10A1

Emilio Garcia stated that this subdivision has met the regulations in accordance to the County. He is recommending approval of this subdivision subject to the completion of the drainage swale. Vona Walker added that they should move the swales to run north and south on each lot. The swales are currently on the high elevation of the subdivision. The Commission was in agreement with this. After further comments, **a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to give Santo Victor Subdivision final plat approval conditioned on the swales be built on the east side along Terry Road for detention.**

MOTION CARRIED
(EXHIBIT O)

10B1

Mr. Garcia stated that they have met prelim requirements and he is recommending approval subject to the extension of the water line to the subdivision. Currently, for this subdivision to have water, they must have an extension for the services. There is no letter of credit but there is a letter from north alamo water for this extension. The engineer stated that the work for the extension will begin as early as today. There were some questions on behalf of the Commission. The extension will done by the developer. After further comments, the questions were clarified and **a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve preliminary plat approval on Porsaldo Subdivision in pct. 4.**

MOTION CARRIED
(EXHIBIT O)

10C1

Mr. Garcia stated that this subdivision is in the rural area of the County. This subdivision is in a Zone A flood plain with some lots and partially in a Zone C and the rest were in the Zone A. They have resubmitted this subdivision to FEMA to for approval after they found that some of these lots were partially on Zone C. During further comments, the Commission voiced their disapproval of this subdivision. Mr. Garcia still recommended the prelim approval of this subdivision. **A motion was made by Commissioner Garces but died for lack of a second.**

MOTION DIED (LACK OF SECOND)
(EXHIBIT O)

ITEM 11. DISCUSSION AND POSSIBLE ACTION ADAM LEE SUBDIVISION - MRS. HINOJOSA

Emilio Garcia stated that this subdivision was recorded back on December 28, 1981 before the subdivisions regulations were set up. They are now attempting to get permits from his department. This subdivision has not been completed. There is pending litigation concerning this subdivision. Commissioner Garces stated that he was concerned about this subdivision being that there is pending litigation and he did not approve the submittal of this subdivision on the agenda. Mr. Hinojosa addressed the Court and pleaded with them being that they have the authority to approve this subdivision and go ahead and approve it. This subdivision lacks light and water at this time and this is why they are asking for approval. They have been trying to wait on this lawsuit to be settled but it is taking to long. Mr. Crain also recommended to the Court that they be careful being that there is pending litigation. Brinkley Oxford addressed the Court and stated that he is representing some of these individuals. The County filed this suit in 1994. He stated that there are lots of problems in getting a clear title and there are about 5 families out there. He feels that this suit is a long shot at best. In order to obtain a clear title and begin construction, they will have to have the permission of the City of Edinburg, the water district, Hidalgo County, Attorney General, the developer, the semi developer, the developer that they are searching for and the original owner who now has an estate and some people who have and hand written receipt from a man who is deceased. During further comments, the Commission decided to proceed with the lawsuit that is pending. **No further action was taken.**

NO ACTION
(EXHIBIT P)

ITEM 12. PURCHASING DEPARTMENT:

- A. AWARD BID FOR CRUSHED CALICHE FOR PCT. 1, 2 & 4
- B. APPROVAL OF CONTRACTS FOR MEDICAL SUPPLIES - GENEMED PHYSICIANS SPECIALTIES, INC. AND EQUIPMENT
- C. APPROVAL OF CONTRACTS FOR MEDICAL SUPPLIES - INTERNATIONAL MEDICAL SUPPLY
- D. DISCUSSION AND POSSIBLE ACTION REGARDING THE AWARD OF RFP FOR ADULT DETENTION FACILITY "INMATE PAY TELEPHONE"
- E. APPROVAL OF CONTRACT FOR AUCTIONEER SERVICES WITH BOND & BOND

12A

Martha Salazar stated that there was only one bid by Valley Caliche Products in the amount of \$2.14 per ton and they are the present vendor and there was not change in the amount. **A motion was made by Commissioner Garces and was seconded by Commissioner Handy toward bid to the lowest bidder the sole bidder be it Valley Caliche Products from the DeKock Pit at \$2.14. This is a bid for one year.**

MOTION CARRIED
(EXHIBIT Q)

12B

Mrs. Salazar stated that this was a multiple award. This contract is with

Genemed Physician Specialties Inc. **A motion was made by Commissioner Handy and was seconded by Commissioner Garces to approve a contractual agreement for one year for medical supplies and equipment with Genemed Physician Specialties Inc. as per bid.**

MOTION CARRIED
(EXHIBIT Q)

12C

A motion was made by Commissioner Handy and was seconded by Commissioner Garces to approve a one year contractual agreement with International Medical Supplies Inc. for medical supplies.

MOTION CARRIED
(EXHIBIT Q)

12D

Mrs. Salazar stated that there is currently a contract with another vendor and they have had this contract for 3 years. She is now bringing forth the top three vendors that scored the highest in their grading. The Sheriff's Department is not recommending anyone at this time. The only thing they have addressed is where the commission go. Whether it be his department or the general fund. Commissioner Arcaute stated that he has followed this issue and he has read the proposals. Based on the proposal, **Commissioner Arcaute made a motion that they take the bid of Conversant. The motion was seconded by Commissioner Rosel. Commissioner Handy concurs with the recommendation of Commissioner Arcaute.** After some discussion, **the motion to award bid to Conversant for a period of two years pending negotiations and final form review of the contract.**

MOTION CARRIED
(EXHIBIT Q)

12E

A motion was made by Commissioner Arcaute and was seconded by Commissioner Garces to approve the contract for auctioneer services with Bond & Bond in Edinburg, Texas

MOTION CARRIED
(EXHIBIT Q)

A motion was made by Commissioner Handy and was seconded by Commissioner Rosel to adjourn.

MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS COMMISSIONER'S COURT, THIS MEETING STANDS ADJOURNED.