

SPECIAL MEETING – March 16, 2004

BE IT REMEMBERED, that on this 16th day of March, A.D., 2004, 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-OFFICIO 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, MARCH 16, 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.

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

Eduardo Olivarez, County Health Department – funding for Hidalgo County
Ricardo Ramirez, Democratic Party – Polling sites for the runoff election
Teresa Navarro – Polling sites for runoff elections
Marty Salazar, Purchasing Agent – Keep Pauline Gonzalez in your prayers

5. Approval of Consent Agenda

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

6. Approval of Proclamation designating April 2004 as "Sexual Assault Awareness and Prevention Month" (See Exhibit J)

Presentation made by Gloria Jean Ramirez of Mujeres Unidas.

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

At this time the Court moved to item 13.

7. Approval of Proclamation proclaiming March 14-20, 2004 as “National Agriculture Week in Texas”
(See Exhibit K)

Presentation made by Steve Bearden, Regional Director of the Texas Department of Agriculture.

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

Commissioner Handy read the proclamation into the record.

8. Tax Office – Armando Barrera: (See Exhibit L)

A. Discussion and approval to apply for the Auto Theft Prevention Authority Grant

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

9. Urban County – Diana Serna: (See Exhibit M)

A. Request to cancel Sub recipient agreement between Urban County Program on behalf of City of Weslaco and Lower Rio Grande Valley Development Council – Rio Metro for Transportation Services for UCP Year 16 (2003)

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

B. Approval of contract with North Alamo Water Supply Corporation – Pct. #4 – Water/Sewer Improvements – UCP – Year 13 (2000)

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

10. County Judge – Lorie Ochoa: (See Exhibit N)

A. Discussion, consideration and possible action regarding the establishment of a Policy that requires Department Heads to report any inquiry or investigation that could result in liability to Hidalgo County

NO ACTION taken on this item.

At this time Commissioner Flores joined the meeting.

B. Discussion and approval of TXDOT Resolution regarding the designation of existing FM 1015 to Spur 1015

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

11. County Clerk – J.D. Salinas, III: (See Exhibit O)

- A. Approval to reclassify position #001-003 from Courts Manager to Internal Auditor**
- B. Approval to reclassify position #001-030 from Official Records Manager to Office Manager (both reclassifications approved by Civil Service on 12/18/03)**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve item 11.A & B.

At this time the Court presented a motion to go into Executive Session.

12. Budget Office – Valde Guerra: (See Exhibit P)**A. Tax Office:**

- 1. Approval of line item transfer from salaries into longevity - \$ 3,658.00**

B. Elections Department:

- 1. Approval of line item transfer from temp. employees salaries - \$ 5,000.00**

C. Purchasing Department:

- 1. Approval to create obj. #854 & line item transfer - \$ 2,200.00**

D. Pct. #2:

- 1. Approval of line item transfer – Border Colonia Access Program - \$ 46,602.40**

E. TABC:

- 1. Approval to create obj. #664 & line item transfer - \$ 199.97**

F. Constable Pct. #3:

- 1. Approval of line item transfer - \$ 2,000.00**
- 2. Approval to accept and appropriate 2004 L.E.O.S.E. funds in the amount of \$ 1,361.82**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve item 12.A-F.

G. Budget amendment – LEOSE Accts.: D.A., Sheriff, Constables Pct. 1, 2, 3, 4 & 5 - \$ 495.61 total

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

H. Approval to process payment to Tropical Texas MH/MR in the amount of \$534,825.00 (local match pursuant to the V.T.C.A. Health & Safety Code, Section 534.006)

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

I. Approval to accept settlement check in the amount of \$6,175.00 from Texas Association of Counties (related to auto accident 10/07/03 – Sheriff's Department)

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

J. Approval of budget amendment – Health Insurance Consultant & Cafeteria Plan Consultant

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

At this time the Court moved to item 15.

13. District Clerk – Omar Guerrero: (See Exhibit Q)

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

Presentation made by Omar Guerrero, Hidalgo County District Clerk.

NO ACTION taken on this item.

B. Approval on Agreement between Hidalgo County and the Office of the Attorney General Contract No. 04-C0118

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval subject to funding and review by the auditor.

Judge Garcia stated, “For the record, do we have any idea on what the cost is?”

Tony Sandoval responded, “The cost is \$16,860.00 subject to funding.”

C. Presentation for discussion, consideration and action of the following:

- 1. Acquisition of module/component to the current jury system software called the Juror Information Management Systems**
- 2. Acquisition of the replacement of twenty (20) computers due to the necessity in preparation for eventual scanning capabilities**

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

At this time Commissioner Flores stepped away from the Court.

At this time the Court proceeded with item 6.

14. Constable Pct. #3 – Larry Gallardo: (See Exhibit R)

A. Presentation and discussion of the 2003 Racial Profiling Report as presented by the Hidalgo County Constable Pct. #3 Department in accordance with Article 2.133 of the Texas Code of Criminal Procedures

Presentation made by Larry Gallardo, Pct. 3 Constable.

At this time the Court proceeded with item 20.E.

15. Right of Way – Godfrey Garza: (See Exhibit S)

A. Approval of proposed TXDOT improvements to SH 107 - .20 mile west of FM 3362 (Jackson Rd.) east to 10th St.

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

16. Pct. #1 – Comm. Handy: (See Exhibit T)

A. Approval of payment application #1 to Spacemaker Construction for the Pct. #1 Multipurpose Center

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

At this time the Court moved to item 18.

17. Pct. #4 – Comm. Garza: (See Exhibit U)

A. Request authorization to open an unopened unnamed county road dedicated by plat (Delta Orchard Company Unit #7 – located west of F.M. 493 south of Mile 22.5)

B. Waiver of resident cost-share

C. Request authorization to name road: Moises Flores Rd.

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve item 17.A, B, & C subject to legal review.

At this time the Court continued with item 14.

18. Human Services – Rudy De La Viña: (See Exhibit V)

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

- 1. Authorization to pay claims:

2003	<u>\$40,767.78</u>
2004 -	<u>\$171,471.90</u>
- 2. Indigent Health Care expenditures

Presentation made by Rudy De La Vina.

At this time Commissioner Palacios stepped away from the meeting.

19. Buildings & Grounds – Daniel Flores: (See Exhibit W)

A. Status of old jail building

B. Maintenance of county grounds

C. Status of renovation of administration building

D. Presentation for discussion, consideration and action on a request by the 370th District Court for storage area to accommodate approximately thirty (30) boxes of documents and exhibits in need of removal from the Hidalgo County Health Department warehouse area to permit the awarded and scheduled renovation project to proceed (some aspects of remodeling have begun)

Presentation made by Marty Salazar and Daniel Flores.

NO ACTION taken on item 19.A-D.

20. Purchasing Department – Marty Salazar: (See Exhibit X)

A. HIDALGO COUNTY –

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

- 1. **New Hidalgo County Jail:** Total inmate population: 1039 Other Information:

Physical Count:	<u>1028</u>	Males	<u>963</u>
Out of County: La Villa	<u>0</u>	Females	<u>65</u>

Brooks's 0 Federal 11

2. **Current inter-local(s) and/or contract(s) for the "Housing of Inmates"**
3. **New Adult Detention Facility and Law Enforcement Center Project:**
 - a) **Detention Facility Law Enforcement Center Design- Build Contract Action (if necessary)**
 - b) **Presentation for discussion, consideration and action (if necessary) regarding Landmark final punch list and retainage;**
 - c) **County Auditor's Report on Detention Facility Law Enforcement Center Project paid and pending payment request approval;**
 - 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- bid opening held on 2-25-04 with participation of five (5) vendors. Project architect, V-A Architecture currently reviewing and tabulating bids received for recommendation to CC as to award or other options;**

Marty Salazar stated there was nothing to report on items 20A.2 & 3.

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

At this time Commissioner Palacios joined the meeting.

5. **Recommending award of bid and approval of contract for "Leasing of Vehicles", to low bidder meeting all requirements and/or specifications. Fully executed copies of the contract will be forwarded to both the Hidalgo County Auditor's and Budget Office.**

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

6. **Presentation for discussion, consideration and action, if applicable including, but not limited to, the following:**
 - a) **Contracted vendor, MGT of America, submission of the proposed methodology of the current systems evaluation with reports and recommendation with work-plan and time-line for the Step and Grade System Project for Hidalgo County with authority to issue notices to appropriate departments and/or programs (with determination on any non-applicable department and/or programs) on required and expected level of participation and cooperation.**

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

7. **Presentation for discussion, consideration and approval of a recommendation to reject all bids and/or statements of qualifications received for the following projects:**
 - a) **Request for Qualifications for: Pathologist to provide Autopsy and Related Services;**
 - b) **Request for Bid: Autopsy Facility;**
 - c) **Request for Bid: Dead Body Pick-Up & Transport Services;**

Inasmuch as no facility submitting bid complies with all specifications and thus creating a necessity to recommend the following new project;

- 8. Requesting authority to advertise the following:**
 - a) Request for Qualifications with Proposal for: Pathologists to Provide Turnkey Autopsy and Related Services for Hidalgo County;**
 - b) Request for Bid: Dead Body Pick-Up and Transport Services;**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve all items under 20.A.7 & 8.

- 9. Presentation for discussion, consideration and action, if applicable, including but not limited to, the following:**
 - a) A report on the status of the current agreements expiration date with Texas General Land Office (State Power Program) awarded vendor Reliant Energy;**
 - b) Presentation of a report reflecting Count's 2003 per kilowatt hour energy cost under the current agreement with GLO through Reliant Energy and the projected energy cost per kilowatt hour and potential budget impact during a transition period (non-award period and including "cut-over"), if applicable;**
 - c) Status and present market conditions with options to renew and approve a contract (term to be dictated by the Court) with Reliant Energy through the State of Texas General Land Office award under the following options**
 - (a) Fixed Term Prices**
 - (i) Energy Only**
 - (ii) Bundled (include TDSPs and all other non-by passable charges)**
 - (b) Short term fix with specific target: Fix for 12 months- specific target for 2005 & 2006**
 - (c) Blend & Extend Options**
 - (i) Quick participation in event of downward move in market**
 - (ii) Blend existing price with new price of extended term.**
- 10. Report of the review of current letter of engagement with Estrada-Hinojosa, financial advisor in connection with contracting the services of an energy consultant to assist Hidalgo County in the sealed bid project for: Electric Energy Provider Service;**
- 11. Presentation of results of any requests for information solicited and/or received by the purchasing department from other vendors, aggregation pools, cooperative purchasing programs or through HGAC awardee for consideration by the Court;**

NO ACTION taken on items 20.A.9-11.

- 12. Presentation and acceptance of roster (as listed in the RFQ Acceptance Sheet attached hereto) of "Appraisers and Surveyors Pool" of pre-qualified firms submitting Statements of Qualifications for ranking on an "as needed basis" per project by all County departments requiring said services as set forth in the requirements stated in the County's Request for Qualifications packet.**

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

- 13. Presentation and acceptance of roster (as listed in the RFQ Acceptance Sheet attached hereto) of "Engineering Services- Hidalgo County" pool of pre-qualified firms submitting Statements of Qualifications for ranking on an "as needed basis" per project by all County**

departments requiring said services as set forth in the requirements stated in the County's Request for Qualifications packet.

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

At this time Commissioner Garza stepped away from the Court and did not return for the remainder of the meeting.

- 14. Presentation for discussion, consideration, and approval of a recommendation to extend bid opening with re-advertising of said extension for: RFP- "Cellular phones and Services for Hidalgo County", project.**

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

- 15. Recommending and requesting approval to reject all bids received, and authority to re-advertise for: "Indoor Air Quality Testing Services"**

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

- 16. Recommending extension with authority to advertise inasmuch as current specifications are being drafted and are incomplete for: "Pipes (Reinforced Concrete, Polyethylene, Heavy Wall Concrete, Corrugated PVC & Steel Storm Sewer Pipes, Rubber Gasket Joint Concrete Pipes & Additional Miscellaneous Items"**

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

B. HIDALGO COUNTY PRECINCT NO. 1-

- 1. Recommending to reject bids received for the RFB-"Hauling Services" with approval to re-advertise same so as to attract more participation;**

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

- 2. Requesting approval to exercise the sixty (60) day grace period (effective April 9, 2004 thru June 9, 2004) as permitted under the current contract for "Hauling Services", under the same rates, terms and conditions while re-bid process is on going.**

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

C. HIDALGO COUNTY PRECINCT NO. 2-

- 1. Recommending award of bid and approval of Contract for "GEO-GRID REINFORCEMENT MATERIAL" to sole bidder meeting all requirements and specifications. Note: Fully executed copies of contract will be forwarded to both Budget Office and Hidalgo County Auditor's Offices.**

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

2. Requesting authority to for: "South I Road Sewer Improvements".

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

3. Presentation for consideration, discussion and approval to award a short term contract (solicited through sealed quotes) for "South I Road Sewer Improvements" with _____ (vendor meeting all specifications and requirements) in the amount of \$_____, but in no event to exceed the statutory bid limit of \$25,000.00 while formal bid process is completed. Note: Additional specifications being developed and completed with Precinct staff and will not be advertised until said specifications are approved by Commissioner's Court.

No Action taken on this item.

D. HIDALGO COUNTY PRECINCT NO. 3-

1. Presentation for discussion, consideration, acceptance and approval of request for payment invoice # 8 totaling \$ 2,144.00 submitted by George A. Garcia, AGADC, for architectural services rendered for the Multi-Service Center in Precinct No. 3 with authority for Auditor to process payment after review, audit and processing procedures.

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

2. Presentation for discussion, consideration, acceptance and approval of Certificate for Payment No.2 from Rio Valley Construction for the Multi- Purpose Center in the amount of \$203,612.02 and as certified for payment by project architect, George A. Garcia, AGADC. With authority for auditor to pay after review, audit and processing procedures.

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

E. HIDALGO COUNTY PRECINCT NO. 4-

1. Pursuant to Article 6 of original agreement with Absolute Waste Services (03-176-08-05), presentation, consideration, discussion and approval of Change Order No. 1 in connection with the necessity to have contractor excavate additional soil needed to complete the amount projected in order to place over the GCL material (liner) at price of \$0.90/cubic yard (est. 30,000 cubic yards). Final total cubic yards will be determined, quantified, verified and certified by project engineer.

Note: As per project engineer:

- a) Project at a stage where GCL liner in ready to be deployed;
- b) It is estimated that it will take approx. 36,000cu. yards of soil to cover liner;
- c) Stockpile currently has approx. 12,000 cu. yards of soil and contractor will only deploy enough GCL that can be covered by existing stockpile;
- d) Precinct does have another field available to excavate & haul soil, but does not have a contract in place for said services; AWS would need to de-mobilize and return when

- Precinct awarded bid for such services; De-mobilization& Re-mobilization expenses would be costly and further delay completion & final inspection by TCEQ;**
- e) **Precinct No. 4 will need to backfill area where excavated soil will be taken in order to complete Item A after completion of the closure project; therefore, if item A above is approved;**
2. **Requesting authority to advertise for: “The Excavation, Loading, Hauling and Placement of soil to backfill Stockpile Site” in connection with the Cap and Closure Project of the Landfill in Pct. 4 with specifications to be drafted by project engineer.**

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve all items under 20.E.

At this time the Court moved back to item 12.

F. HIDALGO COUNTY HEALTH DEPARTMENT –

1. **Presentation for discussion, consideration, acceptance and approval for an Interlocal Agreement between Hidalgo County Health Department and South Texas Community College subject to legal review. Note: Fully executed copies of the contract will be forwarded to both the Hidalgo County Auditor’s and Budget Office.**

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

2. **Requesting authority to advertise and approval of specifications as attached hereto for: “Testing Systems and Related Supplies – Hidalgo County.” RFB**

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

3. **Presentation for discussion, consideration, acceptance and approval for the purposes of ranking by Hidalgo County Commissioner’s Court as “Qualified”, the sole response received to the RFQ&P in connection with “Licensed Nurse Practitioner for Hidalgo County Health Department”, project from Emmalou Keys.**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve the project from Emmalou Keys.

4. **Requesting authority for Purchasing Department to negotiate a contract with “Emmalou Keyes”, as “Qualified” for Licensed Nurse Practitioner for Hidalgo County Health Department.**

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote to approve the contract with Emmalou Keys.

G. HIDALGO COUNTY ELECTIONS DEPARTMENT –

1. **Requesting authority to purchase One Ford F-150 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.

H. HIDALGO COUNTY WIC PROGRAM –

- 1. Recommending of bid award and approval of the lease contract to the lowest bidder received meeting all specifications and requirements as attached hereto for: “Lease Space WIC clinic in the City of Pharr”. Note: Fully executed copies of the contract will be forwarded to both Hidalgo County Auditor’s and Budget Office.**

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

I. HIDALGO COUNTY COLONIA ACCESS PROGRAM-

- 1. Recommending bid award and approval of contract for: “Construction of Primavera Subdivision” (Colonia Access (CAP) Project) to low bidder meeting all specifications and requirements. Bid No. 2004-004-02-25**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve the bid award and contract to J.M. Construction subject to funding.

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to rescind the action previously taken.

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve and award the contract to J.M. Construction in the amount of \$657,561.96.

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

Judge Garcia was present for Closed Session but did not return for the remainder of the meeting.

21. Closed Session: (See Exhibit Y)

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. Cause No. C-1279-01-E; Pete J. Rivera vs. Hidalgo County**

Judge Garcia did not take part in any part of the voting for this item due to a conflict of interest.

D. Pending and/or potential litigation; Irasema Lizette Marquez vs. Hidalgo County

- E. C-640-03A, C-641-03-B, C-644-03E, C-645-03-F, C-647-03-H; Hidalgo County vs. Texaco, Inc.; Kerr-McGee Oil & Gas Onshore, L.L.C.; TotalElf E & P USA, Inc., El Paso Production Oil & Gas Co.; SWEPI, L.P.**

NO ACTION taken on items 21.A-E.

F. Civil Action No. M-03-182; Aureliano Miranda vs. Hidalgo Co. et.al

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve a settlement of \$30,000.

22. Open Session: (See Exhibit Y)

A. Real Estate Acquisition

B. Consultation with Attorney on litigation associated with New Adult Detention Facility & Law Enforcement Center Project

C. Cause No. C-1279-01-E; Pete J. Rivera vs. Hidalgo County

Judge Garcia did not take part in any part of the voting for this item due to a conflict of interest.

D. Pending and/or potential litigation; Irasema Lizette Marquez vs. Hidalgo County

E. C-640-03A, C-641-03-B, C-644-03E, C-645-03-F, C-647-03-H; Hidalgo County vs. Texaco, Inc.: Kerr-McGee Oil & Gas Onshore, L.L.C.; TotalElf E & P USA, Inc., El Paso Production Oil & Gas Co.; SWEPI, L.P.

NO ACTION taken on items 21.A-E.

F. Civil Action No. M-03-182; Aureliano Miranda vs. Hidalgo Co. et.al

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve a settlement of \$30,000.

At this time the Court moved to item 17.

23. Closed Session:

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

24. 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 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, MARCH 16, 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.

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval with the exception of item 9.A.

- 1. Approval of check register and payment of claims and bills - County Auditor (See Exhibit A)**
- 2. Line item transfers: (See Exhibit B)**
 - A. Budget Office**
 - B. Pct. #1 – Lateral Rds.**
 - C. Pct. #2 – Countywide Shop**
 - D. County Auditor**
 - E. Planning Department**
 - F. Health – Clinics**
 - G. Tax Office**
 - H. County Records Mgmt.**
 - I. Computer Department**
 - J. Historical Commission**
 - K. Pct. #1 – Adm.**
 - L. Pct. #1 – Sanitation**
 - M. Pct. #1 – R & B**
 - N. County Court #5**
 - O. Human Resources**
 - P. Pct. #2 – Sanitation (2)**
 - Q. WIC (2)**
 - R. Pct. #1 – Parks (2)**
- 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. **Processing Fee Reports:** (See Exhibit D)
 - A. **District Attorney - \$ 186,346.64 – February**
 5. **Court Cost & Fee Report - February:** (See Exhibit E)
 - A. **County Clerk - \$ 581,030.96**
 6. **Urban County:** (See Exhibit F)
 - A. **Request for approval to enter into “Homebuyer Assistance Program” contract under the HOME Program (4 families) – locations of properties are confirmed not to be inside entitlement cities**
 7. **Right of Way – Permits:** (See Exhibit G)
 - A. **North Alamo Water Supply – FM 1015 on Mile 14 North**
 - B. **North Alamo Water Supply – Mile 6 ½ West on east side of North Mile 9 North**
 - C. **North Alamo Water Supply – SH 107 & FM 1423**
 - D. **Anderson Oil, LTD. – Las Milpas Road**
 - E. **HESCO Utility Co. – Wisconsin Rd. east of Cesar Chavez Rd.**
 - F. **HESCO Utility Co. – Tower Rd. north of Wisconsin Rd.**

*****VARIOUS PERMITS BELOW AND AS LISTED IN EXHIBIT “A” PGS. 1-6**

- G. **Ashwood Estates**
- H. **Cottonwood**
- I. **Del Monte**
- J. **Hammond**
- K. **Hub City Acres**
- L. **Hidalgo Canal Co.**
- M. **John H. Shary**
- N. **Llano Grande**
- O. **La Lomita**
- P. **Mission Groves Estate**
- Q. **Mission Original Townsite**
- R. **Multipurpose Facility for Pct. #4**
- S. **McColl Tract**
- T. **Mo-Tex**
- U. **Mujeres Unidas**
- V. **Newport**
- W. **Doffing #3**
- X. **Porcion**
- Y. **Progressive**
- Z. **Ruthven Edinburg**
- AA. **River Rock**
- BB. **Russell W & Norma Barnes Birdwell**
- CC. **San Carlos Lots**
- DD. **San Carlos Homesites**
- EE. **Seminary Heights**
- FF. **Shary Heights**
- GG. **Sharyland Orchards**
- HH. **South Seminary**

- II. Woods Lot**
- JJ. Wal-Mart #2**
- KK. West Addition to Sharyland**

8. Tax Refunds: (See Exhibit H)

- A. Texas State Bank Texas State Bank \$74,106.22**

9. Purchasing Department: (See Exhibit I)**A. HIDALGO COUNTY PRECINCT NO.4-**

- 1. Requesting authority to enter into a 48 month lease with Xerox Corporation for a 420DC2 Digital Copier through the State of Texas Building and Procurement Contract 985-A3 for \$ 107.98 a month. (Req# 468850) Effective upon approval.**

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

B. HIDALGO COUNTY 275TH DISTRICT COURT-

- 1. Requesting authority to enter into a maintenance agreement for a 2310 Copystar copier with Copy data Valley wide in the amount of \$ 481.00 for one year. Effective February 16, 2004 through February 16, 2005. (Req # 46529)**

C. HIDALGO COUNTY 206th DISTRICT COURT-

- 1. Requesting authority to purchase computer software from a CISV vendor, CDW-Government, through the State of Texas Building and Procurement Catalogue Purchasing Program for Req #46681 in the amount of \$ 466.58.**

D. HIDALGO COUNTY COMPUTER DEPARTMENT-

- 1. Requesting authority to purchase computer equipment from CISV vendors through the State of Texas Building and Procurement Catalogue Purchasing Program for the following a) Req # 46457 for QA Systems in the amount of \$1,955.00, b) Req# 46668 for S.J.S. Computers in the amount of \$359.00, and d) Req#45888 for Starr Telecommunications in the amount of \$460.00 and e) Req# 46927 for Dell Marketing in the amount of \$1,321.77.**

E. HIDALGO COUNTY DISTRICT ATTORNEY-

- 1. Requesting authority to purchase computer equipment from CISV vendors the State of Texas Building and Procurement Catalogue Purchasing Program for a) Req# 46429 for CDW- Government in the amount of \$308.37 and b) Req# 46435 for Hewlett-Packard Co in the amount of \$1,173.00.**

F. HIDALGO COUNTY DISTRICT CLERK-

- 1. Requesting authority to purchase telephone equipment from a CISV vendor, Starr Telecommunication, through the State of Texas Building and Procurement Catalogue Purchasing Program for Req # 46872 in the amount of \$ 750.00**

G. HIDALGO COUNTY PURCHASING DEPARTMENT –

- 1. Requesting authority to purchase from a CISV vendor through the state of Texas Building and Procurement Catalogue Purchasing Program for the following: CDW-Government in the amount not to exceed \$ 1,200.00**

H. HIDALGO COUNTY SHERIFF'S DEPT.-

- 1. Requesting authority to enter into a maintenance agreement for the fingerprinting system with Identix Incorporated in the amount of \$ 9,829.00. Effective June 17, 2004 through June 16, 2005. (Req#46732)**

I. HIDALGO COUNTY TAX OFFICE-

1. **Requesting authority to purchase computer equipment from CISV vendors through the State of Texas Building and Procurement Catalogue Purchasing Program for the following: a) Req#46441 for Xerox in the amount of \$1,999.00, b)Req # 46750 for Multiwave in the amount of \$2,712.00, c) Req # 46749 for Multiwave in the amount of \$3,513.00, d) Req# 46771 for CDW-Government in the amount of \$422.54, e) Req # 46770 for Multiwave in the amount of \$342.00, and f) Req # 46767 for Multiwave in the amount of \$1,258.00**

**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, MARCH 16, 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 Z)**

1. Roll Call

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

2. Open Forum

No presentations were made during Open Forum.

3. Approval of Consent Agenda

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

4. Approval of payment #2 to Asago, LLC in the amount of \$ 37,096.00 (Progreso Drainage Project)

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

5. Approval of proposed TXDOT improvements to SH 107 (.2 miles west of FM 3362 (Jackson Rd.) east to 10th St.

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

At this time the Court moved to item 7.

6. Approval of final payment to Summit Contracting, Ltd. in the amount of \$ 23,302.00 (east Hidalgo project, S. 10th drainage ditch)

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

7. Approval of Change Order #1 in contract price, decrease of \$ 19,500.00, Summit Contracting, Ltd. east Hidalgo project

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

At this time the Court resumed with item 6.

8. Purchasing Department:

A. Requesting approval to advertise for: Pharr–McAllen South Drain/South “I” Road Bridge Replacement Project.

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

A motion was not presented to go into Executive Session due to the fact that there were no items listed under this item.

9. 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.

10. Open Session:

A. Real Estate Acquisition

NO ACTION taken on this item.

11. Closed Session:

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

12. 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 SPECIAL MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, MARCH 16, 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 AA)**

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

- 1. Approval of check register and payment of claims and bills - County Treasurer**
- 2. Discharge Permits:**
 - A. City of Edinburg – San Cristobal Subdivision**
 - B. City of San Juan – Strong Tower Estates**
- 3. Utility Permit:**
 - A. Anderson Oil LTD. – San Juan Plantion Subd.**

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 16th day of March, 2004

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

By: _____
Mari Gutierrez, Deputy

I, JUAN D. SALINAS, III, County Clerk attest that this is an accurate accounting of a proceeding of the Commissioners' Court held on March 16, 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: _____
Mari Gutierrez, Deputy