

SPECIAL MEETING – September 28, 2004

BE IT REMEMBERED, that on this ^{28th} 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:

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

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 28, 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 who arrived 5 minutes 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

Mr. Lance – Concerning open meeting procedures and that he was misinformed by Mr. Raul Sesin from the Planning Department on the Subdivision Advisory Board Meetings.

Teresa Navarro – On the coming elections and early voting.

Fern McClaugherty - On the restructuring the Workers' Compensation and Risk Management Dept. and the Old Jail.

5. Approval of Consent Agenda

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

6. Budget Office – Valde Guerra: (SEE EXHIBIT G)

A. Public Hearing on 2005 Proposed Budget as per Texas Local Government Code 111.067

At this time Judge Garcia opened the Public Hearing to the Public, on one responded,
At this time Judge Garcia proceeded to close the Public Hearing.

B. Discussion, consideration and action on changes, if any, as per Local Government Code 111.068 (adoption of budget) and Adoption of 2005 Annual Budget

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval with the corrections of Health and Life Insurance, Juvenile Probation salary corrections, the Tax Office object correction, Parks Pct. 2-transfer and Master Court II – transfer.

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

C. Approval to set salaries and auto allowance for elected officials and employees

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

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

D. Set 2004 Tax Rate

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval, Maintenance and Operations is .5258, Debt Service is .0642 for the total of .5900.

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

E. Approval to appropriate 2004 Certificates of Obligation Funds

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

F. Budget Office – Approval to create obj. 413 & line item transfer - \$ 1,500.00

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

G. Pct. #1:

1. Approval of line item transfer - \$ 51,000.00

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval on the corrected amount of \$35,000.00

H. Pct. #2:

1. Approval to create obj. 532 & line item transfer (Parks) - \$ 250.00

2. Approval of line item transfer – CIP - \$ 20,277.43

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval on items 1 & 2.

At this time the Court moved to item #18-F.

I. Discussion, consideration and action regarding the City of Penitas' intent to create a Tax Increment Reinvestment Zone – Bill Calderon

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a Vote of approval and to appoint Commissioner Garza as contact person.

Commissioner Flores – Abstain.
Commissioner Garza – No Vote.

At this time Commissioner Palacios steps out of the Court.

J. WIC – Norma Longoria:

1. Permission to continue the provision of WIC Services for FY 2005 commencing October 1, 2004 to September 30, 2005 pending contract

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

2. Set budget for FY 2005 - \$ 7,413,728.00

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on the corrected amount of \$7,413,188.00.

3. Approval of Salary Schedule for FY 2005

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

At this time Commissioner Flores steps out of the Court.

4. Approval of BF Peer Counselor Budget - \$ 177,028.00

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on the corrected amount of \$181,446.25.

5. Approval of Salary Schedule – BF Peer Counselor Program

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

K. District Attorney – Roy Cazares:

1. Requesting approval of 2004-2005 D.A. Crime Victim Coordinator Budget

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

2. Requesting approval of the Crime Victim Coordinator Salary

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

3. Requesting approval for County Judge to sign Grantee Acceptance Notice

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

4. Requesting approval of the 2004-2005 D.A. State Supplement Budget

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

5. Requesting approval of the 2004-2005 D.A. State Supplement Salary Schedule

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

6. Requesting approval to unappropriate funds budgeted for the 2004-2005 Combined Task Force Grant and close account

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

L. Sheriff Department – Capt. Quintanilla:

- 1. Approval to accept the grant award for the Crime Victim Coordinator Liaison Grant from the Office of the Attorney General, Grant Number 04G04115.A1**

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

- 2. Approval of budget amendment in the amount of \$ 39,400.00 for the grant award**

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

- 3. Approval of budget amendment (Gen. Fund) for \$ 180.48 in Acct. #4-1100-421-00-280-001-0 (Sheriff's Dept.) for additional funding of salary and benefits not provided by the grant award**

NO ACTION taken on this item.

- 4. Approval to set salary for employee**

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

- 5. Approval of Vehicle Use Agreement with National Insurance Crime Bureau for One (1) 2001 GMC Sierra for the consideration of \$ 1.00 for said vehicle**

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

- 6. Approval to authorize County Auditor to process payment of \$ 1.00 to National Insurance Crime Bureau, the amount to be charged to Acct. #4-1284-421-00-280-012-5-442 (Sheriff Auto Theft Grant—Equipment & Vehicle Rentals)**

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

M. County Auditor – Tony Sandoval:

- 1. Approval of budget amendment for Fund 1331 and Fund 1315 “TXDOT Project” (new fund) - \$ 795,376.00**
- 2. Approval of budget amendment for Fund 1332 and Fund 1315 “TXDOT Project” (new fund) - \$ 131,586.00**
- 3. Approval of budget amendment for Fund 1332 and Fund 1315 “TXDOT Project” (new fund) – \$2,200,000.00**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on items 1, 2, & 3.

4. Approval of line item transfer for Fund 1332 - \$ 488,273.97

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

N. Tax Office:

1. Approval to create Senior Title Examiner and Title Examiner positions for 2004 Special Inv. Fund Budget

2. Approval to set salaries

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on items 1 & 2.

3. Approval of 2005 Special Inventory Fund Budget – Fund 1246

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

4. Approval to set salaries

NO ACTION taken on this item.

At this time the Court moved to Executive Session.

At this time Commissioner Flores and Commissioner Palacios return to the Court after Executive Session.

O. Interdepartmental transfer:

1. Budget Office Contingency/Buildings & Grounds

2. Budget Office Contingency/Tax Office

3. Budget Office Contingency/County Treasurer

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on items 1, 2 & 3.

7. Risk/Emergency Mgmt. – Valde Guerra: (SEE EXHIBT H)

A. Approval of reimbursement to the Hidalgo County Workers' Compensation claims paying account for: Workers' Compensation claims paid by Tristar Risk Management in the amount of \$ 83,999.13 for the period ending September 15, 2004

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

B. Acceptance of Reimbursement Check in the amount of \$ 142,355.94 from the county's excess workers' compensation insurance: Safety National Casualty Corporation for claim #04109712

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

At this time Commissioner Flores steps out of the Court.

At this time the Court moved to item #13.

- 8. Hidalgo County – Godfrey Garza: (SEE EXHIBIT I)**
- A. Approval of S & B Infrastructure, Ltd. Invoice on Work Authorization #1 - \$ 53,098.93, for Raymondville Drain Outfall System**
 - B. Approval for Auditor to process manual check upon audit**

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

- 9. Discussion, consideration and action regarding the City of Pharr’s request to air the County Commissioners’ Meeting on their city’s television channel – Gary Rodriguez (SEE EXHIBIT J)**

NO ACTION taken on this item.

- 10. Elections Department – Teresa Navarro: (SEE EXHIBIT K)**
- A. Discussion, approval and possible action on the following, but not limited to:**
 - 1. Update on Elections Department, including Voting System Mandates**

NO ACTION taken on this item.

- 2. November 2, 2004 Election Day Polling Locations (update approvals for Department of Justice)**

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

- 3. Election Services Agreement between the County of Hidalgo and City of Sullivan City, Texas**

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

- 11. Urban County – Diana Serna: (SEE EXHIBIT L)**
- A. Public Hearing regarding the Hidalgo County Urban County Program Consolidated Annual Performance Evaluation Report (CAPER) for the year ending June 30, 2004 (FY 2003-2004)**

At this time Judge Garcia opened the Public Hearing to the Public, no one responded,
At this time Judge Garcia proceeded to close the Public Hearing.

- B. Approval of submittal of the Hidalgo County Urban County Program Consolidated Annual Performance Evaluation Report (CAPER) for the year ending June 30, 2004 (FY 2003-2004)**

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

- C. Approval to request Performance Statement Modification and Contract Extension of forty (40) days from the Office of Rural Community Affairs for the 2002 Colonia Construction TCDP Contract No. 722065**
- D. Urban County Program on behalf of Hidalgo County Pct. #2 requests approval to terminate Subrecipient Agreements with La Union Del Pueblo Entero in the amount of \$ 2,702.18, the Lower Rio Grande Valley Development Council Foster Grandparent Program in the amount of \$8,558.35, Easter Seals of the Rio Grande Valley in the amount of \$ 4,400.00, Boys & Girls Club of Alamo/San Juan Unit in the amount of \$ 10,500.00, San Juan Youth Program in the amount of \$2,902.00 and Mujeres Unidas in the amount of \$ 415.89 using UCP Year 16 (2003) funding**
- E. Urban County Program on behalf of Hidalgo County Pct. #1 requests approval to terminate Subrecipient Agreements with the Girls Scouts Tip of Texas Council in the amount of \$ 2,541.11, CASA of Hidalgo County in the amount of \$.58 cents, Boys & Girls Club of Alamo in the amount of \$1,377.39 and the Children’s Advocacy Center in the amount of \$ 774.20 from UCP Year 16 (2003)**
- F. Urban County Program on behalf of City of San Juan requests approval to terminate Subrecipient Agreement with the Lower Rio Grande Valley Development Council – Rio Metro Services in the amount of \$ 20,000.00 from program year 15 (2002), San Juan Youth Program in the amount of \$ 303.00 from program year 16 (2003) and the Boys & Girls Club of Alamo/San Juan Unit in the amount of \$ 4,214.75 from program year 16 (2003)**
- G. Approval of Appointment of Colonia Resident Advisory Committee (C-RAC) Members**

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on items C thru G with the appointment of Roman Garcia and Ludres Prado for the Colonia Resident Advisory Committee.

12. County Judge’s Office – Lorie Ochoa:(SEE EXHIBIT M)

- A. Approval of Resolution recognizing and designating Villa Verde Subdivision as a “Colonia”**

NO ACTION taken on this item.

At this time the Court moved to item # 15.

13. Human Resources – Esther Cortez: (SEE EXHIBIT N)

- A. Discussion, consideration and action on Restructuring the Workers’ Compensation and Risk Management Departments**

NO ACTION taken on this item.

- B. Discussion, consideration and action on Interim Assignment of Emergency Management duties**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval to appoint Art Gaytan as interim for the Emergency Management duties.

C. Discussion, consideration and action on the creation of an Emergency Management Coordinator position

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

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

A. Discussion/approval of Contracts for Padre de Vida (McAllen IV) and Pueblo de Paz (Mission III) Head Start Centers

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

At this time Commissioner Flores returns to the Court.

B. Discussion/approval to reject Request for Qualifications (RFQs) for Mental Health Providers and Re-advertise

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

C. Discussion/approval to award Request for Qualifications (RFQs) and Contracts to Multiple Providers Meeting all Specifications for the following:

- 1. Medical and Dental Providers #2004-06-006**
- 2. Special Services Providers # 2004-06-008**

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

Commissioner Garza – Abstain.

D. Appointment of one (1) Community Representative by each member of the Commissioners' Court, to serve on the Hidalgo County Head Start Program Policy Council, for a one (1) year term according to 45CFR Chapter XIII, § 1304.50(b)(1)-(b)(7)

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a Vote of approval for the appointment of Connie Villanueva by Commissioner Handy, Dr. Lucas Hinojosa by Commissioner Garza and Marie Gonzalez by Commissioner Flores, subject to legal.

Judge Garcia – Abstain.

At this time the Court moved back to item #8.

15. Planning Department – Raul Sesin: (SEE EXHIBIT P)**A. Preliminary Approval:**

1. **Jorge & Isela Meza Subdivision – Pct. 4 (Jorge & Isela Meza, Developers)**
2. **J.J. Avila Subdivision – Pct. 4 (Jose Juan Avila & Robert D. Alaniz, Developers)**
3. **Mile 6 Meadows Subdivision – Pct. 1 (David Wiechering, Developer)**

B. Final Approval:

1. **Villa Rama East Phase V Subdivision – Pct. 3 (Rick Martin, Developer)**
2. **Los Mirasoles No. 2 Subdivision – Pct. 4 (Jose Maria Gomez, Developer)**
3. **Los Amigos Subdivision – Pct. 1 (Richard Ruppert, Developer)**
4. **North Park Place Phase I Subdivision – Pct. 1 (Davis Development)**
5. **S.M. Duque Subdivision – Pct. 4 (Santiago Duque, Developer)**

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on items A-1,2,3 and B-1,2,3,4,5.

C. Final Approval with Letter of Credit:

1. **MGM Grand Ranches Subdivision Phase 2 – Pct. 4 (Garco, Ltd., Developer)**

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

Commissioner Garza – Abstain.

D. Final Approval with a Cash Deposit:

1. **Angelita Ranch Subdivision – Pct. 2 (Noemi De La Cruz Galvan, Developer)**

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

E. Reimbursement of Cash Deposit:

1. **Eli Subdivision – Pct. 3 (David Rodriguez, Developer)**

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

16. Human Services – Rudy De La Viña: (SEE EXHIBIT Q)**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.

17. Buildings & Grounds – Daniel Flores: (SEE EXHIBIT R)**A. Status of old jail building**

Presentation made by Martha Salazar.

B. Maintenance of county grounds

Presentation made by Daniel Flores.

C. Status of renovation of administration building

Presentation made by Martha Salazar.

18. Purchasing Department – Marty Salazar: (SEE EXHIBIT S)

- 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>1199</u>	Other Information:	<u>10</u>
Physical Count:	<u>1104</u>	Males (in house)	<u>1019</u>
Out of County: La Villa	<u>83</u>	Females (in house)	<u>85</u>
Brook’s		Federal Prisoners	<u>10</u>
Adj. /Sentenced to TDC	<u>140</u>	Total Paper Ready TDC	<u>112</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;**
- C. County Auditor’s Report on Detention Facility Law Enforcement Center Project paid and pending payment request approval;**

Nothing to report on items A1,2 & 3-A,B,C.

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval to recess to open the Drainage District Agenda.

At this time the Court reconvene from recess to open the Meeting of the Hidalgo County Commissioner Court.

At this time Judge Garcia excused himself from the Court.

4. **Presentation for discussion, consideration, acceptance**
 - a) **Approval of claims/invoices with authority for Auditor to issue payment for the items detailed in: "Exhibit A" attached hereto.**
 - b) **Presentation for discussion, consideration, acceptance and approval of claims/invoices from R. Gutierrez Engineering Corporation in the amount of \$41,258.15 as reimbursements for "testing services" conducted in connection with McColl Road Improvements and the South "I" Road (S. Levee to Thomas Road) projects with authority for Auditor to issue payment through a manual check.**

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

5. **Presentation for discussion.**
 - a) **Consideration and approval to rescind the bids with Acetylene Oxygen Company (contract awarded as yet not executed) if approved;**
 - b) **Requesting authority to award items rejected under previous vendor, Acetylene Oxygen Company, to the next lowest bidder(s), meeting all specifications and requirements for each applicable bid item, Welding House and Cactus Iron Works, if approved;**
 - c) **Requesting approval to amend the current contract with Welding House and Cactus Iron Works to include the items awarded above.**

On motion of Commissioner Garza, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval on items 5-a, b & c.

6. **Requesting approval to surplus numerous vehicles and pieces of equipment as requested by Hidalgo County Department, for the purpose of disposition through auction and as set forth under Texas Local Government Code, Section 263.152.(a) (1) as detailed on Exhibit "A" and attached hereto.**

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

7. **Presentation for discussion, consideration and action to designate/or appoint a committee to grade, evaluate and score (for the purposes of ranking by Commissioner's Court) the Statements of Qualifications received under the Request for Qualification/Proposals for: "Legal/Consulting Services for Litigation against Texas Association of Counties", project. Note: Pursuant to action taken by Commissioner's Court on 8-3-04, score of 80 points will be provided by committee and the remaining 20 points will be completed after presentation by firms to Commissioner's Court.**

NO ACTION taken on this item.

- 8. Consideration, discussion and action (if necessary), including, but not limited to the following items: Pursuant to the Texas Natural Resources Code, Chapter 71, Lease for Mineral Development, Sub-chapter A:**
- a) Article 71.004-Public Notice and Hearing to consider “Lease of Land for Mineral Development” the described parcel of land; the property owned by Hidalgo County as listed in attachment hereto;**
 - b) Under Article 71.005- Requesting authority to Publish “Notice of Intention to Lease Land for Mineral Development”.**

At this time Commissioner Handy opened the Public Hearing to the Public, no one responded

At this time Commissioner Handy proceeded to close the Public Hearing.

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

- 9. Pursuant to several inquiries, presentation for discussion, consideration and approval to surplus the former Hidalgo County Sheriff’s Dept. and Jail Facility, located at 3100 South Hwy. 281, Edinburg, Texas for the purpose of Lease**

NO ACTION taken on this item.

- 10. Presentation for consideration & Discussion and award of sole bid received from (Memorial Funeral Home) for:**
- a. Option A: Funeral Services with recommendation from Human Services Dept. (Mr. Rudy De La Vina) to delete item #6 from award.**

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

At this time Commissioner Garza leaves the Court.

- b. Presentation for discussion, consideration & action of a request by the sole participating vendor (Memorial Funeral Home) to withdraw the bid submitted under Option “B” – Burial Services. If approved.**
- c. Authority to re-advertise the portion of Burial Services- Burial Services - Hidalgo County.**

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

11. Presenting for discussion, consideration and action on a request by the following Electric providers:

- a. Central Power & Light Company
- b. First Choice Power

For Hidalgo County to approve and execute a “Letter of Authorization” for release of billing information & ESI ID numbers in order to obtain historical usage information.

NO ACTION taken on this item.

12. Pursuant to Hidalgo County Cellular Telephone Policy, presentation for consideration, acceptance and approval of Cellular Phone Request Forms for the following elected official(s), department head(s), program director(s) and employee(s):

Department Name:	Name of Employee(s)	Basic Rate Plan Per Month:	Total Minutes Plan:
It- Dept.	Stephanie Palacios	\$ 33.75	500
Health Dept.	Rigoberto Hinojosa	\$53.30	1100
Health Dept	Danyta Delagall	\$53.30	1100
Health Dept	Evangelina Rubio.	\$53.30	1100
Health Dept	Lilibeth Garcia	\$33.75	500
Health Dept	Nina Worley	\$33.75	500
Health Dept	Magdalena Hernandez	\$33.75	500
Health Dept	Carlos Herrera	\$33.75	500
Health Dept	Lucia Vargas	\$33.75	500
Health Dept	Carmen Robinson	\$33.75	500
Health Dept	Beta Barajas	\$33.75	500

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

B. HIDALGO COUNTY PRECINCT NO 2 –

- 1. **Presentation for discussion, consideration and authority to solicit proposal from Centennial Contracting, Inc., an awarded vendor through The Cooperative Purchasing Network’s Job Order Contractor Program, for construction of North San Juan Park and remodeling of the Palmer Pavilion.**

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

- 2. **Requesting authority to advertise for:**
 - a. **Bid No. 04-299- “Reconstruction and Widening of McColl Road”**
 - b. **Bid No. 04-300- “Paving and Curbing of South I Road”**

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

- 3. **Requesting approval of amendment to existing contract with R. Gutierrez Engineering Corporation for “Engineering Services for various projects” to modify sentence under Special Service, Item 10.**

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

C. HIDALGO COUNTY PRECINCT NO. 1-

- 1. Requesting exemption from competitive bidding under the Texas Local Government Code 262.024(a) (4) for professional engineering services with TEDSI Infrastructure Group in connection with the “CIP Monte Alto Street Improvement Projects” under Precinct Number One.**

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

- 2. Requesting approval of a professional engineering services contract, subject to legal review, with TEDSI Infrastructure Group in connection with the “CIP Monte Alto Street Improvement Projects” under Precinct Number One.**

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

D. HIDALGO COUNTY BUILDING & GROUNDS –

- 1. Recommending of bid award and approval of contract to the lowest bidder meeting all requirements attached hereto for: “Elevator Maintenance Service and Repairs” RFB**

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

- 2. Requesting authority to purchase a Mailing System with equipment from Pitney Bowes a vendor on the Texas Building and Procurement State Contract 600-A4 not to exceed \$26,078.00**

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

E. HIDALGO COUNTY ADULT DETENTION CENTER–

- 1. Requesting authority to award (from solicited quotes) and approval of contract for “Steam Clean Exhaust and Servicing the Automatic Fire Suppression System” to lowest bidder meeting all specification and/or requirements for a term commencing on 1/1/2005 to 12/31/2005 but in no intent of exceeding the statutory bid limit of \$25,000.00.**

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

- 2. Presentation for discussion, consideration and approval of a final negotiated contract for “Registered Pharmacist Consulting Services” project.**

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

At this time the Court moved to G-1.

F. HIDALGO COUNTY ADULT PROBATION DEPT.-

1. Pursuant to a directive by Commissioners Court, presentation by Luis Figueroa, AIA, principal, ROFDW Architects, PLLC, including, but not limited to:
 - a) Department program and office space requirements as developed with Joe Lopez, Director, Adult Probation Dept.;
 - b) Estimates of building square footage;
 - c) Estimates of probable cost;

Presentation made by Mr. Luis Figueroa.

2. **Acceptance and approval of the program and office space requirements including square footage for the Adult Probation Department**

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

3. **Presentation of Hidalgo County's Pool of Architect(s) / Firm(s) for Court to rank, select and proceed with authority for the purchasing Department to negotiate a contract for the design and construction of an office building to house the Hidalgo County Community Supervision and Corrections Department (Note: current architectural contract with Mr. Figueroa is for the renovation/remodeling and/or repair of the former Hidalgo County Sheriff's Dept. and Adult Detention Facility);**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to rank Mr. Figueroa as no. 1 and to give Martha Salazar the authority to proceed to negotiate a contract for new construction.

4. **Discussion, consideration and action on the location and site for a New Adult Probation Department for Hidalgo County;**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval on the former Hidalgo County Jail and Sheriff Department on 3100 S. Hwy 281 as the location.

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

G. HIDALGO COUNTY JP PCT. 2 PLACE 1 –

1. **Requesting authority to advertise and approval of draft specifications as attached hereto for "Lease of Office Space for JP Pct. 2. Place 1" project.**

NO ACTION taken on this item.

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

1. **Requesting approval of Change Order No. 1- (Net Decrease) in connection with Contract No. C-04-002-01-07- “Road Construction of Villa Verde, Old River Road, El Waterfall, Matt and La Paloma Subdivisions” (Colonia Access Project) in the amount of \$<29,926.50>awarded to S&G Paving Company.**

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

2. **Requesting approval of Change Order No. 1 (Net increase) in connection with Contract No. C-04-003-01-07- Road Construction of Agua Dulce, La Blanca Heights, La Mesa, Llano Grande, George Lookingbill and Puesta Del Sol Subdivisions” (Colonia Access Project) in the amount of \$5,258.00 awarded to S&G Paving Company.**

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

I. HIDALGO COUNTY COLONIA ACCESS PROGRAM PRECINCT NO. 2-

1. **Presentation for consideration, discussion of the recommendation (by project engineer) to award the bid and approval of contract with the low bidder meeting all specifications and requirements for; “County Living Estates Project” under the Colonia Access Program for Precinct # 2.**

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

2. **Presentation for consideration, discussion of the recommendation (by project engineer) to reject the bids received for: a) Tierra Bonita; and b) Alamo Orchards project under the Colonia Access Program**

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

J. HIDALGO COUNTY ELECTIONS DEPARTMENT-

1. **Requesting authority t purchase computer equipment from a CISV vendor, Environmental Systems Research Institute Inc., through TBPC Catalogue Purchasing Program for Req # 57953 in the total amount of \$ 11,033.10**

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

K. 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.

At this time the Court moved to adjourn.

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

19. Closed Session: (SEE EXHIBIT T)

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. Cause No. C-2025-04-I; Blanca I. Moreno vs. E.J. AC Services and Hidalgo County**
- E. Pending and/or potential litigation Kenneth R. Ledbetter vs. Hidalgo County**
- F. Rx America Class Action Lawsuit**
- G. Cause #C-2069-04-H; Jesus Reyes Jr. et.al vs. City of Mission and County of Hidalgo**

20. Open Session:

- A. Real Estate Acquisition**

NO ACTION taken on this item.

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

NO ACTION taken on this item.

- C. Pending and/or potential litigation**

NO ACTION taken on this item.

- D. Cause No. C-2025-04-I; Blanca I. Moreno vs. E.J. AC Services and Hidalgo County**

NO ACTION taken on this item.

- E. Pending and/or potential litigation Kenneth R. Ledbetter vs. Hidalgo County**

NO ACTION taken on this item.

F. Rx America Class Action Lawsuit

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

G. Cause #C-2069-04-H; Jesus Reyes Jr. et.al vs. City of Mission and County of Hidalgo

NO ACTION taken on this item.

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

21. Closed Session:

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

22. Open Session:

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

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

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, SEPTEMBER 28, 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 Garza, 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. Sheriff Department**
 - B. County Treasurer**
 - C. Human Resources**
 - D. Civil Service**
 - E. Elections Department**
 - F. Tax Office**
 - G. District Clerk**
 - H. Planning Department (2)**
 - I. 139th District Court**
 - J. Texas Cooperative Extension**
 - K. Law Library**
 - L. County Court #1**
 - M. Health – Clinics**
 - N. Health – Sanitation**
 - O. Health – Adm.**
 - P. County Clerk – Rec. Mgmt.**
 - Q. Pct. #1 – Adm.**
 - R. Pct. #1 – Sanitation**
 - S. Pct. #1 – R & B**
 - T. Pct. #1 – Parks**
 - U. Pct. #2 – Landfill**
 - V. Pct. #3 – Landfill**
 - W. Pct. #3 – R & B**
 - X. D.P.S. – Highway Patrol**

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: (SEE EXHIBIT D)

A. North Alamo Water Supply (paid \$ 7.50):

- Cesar Chavez Rd. & Trenton Rd.
- Mile 17 North on Kenyon Rd.

B. North Alamo Water Supply (paid \$ 3.75):

- Cesar Chavez Rd. on Trenton Rd.

C. Sharyland Water Supply (paid \$ 3.75):

- Depot Rd. & Rogers Rd.

5. Tax Refunds: (SEE EXHIBIT E)

Taxpayer	Payer	Amount
A. Monroe M. Saulter	States Resources	\$81,396.31
B. Ridge Sharyland Part.III	Ridge Realty	\$29,095.92

6. Purchasing Department: (SEE EXHIBIT F)

A. HIDALGO COUNTY -

Requesting authority to purchase computer equipment, hardware, and software from CISV vendors through Texas Building and Procurement Catalogue Purchasing Program for the following;

Req	Department	Vendor	Amount	Account Number
57698	Risk/Loss Mgmt	Data Collection	\$320.00	4-1100-419-50-230-001-0-601
57698	Risk/Loss Mgmt	Data Collection	\$2,955.00	4-1100-419-50-230-001-0-745
57960	Law Library	Dell Marketing	\$198.84	4-1247-412-50-100-001-0-601
57960	Law Library	Dell Marketing	\$255.00	4-1247-412-50-100-001-0-745
57857	Indigent Defense	CDW Government	\$2,399.00	4-1100-412-00-009-003-0-749
57857	Indigent Defense	CDW Government	\$56.49	4-1100-412-00-009-003-0-747
57962	Elections	CDW Government	\$335.51	4-1100-414-00-130-001-0-745
57964	Elections	CDW Government	\$232.36	4-1100-414-00-130-001-0-602
57965	Elections	QA System	\$3,087.00	4-1100-414-00-130-001-0-745
57958	Elections	CDW Government	\$851.82	4-1100-414-00-130-001-0-601
57955	370 th District Crt	Trillion Partners	\$2,415.78	4-1100-412-00-007-001-0-745
57797	Elections	The Software Group	\$911.00	4-1100-414-00-130-001-0-432
57664	I.T. Dept	STE	\$955.00	4-1242-412-00-000-001-0-743
57742	I.T. Dept	Trillion Partners	\$3,894.00	4-1100-415-00-200-001-0-745
57788	I.T. Dept	QA Systems	\$3,087.00	4-1100-415-00-200-001-0-745
57790	I.T. Dept	Dell Marketing	\$1,568.30	4-1100-415-00-200-001-0-745
57844	I.T. Dept	QA Systems, Inc.	\$600.00	4-1242-412-00-000-001-0-743
57890	I.T. Dept	QA Systems, Inc.	\$400.00	4-1242-412-00-000-001-0-743
57892	I.T. Dept	QA Systems, Inc.	\$1,170.00	4-1100-415-00-200-001-0-743

**DRAINAGE DISTRICT BOARD OF DIRECTORS
AGENDA**

**Ramon Garcia
Chairman**

**Sylvia S. Handy
Board Member**

**Joe M. Flores
Board Member**



**Hector "Tito" Palacios
Board Member**

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

NOTICE

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, SEPTEMBER 28, 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 U)**

1. Roll Call

All Members of the Board were counted present.

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. Financial Officer – Lora Briones:

A. Public Hearing 2005 Proposed Budget as per Texas Local Government Code 111.067

At this time Judge Garcia opened the Public Hearing to the Public, no one responded,
At this time Judge Garcia proceed to close the Public Hearing.

B. Discussion, consideration and action on changes, if any, as per Local Government Code 111.068 (adoption of budget) and Adoption of 2005 Annual Budget

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

C. Approval to Set salaries and auto allowance for board members and employees

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

D. Set 2004 Tax Rate

On motion of Commissioner Handy, seconded by Commissioner Garza, the Board made a UNANIMOUS vote of approval, Maintenance and Operations is .0435 and Debt is 0.

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

5. Update on Workers' Compensation claims paid by TriStar Risk Management in the amount of \$13,971.72 for the period ending September 15, 2004

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

6. Purchasing Department – Marty Salazar:

NOTES: A. FOR ANY CONTRACT(S) AWARDED AND APPROVED UNDER THIS AGENDA, EXECUTED COPIES OF THE CONTRACT(S) WILL BE FORWARDED TO HIDALGO COUNTY DRAINAGE DISTRICT –CONTRACT'S MANAGER

A. Requesting approval to advertise: "Hidalgo County Irrigation No.2 –Irrigation Adjustments" for Hidalgo County Drainage District No. 1 project.

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

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

7. 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

8. Open Session:

A. Real Estate Acquisition

9. Closed Session:

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

10. 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 Handy, 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 28, 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 Handy, seconded by Commissioner Garza, 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. Line item transfer – \$ 128,000.00**

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 28th 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 28, 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)