

**SPECIAL MEETING – September 07, 2004**

**BE IT REMEMBERED, that on this 7<sup>th</sup> day of September, 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:**

<b>HONORABLE RAMON GARCIA</b>	<b>HIDALGO COUNTY JUDGE</b>
<b>HONORABLE SYLVIA HANDY</b>	<b>COMMISSIONER, PRECINCT NO. 1</b>
<b>HONORABLE HECTOR (TITO) PALACIOS</b>	<b>COMMISSIONER, PRECINCT NO. 2</b>
<b>HONORABLE JOSE FLORES</b>	<b>COMMISSIONER, PRECINCT NO. 3</b>
<b>HONORABLE OSCAR L. GARZA JR.</b>	<b>COMMISSIONER, PRECINCT NO. 4</b>

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

**Ramon Garcia**  
**County Judge**

**Sylvia S. Handy**  
**Commissioner, Pct. #1**

**Joe M. Flores**  
**Commissioner, Pct. #3**



**Hector "Tito" Palacios**  
**Commissioner, Pct. #2**

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

**COMMISSIONERS' COURT**  
**AGENDA**

**NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, SEPTEMBER 07, 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 of Commissioner Garza and Commissioner Flores who both arrived late.

**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**

No presentations made under Open Forum.

**5. Approval of Consent Agenda**

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

At this time the Court moved to item #7.

**6. Tax Office – Armando Barrera: (SEE EXHIBIT I)**

**A. Discussion of Revised Notice (effective & rollback rate) – 2004**

Presentation made by Armando Barrera.

**B. Discussion of 2004 Tax Rate**

Presentation made by Armando Barrera.

### **C. Vote on Proposed Tax Rate & Record Vote**

On motion of Commissioner Garza, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval to keep the current Tax Rate at .5900 cents.

Judge Garcia – Aye  
 Commissioner Handy – Aye  
 Commissioner Palacios – Aye  
 Commissioner Flores – Aye  
 Commissioner Garza – Aye

### **D. Set date, time and place to Schedule a Public Hearing**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval to set the date of September 21, 2004.

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

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval to set the date of September 20, 2004 at 8:30 A.M.

At this time the Court moved back to item #19.

## **7. Juvenile Probation – Buddy Silva: (SEE EXHIBIT J)**

### **A. Request approval to appropriate local cash match requirement for T.J.P.C. – FY 2005 Progressive Sanctions F Grant in the amount of \$ 40,000.00**

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

### **B. Request approval to appropriate local cash match requirements for T.J.P.C. – FY 2005 Progressive Sanctions I.S.D. O Grant in the amount of \$ 10,000.00**

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

### **C. Request approval of J.B.-03-J20-13378-06 Early Intervention Program Grantee Acceptance Notice**

### **D. Request approval to appropriate JB-03-13378-06 local cash match in the amount of \$ 12,000.00 to satisfy grant requirement**

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

**8. County Clerk – J.D. Salinas, III: (SEE EXHIBIT K)**

**A. Authorization for County Judge to execute the contract between the County of Hidalgo and the Texas Parks and Wildlife Department for the purpose of becoming a License Deputy, as approved on August 3, 2004**

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

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

**A. Discussion, consideration and action on proposed policy to ensure that all contractual documents follow a process that ensures appropriate departments and individuals have reviewed and approved, prior to final execution of Commissioners' Court and County Judge**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval, changing when document is missing legal counsel's signature it will be return to counsel without the County Judge's signature, it should be returned back to the Department or the Precinct.

At this time the Court moved to item # 12.

**10. Indigent Defense Program – Judge Salinas-Flores: (SEE EXHIBIT M)**

**A. Request for approval of application for FY 2005 Indigent Defense Grant**

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

**B. Request approval to authorize County Treasurer to process payment of clothing allowance of three (3) non-uniform deputies housed at the county jail and requesting \$ 500.00 payment be made to each deputy in conjunction with the regular payroll of September 24, 2004**

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

At this time Commissioner Palacios returns to the Court.

**11. Risk/Emergency Management – Valde Guerra: (SEE EXHIBIT N)**

**A. Acceptance of settlement in the amount of \$ 7,670.86 from The Hartford for Constable Pct. #1 vehicle involved in an accident and authority for County Judge to sign documents**

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

At this time the Court moved back to item #18.

**12. Urban County – Diana Serna: (SEE EXHIBIT O)**

- A. Approval to award a Construction Contract to J.M. Construction, Inc. for the Reconstruction and Drainage Improvements to Watts Street in the City of Progreso using Urban County Program Street Improvements funding from Year 14 (2001), Year 15 (2002) and Year 16 (2003) in the amount of \$120,690.50.**

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

- B. Urban County Program on behalf of the City of Elsa requests approval to terminate the Subrecipient Agreement with the L.E.A.P. (Learning Education Academic Program) in the amount of \$20,000.00 from program Year 15 (2002).**

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

- C. Urban County Program on behalf of City of Elsa requests approval to terminate the Subrecipient Agreement with Easter Seals of the Rio Grande Valley in the amount of \$5,000.00 from program Year 14 (2001).**

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

- D. Approval of a Budget and Program Amendment – City of Elsa – Urban County Program Years 8, 13, 14, 15 & 16 (1995, 2000, 2001, 2002 & 2003) as recommended by UCP Administration and concurred with by the Elsa City Council.**

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

- E. Requesting exemption from competitive bidding requirements under the Texas Local Government Code 262.024(a) for professional engineering services with Millennium Engineering Group, Inc, in connection with Hidalgo County Precinct # 4 for testing services of streets located within Pct #4.**

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

- F. Precinct #4 is requesting approval to award testing services contract to Millennium Engineers Group, Inc. in the amount of \$17,238.65 utilizing Year 16 (2003) funding for Street Improvements of streets within the Work Plans for Fiscal Year 15 & Fiscal Year 16.**

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

- G. Requesting exemption from competitive bidding requirements under the Texas Local Government Code 262.024(a) for professional engineering services with JE Saenz & Associates in connection with the City of Elsa for the design of Year 16 Water/Sewer Improvements.**

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

- H. Approval of professional services engineering contract with JE Saenz & Associates with City of Elsa for the design of Year 16 Water/Sewer Improvements in the amount of \$20,746.00**

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

- I. Requesting exemption from competitive bidding requirements under the Texas Local Government Code 262.024(a) for professional engineering services with JE Saenz & Associates in connection with the City of Elsa for the design of Year 17 Water/Sewer Improvements.**

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

- J. Approval of professional services engineering contract with JE Saenz & Associates with City of Elsa for the design of Year 17 Water/Sewer Improvements in the amount of \$10,000.00.**

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

- K. Requesting exemption from competitive bidding requirements under the Texas Local Government Code 262.024(a) for professional engineering services with JE Saenz & Associates in connection with the City of Elsa for the design of Year 16 streets in the amount of \$5,050.00**

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

- L. Approval of professional services engineering contract with JE Saenz & Associates with City of Elsa for the design of Year 16 streets in the amount of \$5,050.00.**

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

**13. Pct. #1 – Comm. Handy: (SEE EXHIBIT P)**

- A. Approval and authorization to increase salary of vacant slot # 005-021 from vacant slot #005-030 in the amount of \$ 10,950.00**

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

**14. Pct. #2 – Comm. Palacios: (SEE EXHIBIT Q)**

- A. Request authorization and approval to delete vacant slot #013 Attendant position for Sanitation**
- B. Request authorization and approval to create a Heavy Equipment Operator I with same salary**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval on items A & B.

**15. Hidalgo County – Godfrey Garza: (SEE EXHIBIT R)**

- A. Discussion and action to authorize County Auditor to process payments through manual checks for ROW Acquisitions of FM 2128 from budgeted proceeds of the 2001 Certificate of Obligation Series (32% of cost of acquisition, not to exceed \$ 127,194.00)**

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

- B. Discussion and action to “Open Cut” on Mile 9 North east of FM 491 (subj. to permit submittal)**

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

- C. Approval of Interlocal Cooperation Agreement between Hidalgo County (Pct. 2) and Hidalgo County Drainage District Ditch Improvements (East Hidalgo Drainage Outfall)**

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

**16. Health Department – Eddie Olivarez: (SEE EXHIBIT S)**

- A. Authorization and approval to continue payroll on the Bioterrorism Grant effective September 1, 2004 (see attached memo and change of status – Acct. #4-1293-441-00-340-013-5)**

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

**17. Planning Department – Raul Sesin: (SEE EXHIBIT T)**

- A. Reimbursement of a Cash Deposit:**

- 1. J & E Subdivision – Pct. 1 (Juan Espronceda, Developer)**

On motion of Commissioner Palacios, seconded by Judge Garcia, the Court made a Vote of approval.

Commissioner Handy: Abstain.

- 2. Catete Farms Subdivision – Pct. 1 (Miriam Catete, Developer)**

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

**B. Release and Renew of Remainder Letter of Credit:**

**1. New Monte Cristo Phase III Subdivision – Pct. 3 (Federico Garza, Developer)**

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

**C. Discussion of drainage issues within existing and proposed subdivisions and drainage concerns within the proximity of the USDA site**

Presentation made by Godfrey Garza and Alfredo Garcia.

At this time Commissioner Garza joins the Court.

At this time Commissioner Flores joins the Court.

**D. Discussion and possible action to initiate the creation of Board of Building Line Adjustment as authorized by Texas Local Government Code Subchapter B, Section 233.035**

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

At this time Commissioner Palacios steps out of the Court.

At this time the Court moved back to item #10.

**18. 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**

Presentation made by Rudy De La Vina.

At this time the Court moved back to item #6.

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

**A. Status of old jail building**

Presentation made by Martha Salazar.

**B. Maintenance of county grounds**

Presentation by Daniel Flores.

**C. Status of renovation of administration building**

Presentation made by Martha Salazar.

**20. Elections Department – Teresa Navarro: (SEE EXHIBIT W)****A. Discussion, approval and possible action on the following but not limited to:**

- 1. Delete slot #14, Executive Assistant (vacant)**
- 2. Create slot #17, Director of Operations**
- 3. Set salary**

On motion of Commissioner Flores, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on items A1 thru A3 and set salary at \$38,000.00 annual.

- 4. Create temporary full-time Optical Scan Operator position for November 2, 2004**
- 5. Set salary**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made UNANIMOUS vote of approval on items 4&5 and set salary at \$15.00 an hr.

**6. Comp-time for Elections Department Staff for the November 2, 2004 General Election**

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

**7. Early Vote and Election Day Polling Locations for the November 2, 2004 General Election**

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

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

- A. Consider and approve an order authorizing issuance, sale and delivery of \$32,700,000 Hidalgo County, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2004; payable from the levy of a direct and continuing annual ad valorem tax within the limits prescribed by law and a limited pledge (never to exceed \$1000) from the surplus net revenues from the operation of the county's parks as authorized pursuant to chapter 320, local government code; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; authorizing the use of an official statement to be used in connection with the sale of the certificates; and making other provisions regarding such certificates and matters incident thereto.**

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

At this time Judge Garcia steps out of the Court.

**B. Intradepartmental transfers:**

- 1. Pct. #1 – Fund 1310 - \$ 9,396.01**
- 2. Criminal Auxiliary Court 2004 - \$ 4,123.85**
- 3. Pct. #2 – CIP - \$ 10,000.00**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval on items B1 thru B3.

**C. Interdepartmental transfers:**

1. Elections Department/Administrative Fee Acct. - \$ 1,800.00
2. Pauper Burials - \$ 34,000.00

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on items C1 & C2.

**D. Human Services:**

1. Approval to create obj. #746 & line item transfer - \$ 279.50

**E. WIC:**

1. Approval to create obj. #605 & line item transfer - \$ 3,600.00

**F. Health Department:**

1. Approval to create obj. #434 & #661 & line item transfer - \$ 1,000.00

**G. Indigent Defense Program:**

1. Approval to create obj. #746 & line item transfer - \$ 1,090.26

**H. Juvenile Justice Court:**

1. Approval to create obj. #411, 622, 550 & 631 & line item transfer - \$ 13,695.00

**I. J.P. Pct. #2, Pl. 2:**

1. Approval to create obj. #745, 746 & 608 and line item transfer

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval on items D thru I.

**J. Parking Lot/Constable Pct. #2:**

1. Discussion, consideration and action on creating a temporary full-time deputy constable for the purposes of providing security services to the Adult Probation Dept. located at 900 E. Hwy. 83

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

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

- 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) **The Purchasing Department does not participate in the acquisition or purchase of the good/services presented under this caption. The Purchasing Department merely facilitates the placement of such items since they deal with procurement related issues.**
    - b) **Departments/Programs and Vendors are all advised that acquisition of goods and/or services must be done in accordance with applicable laws/statutes and Hidalgo County Purchasing Policies & Procedures.**

**A. HIDALGO COUNTY –**

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

**1. New Hidalgo County Jail:**

Total inmate population:	<u>1150</u>	Other Information:	<u>16</u>
Physical Count:	<u>1117</u>	Males (in house)	<u>1034</u>
Out of County: La Villa	<u>15</u>	Females (in house)	<u>83</u>
Brook's		Federal Prisoners	<u>10</u>
Adj. /Sentenced to TDC	<u>140</u>	Total Paper Ready TDC	<u>113</u>

**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 Certificate & Application for Payment, punch list and retainage;**

Nothing to report on items 2, 3A & B.

**C. Presentation for discussion, consideration, acceptance and approval of Request for Payment No. (6) submitted by V-A Architecture in the amount of \$2,432.43 in connection with architectural services rendered for the design and construction of the Shooting Range Facility & Canopy with authority for the Auditor’s Office to issue payment;**

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

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

NO ACTION taken on this item.

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

At this time Judge Garcia returns to the Court.

**5. Recommending award of bid and approval of contract for “Storm Sewer (Inlets, Manholes) and Additional Miscellaneous Items” to multiple bidder’s meeting all requirements and specifications.**

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

6. **Recommending award of bid and approval of contract for “To Supply Equipments and Labor for the Installation of Storm Sewer (Inlets, Manholes) on an “AS NEEDED BASIS” Project South I Road Improvements (at this time only) to lowest bidder meeting all requirements and specifications.**

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

At this time Commissioner Flores steps out of the Court.

7. **Presentation for discussion, consideration and approval of a final negotiated proposed contract for “Grant Writing and Other Related Services for Park Projects” with the number one ranked firm (as previously approved by C.C. on August 3, 2004) Border visions.**

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

8. **Presentation for consideration, discussion and approval of a modification (upgrade) to the current Resolution Authorizing the County to Participate in the State of Texas Contract Airline Fares and/or Contract Travel Agency Program as previously acted upon on 8-19-03 under the State of Texas Procurement and Travel Card Programs for the State Travel Management Program (STMP);**

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

9. **Presentation by Mr. Agapito Flores, Hidalgo County’s Health Benefits Consultant for discussion, consideration and action in connection with current provider, Humana proposed rate increases effective 2-01-05 including, but not limited to, the following options:**
  - a) **Authority for purchasing (along with consultant) to negotiate the proposed submitted rates with Humana under the current contract renewal provisions;**
  - b) **Authority to advertise a Request for Proposal for Hidalgo County Group Health Plan with an effective date of 2-01-05;**
  - c) **Directive to consultant on any changes or modifications to group health requirements/specifications;**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on items a, b & c.

At this time Commissioner Palacios steps out of the Court.

- 10. **Presentation for discussion, consideration, and action necessary for the modification of specifications, for Indoor Air Quality Testing Services to have a “Primary” and a “Secondary” vendor awardees (as recommended by Purchasing Department and Mr. Daniel Flores, who assisted with the drafting of specifications for this project).**

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

- 11. **Presentation for discussion, consideration, acceptance and approval of the Voyager Fuel Cards (under the participation with the term contract for the State of Texas Cooperatives and as approved for application& use by CC on 3-11-03) for including, but not limited to, the following:**

Name of Department	Number of Cards
1. Hidalgo County District Attorney’s Office*	4*
2. Hidalgo County Fire Marshall’s Office	2
3. Hidalgo County Elections Department	5
4. Hidalgo County Constable, Precinct # 3	9
5. Hidalgo County Constable, Precinct # 4	2

- Notes: A. \*Hidalgo County District Attorneys Office use of card will be on an daily basis due to security concerns for personnel;
- B. All other department use is out of county travel or emergency purchases (when current fuel card provider does not have site open or available)

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

**B. HIDALGO COUNTY PRECINCT NO 3 –**

- 1. **Presentation for discussion, consideration, acceptance and approval of request for payment of invoice #14 totaling \$1,700.00 submitted by George A. Garcia, AGADC, for architectural services rendered for the Multi-Service Center in Precinct No.3.**

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

- 2. **Presentation for discussion, consideration, acceptance and approval of Certificate for Payment No.8 from Rio Valley Construction for the Multi-Purpose Center in the amount of \$105,063.35 and as certified for payment by project architect, George A. Garcia, AGADC.**

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

**C. HIDALGO COUNTY PRECINCT NO 4 –**

- 1. **Requesting approval of Change Order No. 1 (increase) in connection with “Paving of Terry Road” in the amount of \$2,266.56 with Mission Paving Company, Inc.**

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

**D. HIDALGO COUNTY BUILDINGS & GROUNDS –**

1. **Presentation by George A, Garcia, Principal, AGADC, Project Architect, for discussion, consideration and approval of, but not limited to, the following:**
  - a) **Sally Port Project- authority to proceed to submit time line for the conventional construction of the project with authority to advertise same;**

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

- b) **Atrium Renovations/Repairs- consideration of the advantages of requesting a proposal of current contracted vendor, MarVel Construction to complete (via change order) the atrium area dry wall repairs, painting, new light fixtures and new ceilings since all surrounding areas have protected walkways, protected glass and secured open areas with plywood installed and owned by contractor that will be removed and taken by contractor upon leaving the renovation site;**

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

- c) **Administration Building Renovations/Repairs- consideration of the options available to the Court in connection with the type of procurement methods:**
  1. **Requesting a proposal from the contracted vendor Centennial Construction under our participation with the Texas Cooperative Purchasing Network (TCPN) Job Order Contracting Program (JOC);**
  2. **Authority to publish advertisements for a Sealed Bid Process to award to a contractor to affect all the renovations and repairs required.**

NO ACTION taken on items C1 & C2.

At this time Commissioner Palacios returns to the Court.

**E. HIDALGO COUNTY ADULT DETENTION CENTER–**

1. **Recommending award of bid and approval of contract for “Legend and Non-Legend Pharmaceuticals and Infirmary Medical Supplies”, to bidder meeting all requirements and/or specifications.**

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

2. **Presentation for discussion, consideration and approval of a Memorandum of Understanding (reviewed by Legal Counsel) between Hidalgo County Adult Detention Facility (Jail) & Tropical Texas Center for Mental Health and Mental Retardation in connection with: the provision to provide medication to inmates for a period of ninety (90) of Continuity of Care at no cost to the County and authority to have County Judge execute document.**

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

At this time Commissioner Garza steps out of the Court.

**F. HIDALGO COUNTY SHERIFF’S DEPARTMENT –**

- 1. Requesting authority to advertise and approval to auction Abandoned and Unclaimed items as detailed on Auction List # 24 and attached hereto.**

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

**G. HIDALGO COUNTY PRECINCT NO. 1 MULTI-PURPOSE CENTER-**

- 1. Presentation for consideration, discussion, acceptance and approval of Certificate of Substantial Completion with effective date of September 7, 2004 including punch list as submitted by George. Garcia, AIA, Principal, Alcoser Garcia Associates Design Consulting.**

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

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

- 1. Presentation for discussion, consideration, acceptance, and approval of request for reimbursement of utilities from April-August 2004 in the amount of \$4,587.55 due to awarded Lessor, Jose E. Garcia d/b/a Maxima Business Center: “Lease of Office Space in the City of Edinburg-Juvenile Justice Court” with authority for Auditor to issue a manual check and subject to fully executed contract.**

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

- 2. Presentation for discussion, consideration, acceptance, and approval of request for lease payment for the months of April-September 2004 in the amount of \$42,411.60 due to awarded Lessor, Jose E. Garcia d/b/a Maxima Business Center: “Lease of Office Space in the City of Edinburg-Juvenile Justice Court” approved (Commissioners’ Court on April 13, 2004) in Lease Agreement, with authority for Auditor to issue manual check, and subject to fully executed contract.**

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

**I. HIDALGO COUNTY JUVENILE JUSTICE CENTER-**

- 1. Presentation for discussion, consideration and acceptance and approval of Request for Payment No. Seven (7) submitted by project architect, V-A Architecture in the amount of \$15,022.72 in connection with architectural services rendered for the design and construction of Juvenile Justice Center for Hidalgo County with authority for Auditor Office to issue payment;**

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

**J. HIDALGO COUNTY WIC PROGRAM-**

1. **Presentation for discussion, consideration and approval for Hidalgo County to exercise the option to renew for an additional one (1) year term (as provide in contract) with Campbell's Janitorial Services.**

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

**K. HIDALGO COUNTY HEAD START PROGRAM-**

1. **In anticipation of requesting offers/proposals from awarded contractors through state agencies, cooperatives or aggregation pools, presentation for discussion, consideration, and approval to execute "Letters of Authorization" for release of building information from the current electric providers for the Hidalgo County Head Start Program.**

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

**L. HIDALGO COUNTY ELECTIONS DEPARTMENT-**

1. **Requesting authority to purchase elections supplies from a CISV vendor, Hart Intercivic, through TBPC Catalogue Purchasing Program for Req #57070 in the total amount of \$37,625.00.**

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

**M. 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.**

NO ACTION taken on this item.

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

At this time Judge Garcia requested to recess to open the Drainage District Meeting.

**23. 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. Pending and/or potential litigation**

- D. M-03-032; Richard Garza vs. Sergeant Palomo, et.al**
- E. Pending and/or potential litigation regarding Jose Torres vs. Hidalgo County**
- F. Pending and/or potential litigation regarding Kenneth Reagan Ledbetter vs. Hidalgo County**

**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 and/or potential litigation**
- D. M-03-032; Richard Garza vs. Sergeant Palomo, et.al**
- E. Pending and/or potential litigation regarding Jose Torres vs. Hidalgo County**
- F. Pending and/or potential litigation regarding Kenneth Reagan Ledbetter vs. Hidalgo County**

NO ACTION taken on items 24A thru 24 F.

**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 Garza, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval to adjourn.

**NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, SEPTEMBER 07, 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.

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

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve the Consent Agenda with the exception of item 2-S.

**1. Approval of check register and payment of claims and bills - County Auditor (SEE EXHIBIT A)**

**2. Intradepartmental transfers: (SEE EXHIBIT B)**

- A. Right of Way**
- B. 92<sup>nd</sup> District Court**
- C. 139<sup>th</sup> District Court**
- D. 389<sup>th</sup> District Court**
- E. Pct. #1 – R & B**
- F. Pct. #1 – Sanitation**
- G. Pct. #2 – R & B**
- H. Pct. #4 – R & B**
- I. Health – Bioterrorism Grant**
- J. J.P. Pct. #3, Pl. 1**
- K. J.P. Pct. #3, Pl. 2**
- L. Indigent Defense**
- M. Planning Department**
- N. Human Services**
- O. District Attorney**
- P. Purchasing Department**
- Q. Buildings & Grounds**
- R. Tax Office**
- S. Tax Office – Fund 1246 – NO ACTION taken on this item.**
- T. Human Resources**

**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. Urban County: (SEE EXHIBIT D)**

**A. Request to change the mortgage lender and request for approval to enter into a “HOME Homebuyer Assistance Program” Contract under the Home Program (1 family)**

**5. Processing Fee Report – May: (SEE EXHIBIT E)**

**A. District Attorney - \$ 178,872.40**

**6. Monthly Collection Reports – July: (SEE EXHIBIT F)**

- A. J.P. Palacios - \$ 46,101.62**
- B. J.P. Ochoa - \$ 17,358.91**
- C. J.P. Saenz - \$ 27,245.99**
- D. J.P. Trevino - \$ 72,093.80**
- E. J.P. Garza - \$ 40,720.14**
- F. J.P. Contreras - \$ 41,204.50**
- G. J.P. Jackson - \$ 18,567.58**
- H. J.P. Morales - \$ 23,242.08**
- I. J.P. Espinoza - \$ 43,493.80**
- J. Law Library - \$ 1,295.00**
- K. Sheriff Escalon - \$ 51,136.29**
- L. Anzalduas Park - \$ 1,804.07**
- M. Delta Lake - \$ 1,586.08**
- N. Constable Aguirre - \$ 1,520.00**
- O. Constable Alaniz - \$ 780.00**
- P. Constable Gallardo - \$ 1,075.00**
- Q. Constable Rios - \$ 1,250.00**
- R. Constable Bazan - \$ 420.00**

**7. Tax Refunds: (SEE EXHIBIT G)**

<b>Taxpayer</b>	<b>Payer</b>	<b>Amount</b>
<b>A. Joe Jr. &amp; Anita Aleman</b>	<b>Valley Mortgage</b>	<b>\$ 5,857.78</b>
<b>B. Joe Jr. &amp; Anita Aleman</b>	<b>Valley Mortgage</b>	<b>\$ 4,139.29</b>

**8. Purchasing Department: (SEE EXHIBIT H)**

**A. HIDALGO COUNTY -**

**1. Requesting authority to purchase computer equipment and software from CISV vendors through TBPC Catalogue Purchasing Program for the following;**

Req	Departments	Vendors	Amount	Account
56204	District Attorney	Microsoft Services	\$1,225.00	4-1222-412-00-080-006-0-336
56472	WIC Program	Dell Marketing	\$3,668.19	4-1292-441-00-350-001-4-745
56570	Indigent Defense	Dell Marketing	\$1,357.98	4-1100-412-00-009-003-0-749
56713	County Clerk	Dell Marketing	\$4,099.10	4-1237-415-40-180-003-0-745
56757	I.T. Department	S.J.S. Computers	\$ 260.00	4-1100-415-00-200-001-0-664
56758	I.T. Department	Global Data Systems	\$1,560.00	4-1100-415-00-200-001-0-745
56786	Jail	CDW Government	\$ 458.16	4-1100-423-21-280-002-0-672
56789	I.T. Department	S.J.S. Computer	\$ 60.00	4-1100-415-00-200-001-0-664
56933	Constable Pct 5	S.J.S. Computer	\$ 425.00	4-1100-421-00-295-001-0-745
56999	I.T. Department	S.T.E.	\$ 220.00	4-1100-415-00-200-001-0-432
57123	Elections	CDW Government	\$2,294.20	4-1100-414-00-130-001-0-745
57126	Constable Pct # 1	CDW Government	\$ 309.94	4-1100-421-00-291-001-0-748
56757	I.T. Department	S.J.S. Computers	\$ 260.00	4-1100-415-00-200-001-0-664

**B. HIDALGO COUNTY JUVENILE PROBATION –**

**1. Requesting authority enter into a 60 month lease for a Xerox C65 Copier with Xerox in the amount of \$440.64 a month. Effective upon approval.**

**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, SEPTEMBER 07, 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 AA)**

**1. Roll Call**

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

**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. Tax Office – Armando Barrera:**

**A. Discussion of 2004 Tax Rate**

**B. Vote on Proposed Tax Rate & Record Vote**

On motion of Commissioner Garza, seconded by Commissioner Handy, the Board made a UNANIMOUS vote of approval to set Tax Rate of .0435.

- Judge Garcia- Aye
- Commissioner Handy – Aye
- Commissioner Palacios – Aye
- Commissioner Garza – Aye

**C. Set date, time and place to Schedule a Public Hearing**

On motion of Commissioner Garza, seconded by Commissioner Handy, the Board made a UNANIMOUS vote of approval to set the date for September 20, 2004 at 8:35 A. M.

At this time Judge Garcia requested to recess to go into Executive Session.

At this time Judge Garcia leaves the Court.

On motion of Commissioner Garza, seconded by Commissioner Palacios, the Board made UNANIMOUS vote of approval to reconvene into the Drainage District Meeting.

**5. Approval of Interlocal Cooperation Agreement between Hidalgo County Drainage District #1 and Hidalgo County (Pct. #2) for drainage ditch improvement (East Hidalgo Drainage Outfall)**

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

**6. Approval of Change Order #1 for Summit Contracting, Ltd., increase of \$ 150,286.00 (IBWC Floodway Pilot Channel)**

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

**7. Discussion on proposed Lateral ditch "J-08" as requested by the Board of Directors**

NO ACTION taken on this item.

**8. Approval of Change Order #2 for Summit Contracting, Ltd., increase of \$ 14,793.88 (NSJ Channel Crossing)**

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

At this time the Board requested not to go into Executive Session.

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

**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 Garza, 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 SPECIAL MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, SEPTEMBER 07, 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 Palacios, seconded by Commissioner Handy, 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 Edinburg – Lantan Estates**
  - B. Southern Orchard – Pecan Grove Subdivision**

*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 7rd day of September, 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 September 7<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**

By: \_\_\_\_\_  
**Norma Garza**

(Seal)

