

SPECIAL MEETING – NOVEMBER 18, 2003

BE IT REMEMBERED, that on this 18th day of November, A.D., 2003, 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 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:

Ramon Garcia
County Judge

Sylvia S. Handy
Commissioner, Pct. #1

Joe M. Flores
Commissioner, Pct. #3



Hector "Tito" Palacios
Commissioner, Pct. #2

Oscar L. Garza, Jr.
Commissioner, Pct. #4

**COMMISSIONERS' COURT
AGENDA**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, NOVEMBER 18, 2003 at 9:00 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, with the exception of Commissioner Handy and Garza.

2. Pledge of Allegiance

Judge Garcia led the Court and Audience in the Pledge of Allegiance.

Commissioners' Handy and Garza joined the meeting.

3. Prayer

Judge Garcia called on Commissioner Handy to lead the Court and Audience in Prayer.

4. Open Forum

- Mike Robledo informed the Court and public of a workshop being held tomorrow regarding cell phones.
- Lucy Canales informed the Court of a recent Tax Resale auction.
- Armando Barrera clarified to the Court and audience of County Tax Exemptions.

*At this time, the Court proceeded with item #20.A. The item was discussed, and the Court decided to return to this item at a later time.

5. Approval of Consent Agenda

*At this time, the Court proceeded with the Consent Agenda.

6. Presentation and discussion regarding noise pollution generated by Club Fuego and complaints handled by Sheriff's Department and Justice of the Peace Office – Ann Putty (SEE EXHIBIT G)
Presentation made by Ann Putty. NO ACTION taken on this item.

*After the arrival of Rene Guerra, District Attorney, the Court proceeded with item #20.A again.

7. Elections Department: (SEE EXHIBIT H)

A. Approval, discussion and possible action of the following but not limited to:

1. Election Services Agreement with the Hidalgo County Democratic Party for Primary & Runoff 2004

Commissioner Flores stepped away from the Court.

Teresa Navarro stated for the Record: We've added, "Whereas the County agrees to County agrees to perform elections services for the Party, and will utilize our best efforts to keep the costs within the funds provided by the Secretary of State to the Local Party because funds have been cut by the State".

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

8. Budget Office: (SEE EXHIBIT I)

Commissioner Flores was away from the Court for all of item 8.

A. Fire Marshal:

1. Approval of budget adjustment (decrease one acct. & increase various accts.) - \$ 36,000.00

B. Approval to unappropriate funds from Insurance Acct. and appropriate into District Clerk Acct. (\$1,200.00) and Lunacy Trials Acct. (\$30,000.00)

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote to approve item 8.A & B.

C. Purchasing Department:

1. Approval of line item transfer – CIP - \$ 8,305.00

2. Approval to unappropriate CIP funds & appropriate into Purchasing Department (per previous CC action 11/4/03) - \$ 4,553.53 – Not to exceed \$13,000.00

D. Criminal Auxiliary Court:

1. Requesting approval to create obj. 671 & line item transfer - \$ 400.00

E. County Court #1:

1. Approval of line item transfer from salaries & other line items - \$ 5,777.27

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve item 8.C-E.

F. Approval of budget amendment – General Litigation \$ 140,000.00 (Gen. Fund) (settlement claim)

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

G. Pct. #2:

1. Approval to create obj. 890 (other) & line item transfer - \$ 100.00 (See Next Page)

2. Approval to create obj. 343 (laundry/dry cleaning) & 605 (clothing) (CRC Acct. & line item transfer - \$ 160.00

On motion of Commissioner Palacios, seconded by Commissioners' Handy and Garza, the Court made a UNANIMOUS vote to approve item 8.G.1 & 2.

3. Approval to fund temporary full time Office Coordinator (slot #38) to permanent full time position

4. Set salary at \$ 24,000.00

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve item 8.G.3 & 4. Judge Garcia was away from the Court for this item.

*At this point, the Court proceeded with item 11.

Commissioner Flores joined the meeting.

9. Acceptance of Deed for lots 81, 82, 83, 86, 87 & 88 – Pueblo De Palmas Subdivision Phase II – Steve Crain (SEE EXHIBIT J)

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval to accept the deed to create this park.

10. Health Department: (SEE EXHIBIT K)

A. Authorization and approval to accept the following TDH Contract for the year 2004 (no cash match):

- **Tuberculosis Elimination Contract #7460007176-2005 in the amount of \$ 365,878.00**

B. Approval of Salary Schedule for the denoted grant

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote to approve item 10.A & B.

C. Request approval of a \$ 25.00 change fund for each of the On-Site Sewage Facilities for the amount of \$ 75.00

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval. Commissioner Garza was away from the Court on this vote.

D. Request to designate Eduardo Olivarez, Hidalgo County Health Department, Director as the local public health coordinator of the Bioterrorism preparedness and response program

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

11. Risk Management: (SEE EXHIBIT L)**A. Discussion, consideration and action on claim submitted to Hidalgo County for damages to vehicle in the amount of \$ 255.65 by Ms. Sara Vela**

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

Valde Guerra, Budget Officer, requested from the county auditor, if they could make that part of the Record, that payment be made upon presentation of the paperwork at the auditor's office this week.

After approval of item 11.A, the Court proceeded with item #9.

12. Urban County: (SEE EXHIBIT M)

Judge Garcia and Commissioner Garza are away from the Court.

A. Request for approval to amend the original CHDO Mission Statement presented by Southern Rio Services (CHDO) from construction of rental units to construction of single family units for low income residents of Hidalgo County

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

B. Request for approval to amend the original CHDO Mission Statement presented by South Texas Economic Development Corporation, Inc. (CHDO) from construction of rental units to construction of single family units for low income residents of Hidalgo County

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

C. Approval of a budget/program amendment for the City of La Joya using UC Year 14 (2001), Year 15 (2002) and Year 16 (2003) funding for Water & Sewer Improvements – year 15 (2002) funding shall also be used for street improvements – year 16 (2003) funding shall also be used for Planning, Youth Services and Code Enforcement

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

Judge Garcia joined the meeting.

D. Requesting exemption from competitive bidding requirements under the Texas Local Government Code 262.024 (a) for professional engineering services with R.E. Garcia & Associates in connection with the City of La Villa for the preparation of plans and specifications for the Year 16 (2003) Water/Sewer Improvements, Street Improvements and Sidewalk Projects**E. Approval of professional engineering services contract with R.E. Garcia & Associates with the City of La Villa for the preparation of plans and specifications for the Year 16 (2003) Water/Sewer Improvements, Street Improvements and Sidewalk Projects**

NO ACTION taken on 12.D & E.

13. Buildings & Grounds: (SEE EXHIBIT N)

- A. Requesting authorization to pay invoices (claims) from Valley Caliche Products, Inc. totaling \$2,214.20**

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

14. Pct. #1: (SEE EXHIBIT O)

- A. Approval of Amendment to the Interlocal Cooperation Agreement between the City of Mercedes and the County of Hidalgo approved on April 8, 2003**

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

15. Pct. #3: (SEE EXHIBIT P)

- A. Discussion, consideration and action to appeal the denial of the FEMA emergency declaration request by the County of Hidalgo**

Presentation made by Charlie Montgomery. NO ACTION taken on this item.

Commissioner Garza joined the meeting.

16. Pct. #4: (SEE EXHIBIT Q)

- A. Requesting approval and authorization for County Auditor to issue final payment (after review and processing procedures completed) to TEDSI for a total of \$ 7,400.00 for the following invoice: Inv. # 235513 (10th St. extension SH 107 to FM 1925 (Monte Cristo)) PO #354105**

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

17. Human Services: (SEE EXHIBIT R)

- A. Discussion and/or action, including, but not limited to the following items:**
 - 1. Authorization to pay 2003 claims: \$138,879.49**
 - 2. Indigent Health Care expenditures**

Presentation made by Rudy de la Vina. He informed the Court that the claims in the amount of \$138,879.49 were approved under the Consent Agenda.
-NO ACTION taken on this item.

18. Purchasing Department: (SEE EXHIBIT S)

A. HIDALGO COUNTY –

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

- 1. New Hidalgo County Jail:** Total inmate population: 1091 Other Information: 7
Physical Count: 1074 Males 1091
Out of County: La Villa 10 Females 73
Brooks 0 Federal 12

As per Marty Salazar: TDC will be picking up 35 prisoners, and tomorrow there is a scheduled pick up of 36 prisoners. There will be at least 71 prisoners out of the facility.

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

NO ACTION taken on this item.

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

- a) Recommending bid award to the vendor submitting the lowest bid for Item A and Item A.1 (Law Enforcement Shooting Range and Canopy) respectively;**
- b) Recommending to reject bids received on Bid Items B & C and re-advertise same through consultation with project engineer Quintanilla, Headley & Assoc.;**

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval to reject and re-bid both projects.

- c) Requesting acceptance and approval of Applications and Certification for Payments Nos. 10 & 11 (dated 11-10-03) in the amounts of \$ 1,102.54 and \$ 46,845.00 respectively from Velasco Construction and as certified by V-A Architecture, project architect, with authority for Auditor to issue payment (after review, audit and processing procedures completed) under the construction contract for the new Maintenance & Motor Pool Building on site of the New Adult Detention Facility and Law Enforcement Center Project;**

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

- d) County Auditor’s Report on Detention Facility Law Enforcement Center Project paid and pending payment approval;**

Nothing to report. NO ACTION taken on this item.

- e) Discussion and possible action on-site projects on site of the New Adult Detention Facility and Law Enforcement Center including, but not limited to, structures (i.e. Shooting Range Facility, Jogging Track, Driver Training Track, Parking Lot(s) and Utility Extensions, under or anticipated construction on site and preliminary information and request for clarification and direction on the possible construction options for additional pod(s) with staffing and maintenance and operations analysis and impacts including the status of the old facility.**

Nothing to report. NO ACTION taken on this item.

4. Recommending approval of final negotiated contract for “Delinquent Tax Collection Services-Hidalgo County” with Number One ranked firm. Fully executed copies of the contracts will be forwarded to both the Budget Office and Hidalgo County Auditor’s Office, the commencement of any work or presentations of any invoices for payment.

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a 3-2 vote of approval of the contract with the 20% increase. Specific votes are as follow:

AYE: Commissioners’ Palacios, Garza and Handy

NAY: Judge Garcia and Commissioner Flores

ABSTAIN: None

5. **Requesting authority to exercise the ninety (90) day grace period (extension) as provided under the current contract, so as not to have a lapse during bidding process for: “Drinking and /or spring bottled water services’.**

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

6. **Requesting to cancel approval to advertise for “Biomist 1.5=7.5ULV”, (previously approved by C.C. on 09-02-03) and requesting authority to purchase through a state awarded vendor- Adapco, Inc., “Mosquito Adulticide (Permethrin)” under the Centralized Masters Bidders List with the Texas Building and Procurement Commission.**

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

B. HIDALGO COUNTY –

1. **Requesting authority to purchase computer hardware, software, equipment, supplies, and peripherals from CISV vendor through the State of Texas Building and Procurement Catalogue Purchasing Program and have met the November 7, 2003 deadline to enter requisitions for the following: forwarded and subject to I.T. Department’s review.**

DEPARTMENT	VENDOR	AMNT OF REQ.	ACCOUNT NUMBER	REQ. #
County Clerk	Dell Marketing	\$ 5,142.34	3-1100-415-40-180-001-0-745	38871
Jail	Superior Alarms	\$ 3,862.00	3-1100-423-21-280-002-0-748	38739
Jail	Argus Security Systems	\$ 11,998.00	3-1100-423-21-280-002-0-748	38744
Jail	All Points Communications	\$ 13,770.00	3-1100-423-21-280-002-0-748	38740
Risk Management	S.J.S. Computers	\$ 1,552.01	3-1100-419-50-230-001-0-745	38951
		\$ 330.00	3-2202-419-50-230-014-0-432	38951
		\$ 5,957.00	3-2202-419-50-230-014-0-745	38951
		\$ 260.00	3-2202-419-50-230-014-0-432	38951
Auditor's Office	Information Design Inc.	\$ 15,600.00	3-1100-415-21-170-001-0-747	39337
Auditor's Office	CDW-Government	\$ 2,395.10	3-1100-415-21-170-001-0-601	39221
		\$ 11,915.29	3-1100-415-21-170-001-0-664	39221
		\$ 3,041.52	3-1100-415-21-170-001-0-747	39221
		\$ 331.05	3-1100-415-21-170-001-0-748	39221
Health Department Computer Tech Services		\$ 8,952.00	3-1293-441-00-340-011-0-745	39464
Computer Department The Software Group		\$ 5,000.00	3-1100-415-00-200-001-0-339	37877

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote to approve item 18.B.1. Commissioner Flores was away from the Court on this vote.

2. Presentation for discussion, consideration, acceptance and approval of claims/ invoices with authority for Auditor to issue payment after review, audit and processing procedures completed for the following:

A) Hidalgo County Law Library	West Group Payment Center	\$ 1,681.40	3-1247-412-50-100-001-0-640;
	Same as above	\$ 800.00	3-1247-412-50-100-001-0-640;
	Same as above	\$ 295.00	3-1247-412-50-100-001-0-640;
	Same as above	\$ 9,831.00	3-1247-412-50-100-001-0-640;
	William S. Hein & Co. , Inc.	\$ 82.83	3-1247-412-50-100-001-0-640;
	Mathew Bener & Co. Inc	\$ 41.20	3-1247-412-50-100-001-0-640;
b) Hidalgo County Youth Village	Valley Bottle Water	\$ 30.00	3-1248-423-33-310-001-0-631;
	Same as above	\$ 12.50	3-1248-423-33-310-001-0-608;
	Sysco Food Services	\$ 1,027.72	3-1248-423-33-310-001-0-630;
	Jones & Cook Office Supplies	\$ 75.00	3-1248-423-33-310-001-0-630;
	Exquisita Tortillas	\$ 15.55	3-1248-423-33-310-001-0-630;
	Flowers Baking Co.	\$ 8.43	3-1248-423-33-310-001-0-630;
	Buster Lind Produce	\$ 47.20	3-1248-423-33-310-001-0-630;
	Ace Fire & Sound	\$ 160.00	3-1248-423-33-310-001-0-432;
c) Hidalgo County Veterans Services	Techstreet	\$ 66.00	3-1100-444-00-370-001-0-640;

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote to approve item 18.B.2.a, b, and c.

Commissioner Flores was away from the Court on this vote.

c. HIDALGO COUNTY PRECINCT NO. 1-

- 1. Recommending bid award and approval of contract for “Improvements to Facilities, Hidalgo County Pct. 1 Multi – Purpose Center” RFB (Phase III) to low bidder meeting all specifications. A fully executed copy of the contract will be forwarded to both Budget Office and Hidalgo County Auditor’s Office, before the commencement of any work or presentations of any invoices for payment.**

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

D. HIDALGO COUNTY PRECINCT NO. 3-

1. **Recommending of bid award and approval of contract to the lowest bidder meeting all specifications attached hereto for: "Supply and Install Liner for Cell "O" & "P" at Penitas Landfill". 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 Palacios, the Court made a UNANIMOUS vote to approve the lowest bidder being Inline Plastics, L.L.C.

Commissioner Flores stepped away from the Court and was not present for the remainder of the meeting.

E. HIDALGO COUNTY PRECINCT NO. 4-

1. **Requesting authority to remove from inventory a 1999 Utility asset number 033387 and 4 (Four) Garbage Containers asset number 018005,020282,020287 and 020284.**

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

2. **Requesting authority to exercise the additional (1) one year extension as provided in current contract under the same rates, terms and conditions for "Pit Run Caliche" with Roy's Hauling Service.**

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

Commissioner Palacios stepped away from the Court.

F. HIDALGO COUNTY SHERIFF'S DEPARTMENT-

1. **Requesting authority to advertise with for: RFB- "Estray Project" and approval of specifications as attached hereto.**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval. Judge Garcia abstained from this vote.

2. **Presentation for discussion, consideration, acceptance and approval for the purpose of ranking by Hidalgo County Commissioner's Court as "Qualified", the statements of qualifications (SOQ'S) received from the two participants responding to the Hidalgo County's RFQ/P in connection with "Physician Services for Hidalgo County Sheriff's Department", project from Dr. Ivan Melendez and Dr. Javier E. Cortinas;**

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval to rank as 1 and 2.

3. **Presentation for discussion, consideration, acceptance and approval of proposal negotiated contract for "Physician Services" with "Drs. Melendez and Cortinas.**

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval in the amount of \$3,300.00 a month per physician.

G. HIDALGO COUNTY HEALTH DEPARTMENT-

1. **Requesting exemption from competitive bidding under the Texas Local Government Code 262.024 (a) (4) for professional architectural services with ERO Architecture Engineering in connection with the “Central Office Renovation for Bioterrorism Team” of Hidalgo County Health Department.**

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

2. **Requesting authority for Purchasing Department to negotiate a professional architectural services contract with ERO Architecture Engineering for the “Central Office Renovation for Bioterrorism Team” of Hidalgo County Health Department.**

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

3. **Presentation for discussion, consideration and approval of an Interlocal Agreement between Hidalgo County Health Department and the South Texas Health Care System, a part of the Texas Department of Health, to provide Gen-Probe Pace Specimen Collection Kits.**

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

4. **Requesting exemption from competitive bidding under the Texas Local Government Code 262.024 (C) for professional registered pharmacist services with David Castro for a short term ninety (90) day contract.**

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

5. **Requesting approval of a short term professional service contract with David Castro, Registered Pharmacist for professional pharmacy services in an amount not to exceed \$3,000.00 and with an expiration date of March 31, 2004.**

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

6. **Requesting authority to advertise for an RFQ/P for “Registered Pharmacist Services”.**

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

H. HIDALGO COUNTY COLONIA ACESS PROGRAM PRECINCT NO.1-

1. **Requesting authority to advertise for: “Road Construction of Catherine, Rosalito, La Quinta, Mesquite, Ramiro Leal, Oak Subdivision & Flea Market Subdivision” (Colonia Access Program Project)**
2. **Requesting authority to advertise for: “Road Construction of La Villa Verde, Old River Road, El Waterfall, Matt & La Paloma Subdivision” (Colonia Access Program Project)**

- 3. **Requesting authority to advertise for: “Road Construction of Agua Dulce, La Blanca Heights, La Mesa, Llano Grande, George LookingBill & Puesta Del Sol Subdivision” (Colonia Access Program Project).**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve item H.1-3.

I. HIDALGO COUNTY HUMAN SERVICES-

- 1. **Requesting approval to exercise the one (1) additional year (as provided in Article 3 of the current contract) extension with TrueCare Pharmacy for “On-Line Pharmacy Billing”**

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

J. HIDALGO COUNTY ELECTIONS DEPARTMENT-

- 1. **Requesting authority to purchase computer software from a CISV vendor, The Software Group, through the State of Texas Building and Procurement Catalogue Purchasing Program in the amount of \$ 6,309.00. Forwarded and Subject to I.T Department’s review.**

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

19. Right of Way: (SEE EXHIBIT T)

- A. Discussion and action on obtaining an appraisal for the land (115 acres) located on the southeast corner of University Dr. & Highway 336**

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

Commissioner Palacios joined the meeting.

20. County Judge: (SEE EXHIBIT U)

- A. Discussion, consideration and possible action related to Congressional Redistricting and support thereof**

1. Commissioner Handy moved to approve this item. However, motion failed due to lack of a second. This item will be discussed at a later time when Mr. Rene Guerra, District Attorney, is able to attend the meeting.

The Court proceeded with the Consent Agenda.

* * * * *

2. On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval to authorize Mr. Rene Guerra to intervene in the lawsuit on behalf of Hidalgo County and not commit to any funds today.

After this item was approved, the Court proceeded with item #7.

B. Discussion and possible action regarding the County Judge's authority to sign TAC Auto Liability documents that "partially rejects coverage" for specific county employees from driving county vehicles

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

C. Discussion, consideration and action regarding written resolution and ballot selection of Appraisal District Board of Directors 2004-2005

Presentation made. NO ACTION taken on this item.

D. Discussion and possible action regarding the unsafe, fiscally irresponsible and potentially libelous work environment within the Hidalgo County Administration Building

Correction as stated by Lori Ochoa: Discussion and possible action regarding the unsafe, fiscally irresponsible and potentially **liability** work environment within the Hidalgo County Administration Building

Presentation made. NO ACTION taken on this item.

E. Discussion regarding the Federal Emergency Management Agency's denial to fund a grant to assist constituents who suffered damage during the recent floods

Presentation made. NO ACTION taken on this item.

F. Discussion regarding letters of support from members of U.S. Congress and U.S. Senate

Presentation made. NO ACTION taken on this item.

G. Consideration and action to approve membership to the Transportation Excellence for the 21st Century (TEX-21)

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval with \$25,000.00 funding per year, subject to legal review and funding.

21. Closed Session: (SEE EXHIBIT V)

On motion of Commissioner Handy, seconded by Commissioner Garza, 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. Cause #CL-39,207-D; Omar Ramon dba River Valley Construction vs. Hidalgo County

C. William H. Wyttenbach vs. Hidalgo County – constructive legal notice, demand and caveat to third parties in regards to never receiving a notice of levy from IRS

- D. Cause No. C-1162-02-C, County of Hidalgo vs. Alvarado Architects & Associates, L.L.C.**
- E. Pending/ and or Potential Litigation; Consultation with Attorney on contemplated litigation associated with New Adult Detention Facility & Law Enforcement Center Project.**

NO ACTION taken during Executive Session.

22. Open Session: (SEE EXHIBIT V)

A. Real Estate Acquisition

NO ACTION taken on this item.

B. Cause #CL-39,207-D; Omar Ramon dba River Valley Construction vs. Hidalgo County

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval to accept the settlement agreement in the amount of \$138,000.00 and the motion to dismiss.

C. William H. Wyttenbach vs. Hidalgo County – constructive legal notice, demand and caveat to third parties in regards to never receiving a notice of levy from IRS

NO ACTION taken on this item.

D. Cause No. C-1162-02-C, County of Hidalgo vs. Alvarado Architects & Associates, L.L.C.

NO ACTION taken on this item.

E. Pending/ and or Potential Litigation; Consultation with Attorney on contemplated litigation associated with New Adult Detention Facility & Law Enforcement Center Project.

NO ACTION taken on this item.

23. Closed Session:

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

NO ACTION taken on this item.

24. 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 Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval to Adjourn.

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, NOVEMBER 18, 2003, at 9:00 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.

Commissioner Palacios Abstained from voting on the Consent Agenda, due to possible conflicts.

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve the Commissioners' Court Consent Agenda, with the exception of item 2.I and 2.J.

- 1. Approval of check register and payment of claims and bills - County Auditor (SEE EXHIBIT A)**
- 2. Line item transfers: (SEE EXHIBIT B)**
 - A. Right of Way**
 - B. Probate Court**
 - C. Pct. #1 – R & B**
 - D. Pct. #2 – R & B**
 - E. Pct. #2 – Adm.**
 - F. Pct. #2 – Parks (2)**
 - G. Pct. #3 – Parks**
 - H. Tax Office**
 - I. County Court #2 – On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval, subject to corrections.**
 - J. Elections Department – On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval, subject to corrections.**
 - K. Pct. #4 – Landfill**
 - L. Child Welfare**
 - M. General Litigation**
 - N. Sheriff Department**
 - O. Planning Department**
 - P. County Judge**
 - Q. 370th District Court**
 - R. 93rd District Court**

- 3. 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)**
- 4. Monthly Fee Reports: (SEE EXHIBIT D)**
 - A. District Attorney - \$ 151,287.26 – August**
 - B. District Clerk - \$ 252,176.73 – October**
- 5. Right of Way: (SEE EXHIBIT E)**
 - A. North Alamo Water Supply – Filegonia Rd. north of Mile 19 North**
 - B. Southwestern Bell – Western Rd. south of 2 Mile Line Rd.**
- 6. Purchasing Department: (SEE EXHIBIT F)**
 - A. HIDALGO COUNTY ELECTIONS DEPARTMENT-**
 - 1. Requesting authority to purchase two (2) timeport pagers from Metrocall, a vendor on the departments of Information Resource’s “Texan 2000” in the amount of \$35.00ea and enter service agreement in the amount of \$ 20.45 a month.**
 - B. HIDALGO COUNTY WIC PROGRAM-**
 - 1. Requesting approval of a maintenance agreement with Superior Alarms for 24-Hour Monthly monitoring Services at the WIC Clinic located at 3001 N. 23rd #8, McAllen, Texas for a total amount of \$60.00 for (6) months. To become effective November 11, 2003 thru May 11, 2004.**
 - C. HIDALGO COUNTY –**
 - 1. Requesting authority to purchase computer hardware, software, equipment, supplies, and peripherals from CISV vendors through the State of Texas Building and Procurement Catalogue Purchasing Program for the following: Forwarded and Subject to I.T Department’s review. All items were submitted through requisition by the November 7, 2003 deadline.**
(SEE NEXT PAGE)

DEPARTMENT	VENDOR	AMNT OF REQ.	ACCOUNT NUMBER	REQ. #
389TH District Court	S.J.S. Computers	\$ 90.00	3-1100-412-00-008-001-0-745	38585
County Clerk	CDW-Government	\$ 179.00	3-1100-415-40-180-001-0-661	39427
JP Pct 2 PL 2	S.J.S. Computers	\$ 29.00	3-1100-412-00-064-001-0-661	39160
Buildings & Grounds	S.J.S. Computers	\$ 2,284.00	3-1100-419-40-220-001-0-745	38818
Risk Management	S.J.S. Computers	\$ 166.00	3-2202-419-50-230-014-0-601	38984
Auditor's Office	Computer Technical Serv	\$ 273.35	3-1100-415-21-170-001-0-601	39099
Auditor's Office	CompUSA Stores L.P.	\$ 94.45	3-1100-415-21-170-001-0-661	39239
Tax Assessor-Collector	Multiwave	\$ 65.00	3-1100-415-15-140-001-0-745	38767
Tax Assessor-Collector	CDW-Government	\$ 48.00	3-1100-415-15-140-001-0-601	38754
Tax Assessor-Collector		\$ 40.49	3-1100-415-15-140-001-0-745	
Tax Assessor-Collector	Multiwave	\$ 526.00	3-1100-415-15-140-001-0-745	38769
Tax Assessor-Collector	Multiwave	\$ 624.00	3-1100-415-15-140-001-0-745	38790
Tax Assessor-Collector	Multiwave	\$ 3,540.00	3-1100-415-15-140-001-0-745	38783
Tax Assessor-Collector	Multiwave	\$ 1,350.00	3-1100-415-15-140-001-0-745	38773
Tax Assessor-Collector	Multiwave	\$ 860.00	3-1100-415-15-140-001-0-745	38771
Tax Assessor-Collector	Multiwave	\$ 920.00	3-1100-415-15-140-001-0-745	38803
Tax Assessor-Collector	Multiwave	\$ 1,420.00	3-1100-415-15-140-001-0-745	38828
Tax Assessor-Collector	Multiwave	\$ 5.00	3-1100-415-15-140-001-0-601	38823
Tax Assessor-Collector		\$ 510.84	3-1100-415-15-140-001-0-745	
Health Department	Computer Technical Serv	\$ 432.00	3-1293-441-00-340-011-0-747	39461
Health Department	Computer Technical Serv	\$ 400.00	3-1100-441-00-340-004-0-745	39165
Computer Department	CDW-Government	\$ 140.00	3-1100-415-00-200-001-0-664	37631
Computer Department	The Software Group	\$ 1,380.00	3-1100-415-00-200-001-0-339	37879
Computer Department	CDW-Government	\$ 287.50	3-1100-415-00-200-001-0-664	39475
Computer Department	S.J.S. Computers	\$ 219.00	3-1100-415-00-200-001-0-664	39484
Computer Department	S.J.S. Computers	\$ 140.00	3-1100-415-00-200-001-0-664	39485
Computer Department	CDW-Government	\$ 370.00	3-1100-415-00-200-001-0-745	39486
Computer Department	CDW-Government	\$ 425.00	3-1100-415-00-200-001-0-745	39487
Computer Department	CDW-Government	\$ 2,193.78	3-1100-415-00-200-001-0-745	39488
Computer Department	CDW-Government	\$ 75.00	3-1100-415-00-200-001-0-664	39490
County Court #2	Dell Marketing	\$ 2,544.00	3-1100-412-00-022-001-0-745	
County Court #1	S.J.S. Computers	\$ 1,146.00	3-1100-412-00-021-001-0-745	18
Veterans Services	Dell Marketing	\$ 659.95	3-1100-444-00-370-001-0-743	

**DRAINAGE DISTRICT BOARD OF DIRECTORS
AGENDA**

**Ramon Garcia
Chairman**

**Sylvia S. Handy
Board Member**

**Joe M. Flores
Board Member**



**Hector "Tito" Palacios
Board Member**

**Oscar L. Garza, Jr.
Board Member**

NOTICE

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, NOVEMBER 18, 2003 at 9:00 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

1. Roll Call

All members of the Court were counted present, with the exception of Commissioner Flores.

2. Open Forum

NO ACTION taken on this item.

3. Approval of Consent Agenda

At this time, the Court proceeded with the Drainage District Consent Agenda.

4. Approval of Hidalgo County Drainage District #1 Boundary map and the original alienation from the election of September 13, 1975 (SEE EXHIBIT W)

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

5. Discussion, consideration and action regarding written resolution and ballot selection of Appraisal District Board of Directors 2004-2005 (SEE EXHIBIT X)

NO ACTION taken on this item.

6. Purchasing Department: (SEE EXHIBIT Y)

A. Presentation for discussion, consideration, acceptance and approval of claims totaling \$9,056.83 (and as detailed on Exhibit A attached hereto) with authority for Treasurer to process payment submitted by Millennium Engineer Group, Inc. in connection with the North & South Levee I Road Project for Hidalgo County Drainage District No. 1

Judge Garcia stepped away from the Court and was not present for the remainder of the meeting.

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

7. Closed Session: (SEE EXHIBIT Z)

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

NO ACTION taken on this item.

8. Open Session: (SEE EXHIBIT Z)

A. Real Estate Acquisition

NO ACTION taken on this item.

9. Closed Session:

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

NO ACTION taken on this item.

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

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, NOVEMBER 18, 2003 at 9:00 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

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

- 1. Approval of check register and payment of claims and bills - County Treasurer (SEE EXHIBIT AA)**
- 2. Approval of line item transfers: (SEE EXHIBIT BB)**
 - A. Main Drain / Legal**
 - B. Administration**
- 3. Discharge Permits: (SEE EXHIBIT CC)**
 - A. Illeana DeLeon – Los Leones Subdivision**
 - B. City of Edinburg – Paradise Estate**
 - C. City of McAllen – Emergency Drainage Repairs (Daffodil & Bentsen Rd.)**
- 4. Purchasing Department: (SEE EXHIBIT DD)**
 - A. Requesting authority to purchase computer hardware, and peripherals from a CISV, Dell Marketing through the State of Texas Building and Procurement Catalogue Purchasing Program in the amount of \$ 1,479.00.**

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.

Dated this the 18th day of November, 2003

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

By: _____
Priscilla Torres, Deputy

I, JUAN D. SALINAS, III, County Clerk attest that this is an accurate accounting of a proceeding of the Commissioners' Court held on November 18, 2003.

Signed this _____ day of _____ 2003.

ATTEST:
JUAN D. SALINAS, III
County Clerk and Ex-Officio Clerk
Of the Commissioners' Court of
Hidalgo County

By: _____
Priscilla Torres, Deputy

(Seal)