

REGULAR MEETING – August 10th, 2004

BE IT REMEMBERED, that on this 10th day of August, 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:

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 REGULAR MEETING of the Commissioners' Court will be held on TUESDAY, AUGUST 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.

2. Pledge of Allegiance

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

3. Prayer

Commissioner Handy led the Court and Audience in Prayer.

4. Open Forum

Charlie Montgomery – Hurricane season, tropical storms Charlie and Bonnie

Robert Garcia – With the Children's Advocate Center on funding support from the County.

Virginia Townsend – Investing on the Old Jail and reusing the surplus materials.

Fern McClaugherty – Investing in the surplus materials in the Old Jail - Voting Machines.

5. Approval of Consent Agenda

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

At this time the Court requested to move to item #22-A4.

6. Elections Department – Teresa Navarro: (SEE EXHIBIT H)**A. Discussion, approval and possible action on the following, but not limited to:****1. Update on New Voting System as mandated by Legislation and update on Voter Registration Software**

Presentation made by Teresa Navarro and Marty Salazar.

2. Appointment of Presiding and Alternate Election Judges for the August 1, 2004 to July 31, 2005 term

NO ACTION taken on this item.

3. Authorize and direct County Auditor to apply reimbursement funds from the Democratic Party for the 2004 Primary & Runoff into appropriate Elections Department objects & also authorize all future reimbursements for Elections Services from the party repaid to the Elections Department

NO ACTION taken on this item.

4. Appointment of Central Counting Station for the November 2, 2004 General Election

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on appointing Teresa Navarro as Manager, Mike Ramirez as Tabulation Supervisor, Mariano Mansano and Oscar Cantu as Assistance Tabulation Supervisor.

At this time the Court moved to item #8.

7. Juvenile Probation – Buddy Silva: (SEE EXHIBIT I)**A. Request authorization to proceed with JB-1337806-CJD Early Intervention Program Block Grant in the amount of \$ 69,120.00 – award documents are currently being processed and should be ready by the end of August**

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

8. Risk/Emergency Management – Charlie Montgomery: (SEE EXHIBIT J)**A. Presentation from By the Numbers Actuarial Consulting, Inc. on Hidalgo County Self-Funded Workers' Compensation Program to review historical data and set 2004-2005 rates**

Presentation made by Jeff McZinney.

9. Presentation and acceptance of Revenue Sharing check in the amount \$64,610.00 from U.S. Fish & Wildlife Service (SEE EXHIBIT K)

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

10. County Auditor – Tony Sandoval: (SEE EXHIBIT L)

A. Additional budget amendment to revise revenue estimates for 2004 for the General Fund

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on the amount of \$302,081.33.

At this time Commissioner Flores steps out of the Court.

B. Budget amendment to revise revenue estimates for 2004 in the Special Revenue Funds, Debt Service Funds and Proprietary Funds

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on the amount of \$277,000.00.

11. Urban County – Diana Serna: (SEE EXHIBIT M)

A. Approval of an Interlocal Agreement between the City of Elsa and Hidalgo County Pct. #1 – Street Improvements – UCP Year 16 (2003)

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

At this time Commissioner Palacios steps out of the Court.

12. Planning Department – Raul Sesin: (SEE EXHIBIT N)

A. Partial Reimbursement of Cash Deposit:

1. Veronica Estates Subdivision – Pct. 3 (Maria D. Palomo, Developer)

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

13. Head Start – Teresa Flores: (SEE EXHIBIT O)

A. Discussion/approval to increase salary of Executive Director as approved by Policy Council on Meeting of July 21, 2004

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

14. WIC – Norma Longoria: (SEE EXHIBIT P)

A. Request authorization and approval to delete vacant position #001-037 Clerical Supervisor - \$ 33,288.00

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

B. Request authorization and approval to create position #001-208 Vendor Liaison - \$ 33,288.00

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

15. Constable Pct. #3 – Larry Gallardo: (SEE EXHIBIT Q)**A. Approval to authorize the County Treasurer to process payment for clothing allowance of two (2) non-uniform deputies and process payment in conjunction with the regular payroll of 8/27/04**

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

16. Pct. #1 – Comm. Handy: (SEE EXHIBIT R)**A. Request approval for Auditor to issue payment after review, audit and processing procedures completed for Application #6 to Spacemaker Construction for Pct. #1 Multi-purpose Center**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval in the amount of \$88,088.00

B. Request approval for Auditor to issue payment of invoice #12 to Alcoser Garcia & Associates Design Consulting for Renovations to existing facilities Pct. #1 Multi-purpose Center Buildings 1, 2 & 3 Construction Phase Draw No. 6

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval in the amount of \$2,000.00

17. Pct. #3 – Comm. Flores: (SEE EXHIBIT S)**A. Acceptance of cost sharing of materials (asphalt) for overlaying of county roads within Pleasant Valley Ranch – cost of asphalt will be not less than \$ 33,600.00 as agreed by Mr. Jack Martin, Developer/Owner of Martin Valley Ranches; and Pct. #3**

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

18. Pct. #4 – Comm. Garza: (SEE EXHIBIT T)**A. Request authorization to enter into an Interlocal Cooperation Agreement between City of Edinburg and Hidalgo County on the north I Rd. Project Phase II Part II from Owassa North to Exy.281**

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

B. Request authorization to name an unnamed/private road located within Hidalgo County Pct. #4 as follows: Rios Private Rd.

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

C. Request authorization to enter into an Interlocal Cooperation Agreement between the Edinburg Consolidated Independent School District and Hidalgo County Pct. #4 on road improvements of Wisconsin Rd., east of Raul Longoria (improvements include dedication of additional right-of-way)

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

19. Human Services – Rudy De La Viña: (SEE EXHIBIT U)

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

- 1. Authorization to pay claims: 2004 _____**
- 2. Indigent Health Care expenditures**

NO ACTION taken on is item.

20. Buildings & Grounds – Daniel Flores: (SEE EXHIBIT V)

A. Status of old jail building

Presentation made by Marty Salazar and Mr. Figueroa.

At this time Commissioner Palacios returns to the Court.

B. Maintenance of county grounds

Presentation made by Daniel Flores.

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval to form a committee to look into the issue of the parking garage with the members being from every Member of Commission and the County Judge’s Office, including Mr. Guerra and Mr. Flores.

C. Status of renovation of administration building

Presentation made by Marty Salazar.

At this time Commissioner Handy steps out of the Court.

21. Budget Office – Valde Guerra: (SEE EXHIBIT W)

A. Discussion, consideration and action pay Santa Cruz Irrigation District #15 Flat Rate Fee as mandated by the Texas Water Code Article 58.305 (b) total of \$ 4,158.26 for 2003 & 2004

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

At this time Judge Garcia requested a 10 minute recess.

At this time the Court moved to item #21C.

B. Discussion, consideration and action on setting the Hidalgo County Road & Bridge Fee

On motion of Commissioner Garza, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval on the \$10.00 fee.

At this time Commissioner Handy returns to the Court.

C. Discussion, consideration and action to create a temporary full-time clerical position

D. Set salary at \$ 8.00/hr.

E. Approval to create obj. #121 & line item transfer

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on items C, D & E.

At this time Commissioner Flores returns to the Court.

F. Veterans Services:

- 1. Approval to create obj. 602 & line item transfer - \$ 260.00**

G. Line item transfers:

- 1. Workers' Comp. Fund - \$ 200.00**
- 2. Juvenile Justice Court - \$ 1,850.00**

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on items F-1 and G-1&2.

H. Interdepartmental Transfers:

- 1. Sheriff Department**
- 2. Human Resources**

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

I. Pct. #3 – Park:

- 1. Approval to appropriate Pct. #3 unreserved revenues**

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

J. Health Department:

- 1. Requesting approval to transfer a vacant position (slot #002-007) from Sanitation to Administration**

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

2. Requesting approval of Inter-departmental transfer

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

3. Approval to create obj. 611, 320 & 336 & line item transfer - \$48,883.60 – Bioterrorism grant

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

4. Requesting authorization and approval of change order #001 for the Bioterrorism renovation in the amount of \$ 20,000.00 (ERO Architects) Acct. #4-1293-441-00-340-013-4

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

5. Approval to delete slot #340-006-003 Director of Operations/Budget

6. Approval to create slot #340-006-005 Chief Financial Officer & set salary at \$ 51,500.00

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval on items 5 & 6.

22. Purchasing Department – Marty Salazar: (SEE EXHIBIT X)

- NOTES: 1. FOR ANY CONTRACT(S) AWARDED AND APPROVED UNDER THIS AGENDA, EXECUTED COPIES OF THE CONTRACT(S) WILL BE FORWARDED TO HIDALGO COUNTY AUDITOR’S OFFICE.**
- 2. ANY/ALL REQUESTS FOR ACCEPTANCE AND APPROVAL OF CLAIMS/INVOICES UNDER THIS AGENDA WILL INCLUDE AUTHORITY FOR AUDITOR TO ISSUE PAYMENT AFTER REVIEW, AUDIT AND PROCESSING PROCEDURES COMPLETED**

A. HIDALGO COUNTY –

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

1. New Hidalgo County Jail:

Total inmate population:	1142	Other Information:	10
Physical Count:	1101	Males (in house)	1020
Out of County: La Villa	27	Females (in house)	81
Brook’s		Federal Prisoners	10
Adj. /Sentenced to TDC	113	Total Paper Ready TDC	90

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

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

- 1. Detention Facility Law Enforcement Center Design- Build Contract Action (if necessary)**
- 2. Presentation for discussion, consideration and action (if necessary) regarding Landmark final Certificate & Application for Payment, punch list and retainage;**
- 3. County Auditor’s Report on Detention Facility Law Enforcement Center Project paid and pending payment request approval;**

Nothing to report on items 2 & 3-1-2-3.

4. **Presentation for discussion, consideration, acceptance and approval of claims/invoices with authority for Auditor to issue payment for the items detailed in: "Exhibit A" attached hereto.**

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

5. **Pursuant to directive from Commissioners Court on 8-03-04, discussion, consideration and authority to advertise an RFQ/P for legal services for Subdivision and Fire Code Regulation Project including, but not limited to, the following areas: Analysis of Existing Regulations, Analysis of Recent Statutory Authority & Enforcement Remedies, Analysis of Potential Enforcement Suits Against Violators and Legislative Assistance.**

NO ACTION taken on this item.

At this time Commissioner Handy leaves the Court.

6. **Presentation for discussion, consideration and authority for County Judge to execute the following documents in connection with the implementation of the Texas Vine Project (approved by C.C. on 8-3-04): Texas VINE Services Agreement, VINE County Contract and the County Implementation Plan.**

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

At this time Commissioner Flores leaves the Court.

B. HIDALGO COUNTY PRECINCT NO.3 –

1. **Requesting authority to purchase through the Inter Local agreement with Houston-Galveston Area Council (H-GAC) Philpott Motor Co., Port Neches, Texas with specifications attached hereto and as requested by Pct.3**
 - a) **"Two (2) New Model 2004 Long Bed ½ Ton V6 R-Cab Pick Up Truck's"... Unit Price \$12,404.25 total cost \$ 24,808.50**
 - b) **"One (1) New Model 2005 F250 Crew Cab 4x4 V8 Pick up Truck"...Price \$ 23,686.25
H-GAC Adm. Fee \$ 600.00
Total cost for A & B – FOB Precinct No. 3 \$ 49,094.75**

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

C. HIDALGO COUNTY PRECINCT NO. 4-

1. **Requesting exemption from competitive bidding under the Texas Local Government Code 262.024(a) (4) for professional engineering services with Millennium Engineers Group in connection with the "Construction Materials Testing of Paved – Unpaved Roads& Lateral Road Projects" under Precinct Number Four.**

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

2. **Requesting approval of a professional engineering services contract, subject to legal review, with Millennium Engineers Group in connection with the “Construction Materials testing of Paved-Unpaved Roads & Lateral Road Projects” under Precinct Number Four.**

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

3. **Requesting exemption from competitive bidding under the Texas Local Government Code 262.024 (a) (4) for professional engineering services with Noe Garza Engineers, Inc. in connection with the “Paved –Unpaved Roads & Lateral Road Projects” under Precinct Number Four.**
4. **Requesting approval of a professional engineering services contract, subject to legal review, with Noe Garza Engineers, Inc. in connection with the “Paved-Unpaved Roads & Lateral Road Projects” under Precinct Number Four.**

On motion of Commissioner Garza, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval on items 3 & 4.

5. **Requesting approval of specifications for: “Hidalgo County Precinct No. 4- Paving of Anderson Road (Valverde to Dillion) with Noe Garza Engineers, Inc. serving as project engineer.**

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

6. **Requesting rescission of authority to purchase (approved by Commissioner’s Court on February 24, 2004) for the following :**
 - a) **“Two (2) New (unused) 2004 Mack CV713 Granite Cab & Chassis Roll-Off Truck” FOB Precinct No.4.(from Dallas Mack).**
 - b) **“Two (2) New (unused) 2004 G & H Roll Off Hoist and Tarper” (from Dickson Equip)**

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

7. **Approval to purchase through the inter-local agreement with Houston-Galveston Area Council (H-GAC) Vendors: Dallas Mack Sales, L.P. and Dickson Equipment Co. from Dallas, Texas, with specifications, attached hereto and as requested by the Precinct to reflect the changes for:**

Item	Description:	Qty	Unit Price	Total Price
	"Two (2) New (unused) 2005 Mack CV713 Granite Cab & Chassis Roll-Off Truck" FOB Precinct No.4.(from Dallas Mack).	2	\$73,072.00	\$146,144.00
	H-GAC FEES			\$600.00
A.	SUB-TOTAL ITEM #1			\$146,744.00
	"Two (2) New (unused) 2005 G & H Roll Off Hoist and Tarper" (from Dickson Equip)	2	\$25,463.36	\$50,926.72
	H-GAC FEES			\$400.00
B.	SUB-TOTAL ITEM #2			\$51,326.72
C.	(A + B) TOTAL:			\$198,070.72

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

8. **AN ORDER AMENDING AN ORDER AUTHORIZING THE PURCHASE AND ACQUISITION OF CERTAIN PERSONAL PROPERTY AND THE FINANCING THEREOF; APPROVING CERTAIN INSTALLMENT PURCHASE TERMS UNDER THE AUTHORITY OF SECTION 271.001 ET SEQ., LOCAL GOVERNMENT CODE; AUTHORIZING A MAXIMUM LOAN IN THE PRINCIPAL AMOUNT OF TWO HUNDRED TWENTY THOUSAND DOLLARS (\$220,000.00) PAYABLE FROM AVAILABLE FUNDS FROM THE COUNTY, SUBJECT TO ANNUAL APPROPRIATION; PRESCRIBING THE TERMS AND FORM THEREOF; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL THEREOF AND INTEREST THEREON; AND APPROVING OTHER MATTERS INCIDENT THERETO.**

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

D. HIDALGO COUNTY ADULT DETENTION CENTER-

1. **Recommending award of bid and approval of contract for "Section II BDU's Battle Dress Uniforms", to sole bidder meeting all requirements and/or specifications.**

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

2. **Ratification of awarded sealed quote to the vendor offering the highest percentage on "Legend (Brand and Generic) and Non-Legend Pharmaceuticals and Infirmary Medical Supplies" on short term contract for thirty (30) day, but in no event exceed the \$25,000.00 statutory bid limit or until award of a term contractor or implementation of Detention Center's Legend, Non-Legend, and Medical Supply Program.**

NO ACTION taken on this item.

E. HIDALGO COUNTY ADULT PROBATION –

- 1. Pursuant to a verbal request from Joe Lopez, Director, Hidalgo County’s Supervision and Corrections Department, approval of a request to withdraw (option as provided to Adult Probation under House Bill 725) from the County’s Group Health Plan without an impact on the current Humana Contract.**

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

F. HIDALGO COUNTY SHERIFF’S DEPARTMENT-

- 1. Requesting authority to exercise the additional one year extension as provided in current contract for “Mobile X-Ray Services” under the same rates, terms and conditions with Mobile Imaging Inc. Effective 08-20-04 thru 08-20-05.**

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

G. HIDALGO COUNTY ELECTIONS DEPARTMENT-

- 1. Requesting approval of draft specifications for the RFQ/P-Legal and /or Consulting Services in connection with the Texas Election Code project previously approved to advertise on 2-10-04.**

NO ACTION taken on this item.

H. HIDALGO COUNTY I.T. DEPARTMENT-

- 1. Requesting authority to purchase computer equipment and peripherals from a CISV vendor, Global Data Systems of Texas, through TBPC Catalogue purchasing program for Req # 55332 in the total amount of \$7,221.20.**

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

I. HIDALGO COUNTY WORKERS COMPENSATION PROGRAM-

- 1. Pursuant to the presentation in connection with the actuarial study performed, requesting adoption of the indicated rates (as recommended on Appendix B, exhibit IX, on the Actuarial Report from By the Numbers Actuarial Consulting, Inc) by class code for Hidalgo County’s self funded Workers Compensation Program and approval to implement said rates on the payroll commencing _____ for all participants of the program for year July 1, 2004 through June 30, 2005.**

NO ACTION taken on this item.

J. HIDALGO COUNTY –

1. **Requesting authority to obtain, including, but not limited to, the following applicable items necessary in anticipation of real property/estate acquisition(s), fair market value appraisals, inspections, surveys, all phases-environmental assessments, title reports or title policies.**

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

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

23. 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. **Pending claim and/or potential litigation; Laura Nieto vs. Hidalgo County**
- D. **Pending claim and/or potential litigation; Theodora J. Aguilar et.al vs. Hidalgo County**
- E. **Pending claim and/or potential litigation; County of Hidalgo vs. Texas Association of Counties**
- F. **CL-04-1688-D; Fitzgerald Construction vs. Hidalgo County Head Start Program**

NO ACTION taken on items 23-A thru F.

24. Open Session:

- A. **Real Estate Acquisition**
- B. **Consultation with Attorney on litigation associated with New Adult Detention Facility & Law Enforcement Center Project**
- C. **Pending claim and/or potential litigation; Laura Nieto vs. Hidalgo County**
- D. **Pending claim and/or potential litigation; Theodora J. Aguilar et.al vs. Hidalgo County**
- E. **Pending claim and/or potential litigation; County of Hidalgo vs. Texas Association of Counties**
- F. **CL-04-1688-D; Fitzgerald Construction vs. Hidalgo County Head Start Program**

25. Closed Session:

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

26. 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 Garza, 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, AUGUST 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.

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote to approve the Consent 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. Human Resources**
 - B. HIDTA – Task Force**
 - C. Risk Management**
 - D. Tax Office**
 - E. County Court #5**
 - F. Elections Department**
 - G. Sheriff Department**
 - H. Veterans Services**
 - I. Planning Department**
 - J. Pct. #1 – Sanitation**
 - K. Pct. #3 – Landfill**
 - L. Pct. #4 – Paved/unpaved**
- 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. Right of Way – Permits (\$ 3.75 paid on each): (SEE EXHIBIT D)**
 - A. North Alamo Water Supply:**
 - **at El Portal Subdivision Lot 4 located on Mile 2 West, east side, south of Mile 9 North**
 - **west of Cesar Chavez Rd. on Texas Rd.**
 - **¼ mile north of Mile 21 North on the west side of Val Verde Rd.**
 - **Mile 17 North on Kenyon Rd.**
 - **Mile 10 North on Mile 4**

B. Southwestern Bell (no fee):

- Along Minnesota Rd. east of "I" Rd.

5. Urban County: (SEE EXHIBIT E)**A. Request for approval of one (1) applicant under the HOME Homeowner Occupied Housing Rehabilitation Program - Countywide****6. Tax Refunds: (SEE EXHIBIT F)**

Taxpayer	Payer	Amount
A. Benjamin & Marilu Temkin	Countrywide Home	7,460.77
B. Delia H. & Andrea Lerma	Wells Fargo	2,556.03

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

Requesting authority to purchase computer equipment, software, and supplies from CISV vendors, through TBPC Catalogue purchasing program for the following:

Req	Department	Vendor	Amount	Account
55371	Elections	CDW Government	\$889.96	4-1100-414-00-130-001-0-743
55094	Dist Attorney	CDW Government	\$493.34	4-1223-412-00-080-007-0-747
55229	Dist Attorney	CDW Government	\$280.26	4-1223-412-00-080-007-0-601
55300	I.T. Dept	CDW Government	\$333.00	4-1242-412-00-000-001-0-745
54480	Health dept	Audio Visual Center	\$1,790.00	4-1293-441-00-340-103-4-748
55386	Elections	CDW Government	\$385.98	4-1100-414-00-130-001-0-601
55394	I.T. Dept	Starr Telecomm	\$350.00	4-1100-415-00-200-001-0-432

B. HIDALGO COUNTY SHERIFF'S DEPARTMENT-

Requesting authority to enter into a service agreement for Call Accounting Software with Metropolis for one year in the total amount of \$695.00. (Req # 54824) Effective August 1, 2004 through July 31, 2005.

C. HIDALGO COUNTY CONSTABLE PCT 5-

Requesting authority to enter into a service agreement with T-mobile until the finalization of the negotiation of a cellular phone and services contract with the number one ranked vendor for constable.

D. HIDALGO COUNTY CLERK'S DEPT.-

Requesting ratification of Purchase Order # 538386 to INTUIT, INC., a CISV vendor through TBPC Catalogue Purchasing Program for the purchase of QuickBooks Technical Support Flexible Plan for the amount of \$150.47 with authority for Auditor to issue manual check.

**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 REGULAR MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, AUGUST 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 Z)**

1. Roll Call

All Members of the Board were counted present with the exception of Commissioner Flores and Commissioner Handy.

2. Open Forum

No presentations made under Open Forum.

3. Approval of Consent Agenda

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

4. Purchasing Department – Marty Salazar:

NOTES: 1. FOR ANY CONTRACT(S) AWARDED AND APPROVED UNDER THIS AGENDA, EXECUTED COPIES OF THE CONTRACT(S) WILL BE FORWARDED TO HIDALGO COUNTY TREASURER'S OFFICE.

- A. Presentation for discussion, consideration and action on District current contract with the Law Firm of Hicks, Thomas & Lilliestern, LLP including, but not limited to the following:**
 - a. Pursuant to a directive by Board at meeting of 7-29-04, report from Purchasing Dept. on the legal services rendered to date by firm;**
 - b. Provisions under current agreement regarding termination options**

On motion of Commissioner Garza, seconded by Commissioner Palacios, the Board made a UNANIMOUS vote of approval by sending a letter stating the 30 days termination clause.

B. Requesting approval to reject bid received and authority to re-advertise for: “Two (2) 2004 or Newer Pick-Up Trucks” due to incomplete bid.

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

C. Requesting authority to participate in and enter into a “State Travel Management Program” Card Service Contract with Bank One, awarded contract period effective through August 16, 2006.

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

D. Requesting approval to surplus (for the purpose of trade-in) as required under Texas Local Government Code, Chapter 263.152 (a) (2), a 1969 Link Belt Speeder W/Hendrix Bucket, Serial #21G6-669-F, Asset No. 007521.

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

E. Presentation for discussion, consideration and action on in the following:

Pursuant to an inquiry from the Drainage District manager, requesting approval for District to withdraw from participation in Hidalgo County’ self-funded Worker’s Compensation Program;

NO ACTION taken on this item.

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

5. Closed Session:

Board of Directors 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. Potential litigation regarding claim of easement owner

6. Open Session:

A. Real Estate Acquisition

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Board made a UNANIMOUS vote of approval to settle the claim in the amount of \$10,000.00 made out to S. Foss Jones and Rebecca S. Jones with full release for the District and County.

B. Potential litigation regarding claim of easement owner

NO ACTION taken on this item.

7. Closed Session:

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

8. Open Session:

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

On motion of Commissioner Garza, seconded by Commissioner Palacios, the Board made a UNANIMOUS vote of approval to adjourn today'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, AUGUST 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

On motion of Commissioner Garza, seconded by Commissioner Palacios, the Board made a UNANIMOUS vote to approve the Drainage District Consent Agenda.

- 1. Approval of check register and payment of claims and bills - County Treasurer**
- 2. Discharge Permits:**
 - A. City of Alamo – Crockett Estates Subdivision**
 - B. City of Pharr – Northgate Estates**
 - C. Daniec-Schumac – Pipeline Estates**
- 3. Line item transfer - \$ 12,295.00**

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 10TH day of August, 2004

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

By: _____
Norma Garza, Deputy

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

Signed this _____ day of _____ 2004.

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

By: _____
Norma Garza, Deputy

(Seal)