

**REGULAR MEETING – February 10, 2004**

BE IT REMEMBERED, that on this 10<sup>th</sup> day of February, A.D., 2004, 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 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:

## COMMISSIONERS' COURT MINUTES

**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, FEBRUARY 10, 2004 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 with the exception Commissioner Garza.

### **2. Pledge of Allegiance**

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

### **3. Prayer**

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

### **4. Open Forum**

Commissioner Garza joined the meeting.

-Gilbert Garza asked for support in implementing proposition 13, taxes for the elderly and disabled.

-Congressman Lloyd Doggett commented on RE Road Way Transportation Infrastructure Project.

-Virginia Townsend spoke about common sense.

-Fern McClaugherty commented on using taxpayers' money wisely.

### **5. Approval of Consent Agenda**

At this time the Court moved to approve the Consent Agenda.

After the approval of the Consent Agenda, the Court moved to item 17 of the Regular Agenda.

### **6. Presentation by Edinburg Chamber of Commerce regarding the 36<sup>th</sup> Annual Fiesta Edinburg (SEE EXHIBIT H)**

Commissioner Garza joined the meeting.

Presentation was made by Letty, Director of Membership, and Adrian Tamez, President of the Chamber.

At this time the Court moved to Item 23.G.1.

### **7. Discussion of proposed downtown square project, including pedestrian safety, traffic flow, angle parking and beautification elements – Arnold Vera, Public Works – City of Edinburg**

Commissioner Flores joined the meeting.

Presentation made by Gene Espinoza and Arnold Vera.

At this time Commissioner Handy asked the Court to move to Item 20.

**8. Elections Department – Teresa Navarro: (SEE EXHIBIT J)**

**A. Discussion, consideration and action of the following:**

- **Election Services Agreement between County of Hidalgo & McAllen ISD School Board for May 15, 2004 School Board Election**

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

- **Election Services Agreement between County of Hidalgo & South Texas ISD for May 15, 2004 Board of Directors Election**

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

- **Election Services Agreement between County of Hidalgo & City of Weslaco, February 12, 2004 Collective Bargaining Election**

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

- **Congressional Redistricting Update**

NO ACTION was needed on this Item.

**9. Urban County – Diana Serna: (SEE EXHIBIT K)**

**A. Approval to participate in the Construction Contract with DM Roth, Inc. for Pct. #2 – Street Improvements Project using UCP Year 13 (2000), 15 (2002) & 16 (2003) funds**

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

**B. Requesting exemption from competitive bidding requirements under the Texas Local Government Code 262.024 (a) for review appraisal services with RGV Appraisal Service in connection with the City of La Joya – Water/Sewer Improvements**

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

**C. Approval of a review appraisal service contract with RGV Appraisal Service with the City of La Joya – Water/Sewer Improvements Yr. 14 (2001)**

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

**D. Award of Construction Contract to Saenz Utilities – City of Edcouch – Water/Sewer Improvements – UCP Year 15 (2002)**

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

At this time, the court moved on to item 11.

**10. County Judge – Lorie Ochoa: (SEE EXHIBIT L)**

**A. Approval of Resolution supporting the Texas Mountain Trail Region**

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

At this time the Court went back to item 8 of the Regular Agenda.

**B. Discussion by State Representative Roberto Gutierrez regarding the following:**

- **Proposition 13**

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

- **Possible funding venues to support women and children’s shelters**

NO ACTION taken on this item.

Commissioner Handy was away from the Court during this vote and did not return for the remainder of the meeting.

**11. Constable Pct. #4 – Andy Rios: (SEE EXHIBIT M)**

**A. Approval to accept donation of six (6) emergency streethawk lightbars (to be installed in police cars)**

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

**12. County Clerk – Christina Walker: (SEE EXHIBIT N)**

**A. Replacement of the Selection of the 2004 Grievance Committee**

At this time, Judge Garcia randomly drew names for the replacement: Gus Guerra, Crisantio Munoz, Magdalena Rodriguez, Rogelio Hernandez, Steven Radel, Jaime Perez, Alonzo Barbosa Jr. (ALTERNATE)

**13. District Clerk – Omar Guerrero: (SEE EXHIBIT O)**

**A. Overview and status of the District Clerk’s office during current tenure**

- B. Approval on Agreement between Hidalgo County and the Office of the Attorney General Contract No. 04-C0118**
- C. Presentation for discussion, consideration and action of the following:**
- Acquisition of module/component to the current jury system software called the Juror Information Management Systems
  - Acquisition of the replacement of twenty (20) computers due to the necessity in preparation for eventual scanning capabilities

NO ACTION taken on items 13 A, B, and C.

**14. Planning Department – Raul Sesin: (SEE EXHIBIT P)**

**A. Preliminary Approval:**

1. Celeste Michelle Subdivision – Pct. 1
2. Jr. Subdivision Phase I – Pct. 1
3. Cameron Subdivision – Pct. 1
4. Huisache Acres No. 3 Subdivision – Pct. 1

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

**B. Final Approval:**

1. Franco Estates Subdivision – Pct. 1
2. Amended Jardin Del Valle – Phase I – Pct. 4
3. Los Naranjos Subdivision – Pct. 4
4. Cardinal Delta Subdivision – Pct. 3.
5. Cheyenne Subdivision – Pct. 1
6. Selena Heights Subdivision – Pct. 4

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval with the exception of item # 3, Los Naranjos Subdivision. This item will be brought back at a later date.

**C. Appointment of member to the Hidalgo County Planning Advisory Board – Pct. 3**

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval to appoint Richard Rupert to the Hidalgo County Planning Advisory Board for Precinct 3.

At this time the Court moved to Executive Session.

**15. Budget Office – Valde Guerra: (SEE EXHIBIT Q)**

**A. Approval of Liaisons for Hidalgo County Departments**

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

- B. Approval to unappropriate \$ 20,000.00 from acct. #4-1100-429-00-110-017-0-334 and appropriate same into acct. #4-1100-419-40-220-001-0-334**

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

**C. 92<sup>nd</sup> District Court:**

**1. Approval to create obj. 747 & 608 and line item transfer - \$ 200.00**

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

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**16. Border Colonia Access Program – Jaime Ortiz: (SEE EXHIBIT R)**

**A. Approval of salary increases for border colonia grant employees – slot 170-004-001, 170-004-002, 121-014-001, 122-017-001, 123-005-040, 123-005-010, 123-005-043, 124-007-048, 124-007-002, 124-007-001, 160-003-001**

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

**B. Approval of amended salary schedule for Border Colonia Grant employees effective 2/10/04**

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

**C. Approval of budget amendments – Colonia Access Program (indirect cost-administration):**

- County Auditor \$ 70,859.72
- Purchasing 85,675.97
- Pct. #1 42,210.38
- Pct. #2 42,210.38
- Pct. #3 21,395.66
- Pct. #4 13,099.88

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

**D. Approval of line item transfer of \$ 20,207.80 from Pct. #1 Capisallo/Hackberry – Roads to Pct. 1 P/U Roads**

NO ACTION taken on this item.

At this time the Court moved to Item 18.

**17. Human Services – Rudy De La Viña: (SEE EXHIBIT S)**

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

1. Authorization to pay 2004 claims: 98,110.19
2. Indigent Health Care expenditures

**B. Overview of A & M Strategic Plan**

Presentations were made by Dr. Linda Villarreal and Dr. Fred Perez.

At this time the Court moved to the Addendum to make a motion on this item.

**18. Risk Management – Adan Perez: ( SEE EXHIBIT T)**

- A. Approval of reimbursement to the Hidalgo County’s Workers Compensation Claims Paying Account for: workers compensation claims paid by Tristar Risk Management in the amount of: \$75,572.58 for the period ending January 2004**

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

**19. Buildings & Grounds – Daniel Flores: (SEE EXHIBIT U)**

- A. Status of old jail building**

At this time the Court moved to Addendum 23.8.a, b, and c to cover item 19.A on the Regular Agenda.

- B. Maintenance of county grounds/facilities**

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

- C. Status of renovation of administration building**

NO ACTION was needed on this Item.

At this time the Court continued with Item 21.

**20. Pct. #1 – Commissioner Handy: (SEE EXHIBIT V)**

- A. Approval of Resolution commemorating February 13, 2004 as “Children’s Insurance Awareness Day” in Hidalgo County**

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

- B. Approval to unappropriate \$200,000.00 from Acct. #4-1200-431-00-260-001-0-711 & appropriate \$200,000.00 into Acct. #4-1201-431-00-121-005-0-711 (ROW Acquisition)**

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

At this time the Court moved to Item 23.B of the Regular Agenda.

**21. Pct. #2 – Commissioner Palacios: (SEE EXHIBIT W)**

- A. Discussion and possible action to authorize the Mission-McAllen Beef Syndicate to make repairs to the Les Gilmore Kitchen (Palmer Pavilion) (county will not incur any cost)**

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

**22. Pct. #4 – Commissioner Garza: (SEE EXHIBIT X)**

- A. Approval of Invoice #4858 in the amount of \$ 13,500.00 from Quintanilla, Headley & Associates, Inc. with authority for County Auditor to issue payment (after review and processing procedures completed) in connection with J.R. Milo Ponce Park Project Contract #C-03-083-01-29**

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

- B. Request authorization and approval to delete the following vacant positions in Pct. #4 R & B Acct.:  
(continuation – Pct. #4)**

007-014 (Heavy Equip. Operator II) \$ 22,792.05

007-035 (Heavy Equip. Operator II) \$ 21,399.79

- C. Request authorization and approval to create the following two (2) positions and set salary:**

007-049 (Truck Driver III) \$ 22,095.92

007-050 (Truck Driver III) \$ 22,095.92

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval on Items B and C.

**23. Purchasing Department – Marty Salazar: (SEE EXHIBIT Y)**

**A. HIDALGO COUNTY –**

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

- 1. New Hidalgo County Jail: Total inmate population: 1064 Other Information:**

Physical Count:	<u>1057</u>	Males	<u>991</u>
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Out of County: La Villa	<u>0</u>	Females	<u>64</u>
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Brooks	<u>          </u>	Federal	<u>11</u>
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- 2. Current inter-local(s) and/or contract(s) for the “Housing of Inmates”**

Marty Salazar stated there was Nothing to report.

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

- a) Detention Facility Law Enforcement Center Design- Build Contract Action (if necessary);**

Marty Salazar stated there was Nothing to report.

- b) Requesting approval of an annual service contract with HOBART for the kitchen equipment and appliances at the New Adult Detention Facility in the amount of \$14,780.00.**

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

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

NO ACTION taken on this item.

**d) 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:**

- 1. Shooting Range Facility- at the request of the project architect, V-A Architecture, bid opening date of 2-04-04 extended to 2-25-04 with additional advertising to attract more participation;**

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

- 2. Shooting Range Berm- bid opening took place as scheduled and published on 2-04-04, project engineer, Quintanilla, Headley & Associates currently tabulating and evaluating bids to recommend award;**
- 3. Possible construction options for additional pod(s)-status of a request for qualifications for architectural services pending clarification on ownership of architectural documents.**

NO ACTION was needed on these items.

- 4. 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: "Exhibit A" attached hereto.**

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

- 5. Requesting authority to advertise and approval of requirements as attached hereto for "Real Estate Appraisers and Surveyors Services- Hidalgo County" RFQ.**

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

- 6. Consideration and approval for an Interlocal Agreement between Hidalgo County and the City of Edinburg for the use of the City Auditorium of the impanelment of jurors.**

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

- 7. Recommending bid award and approval of contract to the sole bidder meeting all requirements and/or specifications for RFB- "New and Used Guard Rail Beam Materials and Installation" project. NOTE: A fully executed contract will be forwarded to both Hidalgo County Budget and Auditor's Offices.**

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

- 8. Presentation for discussion, consideration and approval of qualifications, requirements and scope of services of the Requests for Qualifications for: "Architectural Services/Renovations of Former Hidalgo County Sheriff's Department" project.**

This item was taken care of on the ADDENDUM Item.

**9. Status of current contractual agreement with Hidalgo County's Energy provider Reliant Energy through the Texas General Land Office award;**

Marty Salazar stated there is NO ACTION required for this item.

**10. Requesting approval of a presentation by Reliant Energy to the Court on either 2-17-04 or at a workshop on 2-19-04;**

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

**11. Presentation of procurement options for the Court to consider in connection with selection of an energy provider.**

Marty Salazar stated this Item will be carried over to next week's meeting.

**B. HIDALGO COUNTY PRECINCT NO. 1-**

**1. Recommending approval to reject the sole bid received with authority to re-advertise for RFB- "Lease of Office Space- City of Weslaco"- Precinct No. 1 project.**

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

**2. Requesting authority to advertise for RFB-"Hauling Services" with approval of specifications as attached hereto.**

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

At this time the Court moved to Item 23 H.

**C. HIDALGO COUNTY PRECINCT NO. 2-**

**1. Recommending award of bid and approval of Contract for: "Hauling Services" to low bidder meeting all requirements and/or specifications. NOTE: A fully executed copy of the contract will be forwarded to both the Hidalgo County Auditor's and Budget Offices.**

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve the bid award to the lowest bidder.

**D. HIDALGO COUNTY PRECINCT NO. 3-**

**1. Presentation for consideration, discussion, ratification and approval of P.O.# 528907 in the amount of \$10,625.00 with Absolute Waste Services, a CMBL vendor under the Texas Building and Procurement Commissions Program in connection with services necessary for the timely compliance with Texas Commission on Environmental Quality (TCEQ) regulations as a result of an inspection of the Penitas Landfill for cells O & P (south end);**

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

2. **Requesting approval to contract with Absolute Waste Services, a CMBL vendor under the Texas Building and Procurement Commissions Program in the amount of \$13,000.00 in connection with services necessary for the timely compliance with Texas Commission on Environmental Quality (TCEQ) regulation as a result of an inspection of the Penitas Landfill for cells O & P (north end);**

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

3. **Presentation for consideration, discussion, acceptance of a contract with Absolute Waste Services for the serviced detailed in items A & B above. NOTE: Executed copies to be forwarded to both Auditor and Budget Offices.**

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

#### **E. HIDALGO COUNTY ELECTION'S-**

1. **Requesting authority to purchase "One Ford F150 Super Crew Truck" through the Interlocal Agreement with Houston Galveston Area Council (H-GAC)- Vendor being Philpott Motor Company of Port Neches, Texas. Total purchase price \$22,919.25. Administration and Delivery Cost to be included.**

NO ACTION taken on this item.

2. **Presentation for consideration, discussion and approval of invoices/claims in the amount of \$4,305.88 from Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P. for services rendered in connection with modifications under Tex. Elec. Code, Section 42.005, as a result of H.B. No. 3, Third Call Session, 78<sup>th</sup> Legislature ("Congressional Redistricting Plan 1374");**

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

3. **Requesting exemption from competitive bidding requirements under Tex. Local Government Code, 262.024 (a) (4), a professional service, for legal services in connection with necessary modifications under Tex. Elec. Code, Section 42.005, as a result of H.B. No. 3, Third Call Sessions, 78<sup>th</sup> Legislature ("Congressional Redistricting Plan 1374"), including the submission of said modifications to the Department of Justice for pre-clearance;**

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

4. **Requesting approval of a professional services contract with Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P. in a amount not to exceed \$2,500.00. A fully executed copy of the contract will be forwarded to both the Hid. Co. Auditor's and Budget Offices.**

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

5. **Requesting authority to advertise a Request for Qualifications for legal/and or consulting services in connection with Texas Election Code, more specifically referencing Election Precinct Alignments.**

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

**F. HIDALGO COUNTY HEALTH DEPARTMENT-**

1. **Requesting authority to re-advertise for RFQ/P- "Licensed Nurse Practitioner" inasmuch as no submittal of qualifications (SOQ's) were received**

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

**G. HIDALGO COUNTY JUVENILE JUSTICE COURT-**

1. **Requesting approval of specifications for RFB- "Lease of Office Space in the City of Edinburg", previously approved to advertise February 03, 2004.**

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

Commissioner Flores was away from the Court at this time.

At this time the Court moved to Item 7.

**H. HIDALGO COUNTY COLONIA ACCESS PROGRAM – PRECINCT NO. 1**

1. **Recommending bid award and approval of contract for: "Road Construction of Catherine, Rosalito, La Quinta, Mesquite, Ramiro Leal, Oak Subdivision & Flea Market Subdivision" to low bidder meeting all specifications. (S & G Paving, Inc. @ \$509,024.50);**
2. **Recommending bid award and approval of contract for: "Road Construction of Villa Verde, Old River Road, El Waterfall, Matt & La Paloma Subdivisions" to low bidder meeting all specifications. (S & G Paving, Inc. @ \$835,662.25);**
3. **Recommending bid award and approval of contract for: "Road Construction of Agua Dulce, La Blanca Heights, La Mesa, Llano Grande, George Lookingbill & Puesta del Sol Subdivisions" to low bidder meeting all specifications. (S & G Paving, Inc. @ \$838,153.00). Note: Fully executed copies of the contracts will be forwarded to the Hidalgo County Budget and Auditor's Offices.**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval on Items 23.H.1,2 & 3 pending TxDot concurrence.

At this time the Court moved to Item 10.

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

**24. Closed Session: (SEE EXHIBIT Z)**

**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. Consultation with Attorney on litigation associated with New Adult Detention Facility & Law Enforcement Center Project**
- C. Civil Action No. M-03-182; Aurelio Miranda vs. Hidalgo Co., et.al**

NO ACTION taken on these items.

**25. Open Session: (SEE EXHIBIT Z)**

- A. Real Estate Acquisition**
- B. Consultation with Attorney on litigation associated with New Adult Detention Facility & Law Enforcement Center Project**
- C. Civil Action No. M-03-182; Aurelio Miranda vs. Hidalgo Co., et.al**

NO ACTION taken on this item.

At this time the moved back to Item 15 on the Regular Agenda.

**26. Closed Session:**

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

**27. Open Session:**

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

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

**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, FEBRUARY 10, 2004, 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.**

Tony Sandoval had a concern on item 7.D.

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote to approve all items on the Consent Agenda including item 7.D.

After the approval of the Consent Agenda, the Court moved to item 17 of the Regular Agenda.

- 1. Approval of check register and payment of claims and bills - County Auditor (SEE EXHIBIT A)**
- 2. Line item transfers: (SEE EXHIBIT B)**
  - A. County Clerk – Fund 1237**
  - B. Planning Department**
  - C. Jail**
  - D. Sheriff Department**
  - E. District Attorney**
  - F. Pct. #1 – Adm.**
  - G. WIC**
  - H. Pct. #3 – Project STOP**
- 3. Right of Way – Permits: (SEE EXHIBIT C)**
  - A. HESCO Utility – Cesar Chavez Rd. north of Trenton Rd. (west to east)**
  - B. H & H Farms – Brushline Rd. & FM 493**
  - C. North Alamo Water Supply – Terry & Mile 17 ½ Rd.**
  - D. North Alamo Water Supply – FM 1423 on Minnesota Rd.**
  - E. Sharyland Water Supply – Rogers Rd. & Mon Mack Rd.**
  - F. Sharyland Water Supply – Mayberry Rd. & 7 Mile Line**
  - G. Shell Western E & P – FM 490 & FM 681**
  - H. Southwestern Bell – Texas Rd. east of Tower Rd.**
  - I. Time Warner Communication – Minnesota Rd. on Tower Rd.**
  - J. AEP Texas Central Company – Mile 12 North & FM 491**
  - K. Sharyland Water Supply – Bryan Rd. & 4 Mile Line**
- 4. Planning Department: (SEE EXHIBIT D)**

**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. Monthly Fee Reports - December: (SEE EXHIBIT E)**

A. J.P. Palacios	\$52,528.33
B. J.P. Espinoza	\$45,774.29
C. J.P. Morales	\$22,836.99
D. J.P. Ochoa	\$35,072.00
E. J.P. Saenz	\$24,222.58
F. J.P. Trevino	\$24,025.65
G. J.P. Garza	\$33,215.56
H. J.P. Contreras	\$43,791.68
I. J.P. Jackson	\$13,781.35
J. Law Library	\$ 2,110.25
K. Sheriff Escalon	\$56,483.69
L. Anzalduas Park	\$ 896.03
M. Delta Lake	\$ 1,040.01
N. Delta Lake	\$ 366.01
O. Constable Aguirre	\$ 940.00
P. Constable Alaniz	\$ 575.00
Q. Constable Gallardo, Jr.	\$ 885.00
R. Constable Rios	\$ 1,290.00
S. Constable Bazan	\$ 1,030.00

**6. Tax Refunds: (SEE EXHIBIT F)**

A. McAllen Fountain View LLC	McAllen Fountain View LLC	\$ 4,049.66
B. Reynaldo Jr. & Teresa Merca..	Fairbanks Capital	\$12,287.58

**7. Purchasing Department: (SEE EXHIBIT G)****A. HIDALGO COUNTY AUDITOR'S -**

1. Requesting authority to purchase a maintenance kit and computer supplies from a CISV vendor, CDW Government, through the State of Texas Building and Procurement Catalogue Purchasing Program for Req #43944 in the amount of \$1,662.50.

**B. HIDALGO COUNTY BUILDINGS & GROUNDS-**

1. Requesting authority to purchase 10 hand held radios from a CISV vendor, Rio Radio Supply Inc., through the State of Texas Building and Procurement Catalogue Purchasing Program for Req #44338 in the amount of \$2,770.00.

**C. HIDALGO COUNTY CONSTABLE PRECINCT NO. 3-**

1. Requesting authority to purchase computer equipment and peripherals from a CISV vendor, Dell Marketing, through the State of Texas Building and Procurement Catalogue Purchasing Program for Req #42010 in the amount of \$1,961.24.

**D. HIDALGO COUNTY ELECTIONS-**

1. Requesting authority to purchase computer equipment from a CISV vendor, CDW-Government, through the State of Texas Building and Procurement Catalogue Purchasing Program for Req #43698 in the amount of \$552.81, and Req # 43705 in the amount of \$552.81.

Commissioner Handy informed the Court that the Budget Office stated that some of the departments have negative accounts and that they will appropriately fund these accounts.

**E. HIDALGO COUNTY SHERIFF'S DEPARTMENT-**

- 1. Requesting authority to enter into a maintenance agreement with Stewart Oxygen Services for the S.O.S. Portable Emergency Oxygen Inhalators for three (3) inhalators at \$20.00 per month to be invoiced annual, \$10.00 per oxygen refill, and \$65.00 per case when cracked, broken, or make unusable. Effective upon approval.**

**DRAINAGE DISTRICT BOARD OF DIRECTORS  
NOTICE**

**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, FEBRUARY 10, 2004 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  
(See Exhibit DD)**

**1. Roll Call**

All members of the Court were counted present with the exception of Commissioner Handy and Garza.

**2. Open Forum**

There were no presentations made during Open Forum.

**3. Approval of Consent Agenda**

At this time the Court moved to approve the Consent Agenda.

**4. Risk Management:**

- A. Approval of reimbursement to the Hidalgo County's Workers Compensation Claims Paying Account for: workers compensation claims paid by Tristar Risk Management in the amount of: \$ 754.07 for the period ending January 2004**

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

Commissioner Garza joined the meeting.

**5. Purchasing Department:**

- A. Requesting approval to cancel Bid No. 03-336-12-31- "One (1) New (Unused) 2004- One Ton- Four Wheel Drive Regular Crew Cab Truck" (previously approved to advertise on 11-25-03) and requesting authority to purchase "One (1) 2004 Chevrolet Silverado-HD2500 Series- Crew Cab Truck", through the Interlocal Agreement with the Houston-Galveston Area Council (H-GAC)- Lawrence Marshall Dealerships, Hempstead, Texas. H-GAC Administration and Delivery Fees are included. Total price: \$23,373.00.**

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

- B. Requesting ratification and authorization to execute the Letter of Engagement with Estrada Hinojosa & Company, Inc., Financial Advisory Service's originally passed by the District's Board of Directors Court on January 8, 2001 and to exercise the renewal of the two (2) year option. A copy of the Letter of Engagement will be forwarded to the Budget and Treasurer's Offices.**

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

- C. Requesting ratification and authorization to execute the Letter of Engagement with Montalvo & Ramirez, in connection with Bond Counsel Services originally passed by the District's Board of Director's Court on April 10, 2000. A copy of the Letter of Engagement will be forwarded to the Budget and Treasurer's Offices.**

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

**6. Closed 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**

NO ACTION taken on this item.

**7. Open Session:**

**A. Real Estate Acquisition**

NO ACTION taken on this item.

**8. Closed Session:**

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

**9. Open Session:**

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

On motion of Commissioner Palacios, seconded by Commissioner Flores, 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 REGULAR MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, FEBRUARY 10, 2004 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 EE)**

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

- 1. Approval of check register and payment of claims and bills - County Treasurer**
- 2. Discharge Permits:**
  - A. Aguila Village Housing Development – Casa Aguilar Subd.**
  - B. City of McAllen – Rado Drain Ditch**
  - C. Red Barn Development – Eldora Subdivision (77.86)**
  - D. Red Barn Development – Eldora Subdivision (77.56)**
  - E. RCI Development Palm, LTD. – Weslaco**
- 3. Purchasing Department:**
  - A. Requesting authority to purchase computer equipment from a CISV vendor, Dell Marketing, through the State of Texas Building and Procurement Catalogue Purchasing Program for Req 44013 in the amount of \$60.00.**

**COMMISSIONERS' COURT**

**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, FEBRUARY 10, 2004 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:**

**ADDENDUM**  
(SEE EXHIBIT AA)

**1. Appointment of deputy constable as prescribed in TLGC Section 86.011**

NO ACTION taken on this item.

**COMMISSIONERS' COURT**

**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, FEBRUARY 10, 2004 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:**

**ADDENDUM**

(SEE EXHIBIT BB)

**23. Purchasing Department – Marty Salazar:  
CORRECTION OF:**

**A. 8. Presentation for discussion, consideration and approval of:**

- a) **the qualifications, requirements, scope of services and selection criteria of the Request for Qualifications for: “Architectural Services/Renovations of former Hidalgo County Sheriff’s Department Project; if approved,**
- b) **authority to advertise the project;**
- c) **appointment and selection of purchasing department and/or designees to grading/scoring committee with directive or decision by Court to complete the final evaluation of the Statements of Qualifications (for the purposes of ranking) after firm presentations at Commissioners’ Court meeting or workshop**

The Court decided to use scoring sheet 8020.

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval on Items 23.8.A, B, C.

At this time the Court moved back to Item 19. B on the Regular Agenda.

**COMMISSIONERS' COURT**

**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, FEBRUARY 10, 2004 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:**

**ADDENDUM**

**County Judge:** (SEE EXHIBIT CC)

**Discussion, consideration and action to pay for professional services incurred by the Health Services in the amount of \$ 13,711.96**

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

Commissioner Garza and Flores stepped away from the Court.

The Court now moved to item 6 of the Regular Agenda.

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 10<sup>th</sup> day of February, 2004

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

By: \_\_\_\_\_  
Ruby Guerra, Deputy

I, JUAN D. SALINAS, III, County Clerk attest that this is an accurate accounting of a proceeding of the Commissioners' Court held on February 10<sup>th</sup> 2004.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2004.

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

(Seal) By: \_\_\_\_\_  
Ruby Guerra, Deputy