

REGULAR MEETING – NOVEMBER 05, 2002

BE IT REMEMBERED, that on this 5th day of Nov., A.D., 2002, there was begun and held a **REGULAR MEETING** of the Honorable Commissioners' Court of Hidalgo County, Texas, wherein the following members thereof were present, to-wit:

HONORABLE JOSE ELOY PULIDO	HIDALGO COUNTY JUDGE
HONORABLE SYLVIA HANDY	COMMISSIONER, PRECINCT NO. 1
HONORABLE HECTOR (TITO) PALACIOS	COMMISSIONER, PRECINCT NO. 2
HONORABLE JOSE FLORES	COMMISSIONER, PRECINCT NO. 3
HONORABLE OSCAR L. GARZA JR.	COMMISSIONER, PRECINCT NO. 4

and **J.D. SALINAS, COUNTY CLERK & EX-OFICIO CLERK OF THE COMMISSIONERS' COURT** of Hidalgo County, Texas, wherein the following proceedings were had, to-wit:

**COUNTY OF HIDALGO
JOSÉ ELOY PULIDO
COUNTY JUDGE**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Commissioners' Court will be held on TUESDAY, NOVEMBER 05, 2002 at 9:30 A.M., in the Commissioners' Courtroom of the Administration Building, 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 counted present.

2. Pledge of Allegiance

At this time, Judge Pulido called on Noe Montes to lead the Court and Audience in reciting the Pledge of Allegiance.

3. Prayer

Noe Montes led the Court and Audience in Prayer.

4. Open Forum

- Godfrey Garza made a presentation on the recent weekend rains, and FEMA study.
- Raul Lozano made a presentation on the recent rains and potholes.

5. 370th District Court: (SEE EXHIBIT G)

A. Approval of Resolution to declare November 18-22 as "Keep Justice Alive" Week

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

6. Budget Officer: (SEE EXHIBIT H)

A. Criminal Auxiliary Court:

1. Approval to create line item 529 (surety/notary bond)

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval.

2. Approval of line item transfer - \$ 160.00

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

B. Purchasing Department:

1. Approval to create line item 719 (land – other)

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

2. Approval of line item transfer - \$ 850.00

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

C. 370th District Court:**1. Approval to create line item 431 (repair/maint. serv.)**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

2. Approval of line item transfer - \$ 3,000.00

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval.

D. Sheriff Department:**1. Approval of budget amendment - \$ 30,000.00 (telephone)**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

7. County Auditor: (SEE EXHIBIT I)**A. Discussion and action to allow County Auditor to fill two (2) vacant positions**

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval.

8. Sheriff's Department: (SEE EXHIBIT J)**A. Approval to appropriate budget amendment for \$ 997,990.00 for the U.S. Department of Justice – COPS More 2002 Grant**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

9. County Judge: (SEE EXHIBIT K)**A. Approval of Contract with Attorneys for Contemplated Litigation**

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval.

10. Urban County: (SEE EXHIBIT L)**A. Request approval of one (1) applicant under the HOME Homeowner Occupied Housing Rehabilitation Program – County Wide area**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval.

B. HOME Housing Rehabilitation Program Construction Contract Award to JLQ Construction for two (2) units – City of Hidalgo

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

C. Special Consideration for elderly – Request for approval of two (2) applicants for EMERGENCY Assistance, including quotes for repair under the HOME Homeowner Occupied Housing Rehabilitation Program in the County Wide Area

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

D. Consider and approve city/precinct administration justification and requests for eligibility determination of Program Administration expenses

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve the ones who have complied with the requirements.

E. 2003 Colonia Construction Application – Approval of Colonias Recommended for the 2003 Colonia Construction Application

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval.

F. Approval of a Professional Services Agreement with Sigler, Winston, Greenwood & Associates – City of Progreso Lakes for Water/Sewer Improvements – UCP Year 14 (2001) & Year 15 (2002)

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

11. Planning Department: (SEE EXHIBIT M)

A. Final Plat Approval with Letter of Credit:

1. Rancho Esquina Subdivision – Pct. #4

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval.

Commissioner Garza is away from the Court.

12. Pct. #1: (SEE EXHIBIT N)

A. Request authority to dedicate and name a road in the Wes-Mer Subdivision as per petition: José Eloy Pulido St.

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

B. Request approval to extend contractual agreements with the Rio Grande Valley Empowerment Zone for the following projects: (CORRECTED)

1. Monte Alto Drainage Project to June 30, 2003
2. Monte Alto Community Park Project to June 30, 2003
3. Mile 2 West Rd. Improvement Project to June 30, 2003

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote to approve 12.B.1-3.

C. Approval to create obj. 540 (advertising) under Acct. #2-1332-419-00-121-021-0 (CIP Buildings)

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

D. Approval to transfer funds from Acct. #2-1332-419-00-121-021-0-452 (bldg. add. & renovations) to 2-1332-419-00-121-021-0-540 (advertising)

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

13. Pct. #4: (SEE EXHIBIT O)

A. Approval of line item transfer – CIP

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval in the amount of \$20,000.00.

Commissioner Handy is away from the Court.

B. Request authorization to accept cost-share funds from the following subdivisions:

1. **Tierra Buena #1**
2. **Tierra Buena #2**

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote to approve item 13.B.1 & 2.

C. Request approval to appropriate donations into expense Acct. #2-1204-431-00-124-007-0-731

- Tierra Buena #1 was valued at \$15,090.00.
- Tierra Buena #2 was valued at \$1,770.00.

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval in the total amount of \$3,360.00.

14. Human Services: (NO EXHIBITS)

A. Discussion and/or action, including, but not limited to the following items:

1. **Indigent Health Care expenditures**
2. **Modify Services being provided**
3. **Report and Recommendations regarding Indigent Health Care**

Report made. NO ACTION taken on item 14.A.1-3.

Commissioner Handy joined the meeting.

15. Purchasing Department: (SEE EXHIBIT P)

A. HIDALGO COUNTY -

1. Discussion and/or action, including, but not limited to the following items:

a)	Present Hidalgo County Jail-Total inmate population	1072
	• Physical Count:	522
	• Out of County Count: La Villa Facility (LCS):	221
	Brooks:	329

2. Current inter-local(s) and/or contract(s) for the “Housing of Inmates”;

Nothing to report. NO ACTION taken on this item.

3. New Adult Detention Facility and Law Enforcement Center Project:

- a) **Detention Facility Law Enforcement Center Design-Build Contract Amendments (if any);**
- b) **Report and Recommendations from Consulting Architect;**
- c) **County Auditor’s Report Detention Facility Law Enforcement Center Project paid and pending payment request approval;**

Nothing to report. NO ACTION taken on item 15.A.3.a, b or c.

Commissioner Garza joined the meeting. Commissioner Flores is away from the Court.

2. **Requesting authority to publish an advertisement for the “Sale of a House and/or Structures” located in and owned by Hidalgo County Precinct No. 2. Note: Sale to include successful bidder’s responsibility for all expenses and liability related to the removal of the house and/or structures form the property;**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval.

Commissioner Flores joined the meeting.

3. **Requesting approval to obtain a Fair Market Value (FMV) appraisal for the improvement(s), or in the alternative, accept the “Real Estate Appraisal Report” (Texas Department of Transportation) figures to set the;**

MINIMUM BID AMOUNT \$ 22,397.00 including all expenses associated with the removal of the house and/or structures from the property

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval to accept the recertified appraisal.

Commissioner Garza is away from the Court.

C. HIDALGO COUNTY PRECINCT NO. 3 -

1. **Requesting approval to appropriate from the General Fund proceeds received from the sale of land in Precinct No. 3 to Richard Gillette in the amount of \$25,402.00 to the following account: 2-1203-431-00-123-005-0 and create object code 719; (this action properly sets up the account number and object code in the event of real property acquisition by Precinct No. 3).**

On motion of Commissioner Flores, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval.

D. HIDALGO COUNTY PRECINCT NO. 4 -

1. **Requesting authority to advertise for “Oxford Road Improvements-Capital Improvement Project”**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

E. HIDALGO COUNTY CONSTABLE PRECINCT NO. 2 -

1. **Requesting to remove from inventory a 2001 Ford Crown Victoria Asset No. 036554. Vehicle was involved in an accident and declared a “Total Loss”.**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

Commissioner Palacios is away from the Court.

F. HIDALGO COUNTY JUVENILE JUSTICE COURT -

1. **Presentation for consideration, discussion and approval of claim(s) (invoices #s 200200007 dated 9-30-02 for \$2,700.00 & 200200017 dated 10-22-02 for \$2,700.00) totaling \$5,400.00 from Border Visions for professional consulting services rendered to and as requested/directed by Hidalgo County Juvenile Justice Court with authority for Auditor in issue payment (after review, verification and processing procedures completed).**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

G. HIDALGO COUNTY COMMUNITY SERVICE AGENCY -

1. **Recommending bid award to the highest score bidder meeting all specifications attached hereto for: "Repairs and/or Replacement of Heater & Propane Gas Tanks".**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

2. **Requesting approval of contract to the highest score bidder meeting all requirements and specifications for: "Repairs and/or Replacement of Heater & Propane Gas Tanks" Note: A fully executed copy of the contract will be forwarded to the Hidalgo County Auditor's Office.**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

At this point, the Court proceeded with the Addendum.

16. Closed Session: (SEE EXHIBIT R)

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to go into Executive Session.

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

- A. **Real Estate Acquisition**
- B. **Claim by Hidalgo County Sheriff's Department vs. Hidalgo County Civil Service Commission and Jessie Rodriguez**

Upon return, Judge Pulido certified that NO ACTION had been taken in Executive Session.

17. Open Session:**A. Real Estate Acquisition**

Commissioner Palacios joined the meeting.

Parcel located on Sugar Road, Parcel #11. Property was appraised at \$34,050.00. Settlement offer in the amount of \$39,6000.00.

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

- B. **Claim by Hidalgo County Sheriff's Department vs. Hidalgo County Civil Service Commission and Jessie Rodriguez**

NO ACTION taken on this item.

18. Closed Session:

Commissioners' Court may reconvene into Closed Session for the discussion regarding the agenda items listed

NO ACTION taken on this item.

19. Open Session:

Commissioners' Court may reconvene into Open Session for the discussion regarding the agenda items listed

NO ACTION taken on this item.

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to adjourn this day's meeting.

**COUNTY OF HIDALGO
JOSÉ ELOY PULIDO
COUNTY JUDGE**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Commissioners' Court will be held on TUESDAY, NOVEMBER 05, 2002 at 9:30 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

**(CORRECTED)
ADDENDUM
(SEE EXHIBIT Q)**

1. Budget Officer – Jail:

A. Approval of budget amendment - \$ 150,000.00 (housing of prisoners)

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

**COUNTY OF HIDALGO
JOSÉ ELOY PULIDO
HIDALGO COUNTY JUDGE**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Commissioners' Court will be held on TUESDAY, NOVEMBER 05, 2002, at 9:30 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

**NOTICE TO THE PUBLIC
CONSENT AGENDA**

The following items are of a routine or administrative nature. The Commissioners' Court has been furnished with background and support on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commissioner, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote to approve all items listed on the Consent Agenda, with the exception of items 2.G, and 2.N.

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote to approve item 2.G, subject to change.

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve item 2.N, subject to change.

1. Approval of check register and payment of claims and bills - County Auditor

2. Line item transfers: (SEE EXHIBIT A)

- A. PBX**
- B. Youth Village**
- C. County Clerk (2)**
- D. Constable Pct. #4**
- E. Elections Department**
- F. D.A. Inv. Fund**
- G. Human Services**
- H. 370th District Court**
- I. WIC – Weslaco**
- J. 389th District Court**
- K. Human Resources**
- L. 139th District Court**
- M. Sheriff's Department**
- N. J.P. Pct. #4, Pl. 2**
- O. Pct. #4 – Adm. (2)**
- P. Pct. #4 – Paved/unpaved**
- Q. Pct. #1 – R & B**
- R. Pct. #1 – Adm.**
- S. Fire Marshal**
- T. 92nd District Court**
- U. Pct. #3 – R & B**
- V. Extension Service**

3. **Right of Way – Permits:** (SEE EXHIBIT B)
 - A. **North Alamo Water Supply – west of Mile 8 ½ Rd.**
 - B. **Southwestern Bell – along Earling Rd. (aka Huron Rd.) from the east side of Golie Rd.**
 - C. **North Alamo Water Supply – east of Tower Rd. on Trenton Rd.**
 - D. **North Alamo Water Supply – east of Cesar Chavez Rd. on Texas Rd.**
 - E. **Southwestern Bell – along Tom Gill Rd.**
 - F. **Valley Telephone Cooperative Inc. – Brushline Rd. from FM 490 to State Highway 186**
 - G. **Stephens Production – Juan Balli Rd. in John Closner Subd.**
 - H. **J & D Produce – Eubanks Rd.**

4. **Planning Department:** (SEE EXHIBIT C)
 - A. **Approval of the following Certificates:**
 - **Certificates of Plat & Utility Status under Local Government Code Section 232.028(b)**
 - **Certificates of Residence Construction under Local Government Code Section 232.029 (c)(1)**
 - **Certificates of Water Service Availability under Local Government Code Section (c)(2)**

5. **Urban County:** (SEE EXHIBIT D)
 - A. **Request for approval to enter into a “Homebuyer Assistance Program” Contract under the Home Program (3 families)**
 - B. **HOME “Homebuyer Assistance Program” Change of Property Locations**

6. **Purchasing Department:** (SEE EXHIBIT E)
 - A. **HIDALGO COUNTY PRECINCT NO. 4 -**
 1. **Requesting authority to purchase computer hardware and software from MicroWarehouse, a QISV vendor through the Resolution with the State of Texas, Texas Building and Procurement a.k.a. General Services Commission, Catalogue Purchasing Program; (1) computer hardware/peripherals \$782.95 and shipping and handling (1) \$20.00 = total \$802.95.**
 - B. **HIDALGO COUNTY TAX OFFICE -**
 1. **Requesting authority to purchase Norstar Phone System from Starr Telecommunication, a QISV vendor, through the Resolution with the State of Texas, Texas Building and Procurement a.k.a. General Services Commission, Catalogue Purchasing Program; (1) 3x8 Norstar Phone System, (2) 7208 telephones and fax line total = \$1,500.00.**

7. **Approval of Minutes:** (SEE EXHIBIT F)
 - A. **August 27, 2002**
 - B. **August 30, 2002**
 - C. **September 03, 2002**
 - D. **September 10, 2002**

**COUNTY OF HIDALGO
JOSÉ ELOY PULIDO
COUNTY JUDGE**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, NOVEMBER 05, 2002 at 9:30 A.M., in the Commissioners Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

**NOTICE TO THE PUBLIC
CONSENT AGENDA**

The following items are of a routine or administrative nature. The Drainage District #1 Board of Directors has been furnished with background and support on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commissioner, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

**DRAINAGE DISTRICT
(SEE EXHIBIT S)**

Commissioner Garza is away from the Court.

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of to approve all items listed on the Drainage District Consent Agenda.

- 1. Approval of check register and payment of claims and bills - County Auditor**
- 2. Line item transfer**

**COUNTY OF HIDALGO
JOSÉ ELOY PULIDO
COUNTY JUDGE**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, NOVEMBER 05, 2002 at 9:30 A.M., in the Commissioners Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

**DRAINAGE DISTRICT
(NO EXHIBITS)**

1. Roll Call

All Members of the Court were counted present, with the exception of Commissioner Garza.

2. Open Forum

No presentations made under Open Forum.

3. Closed Session:

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to go into Executive Session.

Board of Directors may go into Closed Session pursuant to Chapter 551, Texas Government Code, Section 551.072 to discuss the following:

A. Real Estate Acquisition

Upon return, Judge J. E. Pulido certified that NO ACTION had been taken during Executive Session.

4. Open Session:

A. Real Estate Acquisition

Godfrey Garza was instructed to proceed as directed in Executive Session.

5. Closed Session:

Board of Directors may reconvene into Closed Session for the discussion regarding the agenda items listed

NO ACTION taken on this item.

6. Open Session:

Board of Directors may reconvene into Open Session for the discussion regarding the agenda items listed

NO ACTION taken on this item.

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval to adjourn this day's meeting.

There being no further business to come before said Court, the meetings of the Commissioners' Court and the Drainage District #1 Board are now hereby adjourned.

JOSE ELOY PULIDO _____
COUNTY JUDGE

SYLVIA HANDY _____
COUNTY COMMISSIONER, PRECINCT 1

HECTOR (TITO) PALACIOS _____
COUNTY COMMISSIONER, PRECINCT 2

JOSE FLORES _____
COUNTY COMMISSIONER, PRECINCT 3

OSCAR L. GARZA JR. _____
COUNTY COMMISSIONER, PRECINCT 4

Dated this the 5th day of November, 2002

JUAN D. SALINAS, III, County Clerk
Hidalgo County, Texas

By: _____
Priscilla Torres, Deputy

Minutes approved by the Commissioners' Court and the Drainage District #1 Board on the _____ day of _____ 2002.