

REGULAR MEETING – October 12, 2004

BE IT REMEMBERED, that on this 12th day of October, 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

HIDALGO COUNTY
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, OCTOBER 12, 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

No presentations made under Open Forum.

5. Approval of Consent Agenda

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

6. Elections Department – Teresa Navarro: (SEE EXHIBIT H)

A. Discussion, approval and possible action on the following, but not limited to:

- 1. Agreement by Hidalgo County "County" to the State of Texas, Office of the Secretary of State "SOS" and is authorized pursuant to Title 1, Section 101 and Title II, Section 251 of the Help America Vote Act (HAVA), Public Law 107-252, October 29, 2002; 42 U.S.C. 15301**

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

2. Resolution pursuant to the Agreement by Hidalgo County to the State of Texas, Office of the Secretary of State

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

3. Election Services Agreement between the County of Hidalgo and City of Palmhurst, Texas for November 2, 2004

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

4. Precinct Drivers to assist with the delivery of the Lever “Shoup” Machines for the November 2, 2004 General Election

At this time Commissioner Handy elected Jaime Garcia for Pct. 1, Commissioner Palacios elected Richard Cuellar for Pct. 2, Commissioner Flores elected J.D. Villarreal for Pct. 3 and Commissioner Garza elected Gloria Beltran for Pct. 4.

5. Date Presentations by Voting System Vendors

Teresa Navarro advised the Court on the date of November 18, 2004 for the Presentations.

7. County Clerk – J.D. Salinas, III: (SEE EXHIBIT I)

A. Approval to collect a \$ 2.00 recovering fee per document for the TexasOnline efileing project

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

8. County Judge’s Office – Lorie Ochoa: (SEE EXHIBIT J)

A. Approval of proclamation proclaiming October 2004 as “Breast Cancer Awareness Month”

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

B. Approval of proclamation proclaiming November 2004 as “Home Care Month”

C. Approval of proclamation proclaiming November 2004 as “Hospice Month”

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

At this time the Court moved to item #18-A 11&12.

D. Status, update and possible action regarding the status of the Rio Grande Valley Health Services District

Status made by Humberto Garza.

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

- A. Approval to award a Construction Contract to Foremost Construction for the City of Elsa using Urban County Program Street Improvements funding from Year 16 (2003) in the amount of \$67,766.75.**

NO ACTION taken on this item.

At this time Judge Garcia steps out of the Court.

- B. Approval to award a Testing Services Contract to Millennium Engineers Group, Inc. for Hidalgo County Precinct # 1 Street Improvements Projects under the Urban County Program Year 2004 (Year 17) funding in the amount of \$15,982.45.**

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

- C. Urban County Program on behalf of Hidalgo County Precinct # 4 requests approval to terminate Subrecipient Agreements with Mujeres Unidas/Women Together in the amount of \$3,897.40, Children's Advocacy Center in the amount of \$222.06, and CASA of Hidalgo in the amount of \$2.26 using Urban County Program Year 16 (2003) funding.**

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

- D. Precinct #4 is requesting approval of a Street Improvements Construction Contract with Mission Paving Company, Inc. in the amount of \$26,601.60 utilizing Urban County Program Year 14 & 15 (2001 & 2002).**

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

- E. Urban County Program on behalf of Hidalgo County Precinct # 4 requests approval to amend Subrecipient Agreement with La Union del Pueblo Entero (LUPE), to reduce the amount allocated from \$5,000.00 to \$3,392.62 utilizing Urban County Program Year 17 (2004) funding.**

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

- F. Requesting approval of a budget / program amendment for the City of Progreso Lakes to appropriate funding for the Commercial Industrial Infrastructure Development Project located South FM 1015 from Military Road using Urban County Program Year 12 (1999) in the amount of \$3,155.00, Year 15 (2002) in the amount of \$17,184.69 and Year 16 (2003) funding in the amount of \$45,816.00.**

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

- G. Consider awarding bid for the demolition of existing structures, and the reconstruction of two (2) units in the Countywide Area to J.D. Villarreal Construction for the total amount of \$42,350.00.**

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

- H. Requesting exemption from competitive bidding requirements under the Texas Local Government Code 262.024(a) for professional services with Javier Hinojosa Engineering in connection with the City of Palmhurst Street Improvements.**

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

- I. Approval of professional services contract with Javier Hinojosa Engineering with the City of Palmhurst - Street Improvements Yr 11 (1998) and 13 (2000). Amount requested \$25,000.00.**

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

10. Planning Department – Raul Sesin: (SEE EXHIBIT L)

A. Preliminary Approval:

- 1. Valle Rico Subdivision – Pct. 1 (Jonathon Cohrs)**
- 2. AKC Subdivision – Pct. 1 (Jonathon Cohrs)**
- 3. Pilar Salinas Subdivision – Pct. 3 (Maria De Leon)**

B. Final Approval:

- 1. Pastor Estates No. 3 Subdivision – Pct. 1 (Jose Villarreal)**
- 2. Eldora Subdivision – Pct. 1 (Adam Daniec)**

C. Final Approval with Letter of Credit:

- 1. Weslaco Gardens Subdivision – Pct. 1 (Tim Gearhart)**

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

D. Discussion and possible action on the requirement of the Texas Commission on Environmental Quality General Permit No. TXR150000 relating to discharges from construction activities

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

E. Discussion and possible action on residential subdivisions located within La Joya Water Supply Corporation CCN Area:

- 1. Watson Heights Subdivision – Pct. #3 (Paul Daniec, developer)**

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

11. WIC – Norma Longoria: (SEE EXHIBIT M)

A. Approval of Contract for WIC Services between Department of State Health Services and the County of Hidalgo

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

12. Human Services – Rudy De La Viña: (SEE EXHIBIT N)

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

- 1. Authorization to pay claims: 2004 \$282,375.68**
- 2. Indigent Health Care expenditures**

Presentation made by Rudy De La Vina.

At this time Commissioner Palacios steps out of the Court.

13. Buildings & Grounds – Daniel Flores: (SEE EXHIBIT O)

A. Status of old jail building

Presentation made by Martha Salazar.

At this time Judge Garcia returns to the Court.

B. Maintenance of county grounds

Presentation made by Daniel Flores.

C. Status of renovation of administration building

Presentation made by Martha Salazar.

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

- A. Request authorization and approval to delete vacant slot #003 Mechanic I position for R & B**
- B. Request authorization and approval to create a Precinct Inventory clerk & set salary at \$23,152.50**

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

15. Risk Management: (SEE EXHIBIT Q)

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 \$ 91,631.65 for the period ending September 30, 2004 (9/16/04 to 9/30/04)

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

16. Sheriff Department – Capt. Quintanilla: (SEE EXHIBIT R)**A. Discussion and possible action to allow the Sheriff to enter into an agreement with Planned Parenthood to conduct testing for sexually transmitted diseases at the Hidalgo County Jail**

NO ACTION taken on this item.

17. Budget Office – Valde Guerra: (SEE EXHIBIT S)**A. Sheriff Department:**

1. Approval to create obj. 739 & line item transfer - \$ 1,645.00

B. Health Department – Bioterrorism Grant:

1. Approval to create obj. 604 & line item transfer - \$ 2,000.00

C. Veterans Services:

1. Approval to create obj. 661 & line item transfer - \$ 800.00

D. Criminal Auxiliary Court:

1. Approval to create obj. 608 & line item transfer - \$ 100.00

E. J.P. Pct. #3, Pl. 2:

1. Approval to create obj. 532 & 664 & line item transfer - \$ 405.00

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval on items A thru E.

F. Intradepartmental transfers (line item transfers):

1. Pct. #4 – Colonia Access Program - \$ 6,209.00

2. Computer Department - \$ 1,466.96

3. Auditor’s Office - \$ 3,168.00

4. Insurance Acct. - \$ 10,000.00

5. Pct. #1 - Colonia Access Program - \$ 8,668.00

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval on items 1 thru 5.

G. Auditor’s Office:

1. Approval of budget amendment for Fund 1334 and Fund 1315 “TXDOT Project (new fund) - \$733,000.00

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

H. Interdepartmental transfers:

1. Risk Management to County Judge

NO ACTION taken on this item.

2. Budget Office Contingency to County Wide Adm. Acct. (vehicles)

3. Pct. #3 - Adm. to Pct. #3 P/U Rds. - \$ 38,000.00

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

I. Approval to set salary for Emergency Management Coordinator position

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval for \$55,000.00

J. Approval to delete the Risk and Safety Component Director position

NO ACTION taken on this item.

K. Approval to set salary for Risk Manager position

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval for \$48,000.00.

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

- 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 ARE 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>1123</u>	Other Information:	<u>10</u>
Physical Count:	<u>1101</u>	Males (in house)	<u>1020</u>
Out of County: La Villa	<u>10</u>	Females (in house)	<u>81</u>
Brook’s		Federal Prisoners	<u>10</u>
Adj. /Sentenced to TDC	<u>155</u>	Total Paper Ready TDC	<u>124</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 2 and 3-A,B,C.

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.

At this time Commissioner Palacios returns to the Court.

5. **Presentation for consideration, discussion, and approval to proceed with engagement of professional engineering firm(s) (through Hidalgo County’s pool of engineering firms) and other professionals, i.e. legal firm(s) for a road and bridge assessments/study to serve various County needs, including but not limited, to the following:**
 - a) **Inventory existing roadways and bridges for GASB 34 requirements and compliance;**
 - b) **Determination of County Roads;**
 - c) **Pavement Management Programs;**

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

At this time Commissioner Flores steps out of the Court.

6. **Requesting approval of method of engagement of legal firms(s), if necessary, to produce the necessary documentation, displays and requirements for public hearing associated with determining roadways that are to be classified as County Roads.**

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

At this time Commissioner Flores returns to the Court.

7. **Presentation of evaluation and scoring grid of firms submitting Proposals in response to County’s “Quality Claims Administration Services” RFP, for the purpose of ranking by Commissioner’s Court.**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to rank TriStar as #1, Icon as #2 and Edwards as #3

8. **Authority to direct Purchasing/Legal Counsel to negotiate a final contract for consideration by Commissioners’ Court for possible award, for “Quality Claims Administration Services” with Number One ranked firm.**

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

9. Requesting authority to advertise and approval of requirements as attached hereto for “Architectural Services- Hidalgo County” RFQ.

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

At this time Judge Garcia steps out of the Court.

10. Recommending award of bid and approval of Contract for “Rental of Uniforms” to low bidder meeting all requirements and specifications for Option 1 (Full Service).

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

11. Presentation for consideration, discussion and approval (if applicable) of a lease amendments(s) by Mujeres Unidas as requested through the organization’s legal counsel, the Hon. Eddie Cantu with the firm of Montalvo & Ramirez; and, if approved;

NO ACTION taken on this item.

12. Request by Mujeres Unidas legal counsel, Hon. Eddie Cantu to file original lease document, including an subsequent amendments/modification (currently archived and held in the Purchasing Dept.) as real estate documents at the Hidalgo County Clerk’s Office;

NO ACTION taken on this item.

At this time the Court moved to Executive Session.

B. HIDALGO COUNTY PRECINCT NO 2 –

1. Requesting authority to advertise and approval of draft specifications for “Hauling of Dirt with an option to Load” RFB.

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

C. HIDALGO COUNTY PRECINCT NO. 3-

1. Requesting authority to advertise and approval of specifications as attached hereto for: “Hauling Services of Crushed Caliche” RFB

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

D. HIDALGO COUNTY PRECINCT NO. 4 –

1. Requesting authority to advertise and approval of specifications for: “Hidalgo County Precinct No. 4- Pit Run Caliche” RFB.

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

E. HIDALGO COUNTY PRECINCTS 1-4 & WIC PROGRAM-

- 1. Recommending award of bid and approval of Contracts to multiple bidders meeting all requirements and specifications for “Pest Control Service”.**

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

F. HIDALGO COUNTY COLONIA ACCESS PROGRAM PCT NO 1 –

- 1. Recommending bid award and approval of contract for: “Road Construction of Roads for R.C. Babb & Bar #7” – Precinct No 1 to low bidder meeting all specifications (S & G Paving Company in the amount of \$168,927.25) (Project carried by: TEDSI Infrastructure Group)**

NO ACTION taken on this item.

G. HIDALGO COUNTY WIC DEPARTMENT–

- 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 BIC Investments.**

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

Commissioner Garza – Abstain.

H. HIDALGO COUNTY DISTRICT CLERK –

- 1. Presentation for consideration, discussion and approval to award quote received from Judicial Systems, Inc. for “Juror Information Management System, Telephony Software and Hardware”, an additional module/ component to the Jury 2000 Plus program already in place at the District Clerk’s Office, in the total amount of \$17,982.00 purchase subject to vendor meeting all insurance requirements.**

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

I. HIDALGO COUNTY I.T. DEPARTMENT-

- 1. 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) with positions as indicated and further detailed in “Exhibit A” attached hereto;**

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

J. HIDALGO COUNTY PARKING LOT SECURITY –

- 1. Requesting authority to purchase One Ford Explorer, through the Interlocal Agreement with Houston Galveston Area Council (H-GAC)-Vendor being Philpott Motor Company of Port Neches, Texas. Total purchase price \$21,999.25. Administration and delivery cost to be included.**

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

K. HIDALGO COUNTY RIGHT OF WAY DEPARTMENT –

- 1. Presentation and acceptance of roster (as listed in the RFQ Acceptance Sheet attached hereto) of “Title Report Services Pool” of pre-qualified firms submitting Statements of Qualifications for ranking on an “as needed basis” per project by all County Departments requiring said services as set forth in the requirements stated in the County’s Request for Qualifications packet and subject to compliance with all said requirements.**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to rank Noe Gonzalez Jr. and South Texas Land Investigations as no. 1.

L. HEALTH DEPARTMENT –

- 1. Requesting exemption from competitive bidding requirements under Section 262.024 (a) ‘...if the commissioners court by order grants the exemption’, (2) ‘an item necessary to preserve and protect the public health or safety...’ for insecticide.**

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

- 2. Requesting authority to purchase Biomist insecticide from the lowest quote meeting all requirements to Univar Usa, Inc. in the amount not to exceed \$7,700.00.**

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

- 3. Requesting authority to advertise with the approval of specifications for insecticide**

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

At this time Judge Garcia returns to the Court.

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

19. Closed Session: (SEE EXHIBIT U)

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-3150-97-G; Enrique Benavidez vs. County of Hidalgo**
- E. C-2139-04-F; Juan Martinez & Marisol Martinez vs. Jesus Garcia Vela and Hidalgo County**
- F. Cause No. C-2025-04-I; Blanca I. Moreno a/n/f or Jose Alberto Zambrano vs. E.J. AC Services and Hidalgo County**

20. 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. Cause No. C-3150-97-G; Enrique Benavidez vs. County of Hidalgo**
- E. C-2139-04-F; Juan Martinez & Marisol Martinez vs. Jesus Garcia Vela and Hidalgo County**
- F. Cause No. C-2025-04-I; Blanca I. Moreno a/n/f or Jose Alberto Zambrano vs. E.J. AC Services and Hidalgo County**

NO ACTION taken on items A thru F.

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

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 Garza, seconded by Commissioner Handy, 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, OCTOBER 12, 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. J.P. Pct. #5, Pl. 1**
 - B. Buildings & Grounds**
 - C. 92nd District Court**
 - D. Constable Pct. #3**
 - E. RGV – Emp. Zone – GED**
 - F. Human Services**
 - G. County Court #1**
 - H. Indigent Defense (2)**
 - I. Pct. #2 – Landfill**
 - J. Pct. #3 – Adm.**
 - K. Pct. #3 – Landfill**
 - L. Purchasing Department**
 - M. Health – Sanitation**
 - N. Pct. #2 – R & B**
 - O. J.P. Pct. #4, Pl. 2**
 - P. Pct. #2 – Parks**
 - Q. Pct. #1 – Parks**
 - R. Pct. #1 – Adm.**
 - S. Pct. #1 – Landfill**
- 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. The Urban County Program requests cancellation of three (3) contracts under the Home Buyer Assistance Program as per the respective client's request.**

5. Right of Way – Permits: (SEE EXHIBIT E)

- Paid (\$ 3.75) North Alamo Water Supply: Install a 2" waterline approximately 1845' west of FM 1423 on Earling Road – Bore – Danny's Subdivision.
- Paid (\$ 3.75) North Alamo Water Supply: Install a 4" waterline approximately 2835' west of FM 1423 on Earling Road – Bore – Danny's Subdivision.
- Paid (\$ 3.75) Vernon E. Faulconer Inc.: Install a 3" oil and gas flow line commencing approximately .25 mile east of the intersection of FM 2812 and Brushline Road thence running westerly in the northern right of way of Fm 2812 approximately .25 miles to the eastern right of way of Brushline Road thence running northerly in the eastern right of way of Brushline road approximately 1.15 miles.
- Paid (\$ 3.75) Delta Lake Irrigation District: Install a 36" irrigation line 1.6 miles west of FM 493 on 11th Street; irrigation line to be encased within a 48" reinforced concrete pipe.
- Paid (\$ 3.75) Delta Lake Irrigation District: Install a 36" irrigation line 1.6 miles west of FM 493 on 12 Street; irrigation line to be encased within a 48" reinforced concrete pipe.
- Paid (\$ 3.75) Delta Lake Irrigation District: Install a 36" irrigation line 1.6 miles west of FM 493 and a ¼ mile south of FM 490; irrigation line to be encased within a 48" reinforced concrete pipe.

6. Monthly Fee Reports – August: (SEE EXHIBIT F)

A. J.P. Palacios	41,392.80
B. J.P. Ochoa	35,520.88
C. J.P. Saenz	25,501.14
D. J.P. Trevino	40,026.37
E. J.P. Garza	58,242.90
F. J.P. Contreras	32,809.94
G. J.P. Jackson	22,605.17
H. J.P. Morales	30,685.29
I. J.P. Espinosa	43,289.02
J. Law Library	1,466.00
K. Sheriff Escalon	54,789.97
L. Anzalduas Park	1,916.11
M. Delta Lake	1,652.10
N. Constable Aguirre	1,010.00
O. Constable Alaniz	600.00
P. Constable Gallardo, Jr.	2,120.00
Q. Constable Rios	1,912.00
R. Constable Bazan	170.00

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

- 1. 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
58420	I.T. Dept	Global Data	\$1,384.20	4-1242-412-00-000-001-0-745
58485	I.T. Dept	CDW Government	\$ 55.00	4-1100-415-00-200-001-0-601
58485	I.T. Dept	CDW Government	\$ 435.00	4-1100-415-00-200-001-0-745
58750	I.T. Dept	Global Data	\$ 600.00	4-1100-415-00-200-001-0-745
58509	Precinct No 3	S.J.S. Computers	\$1,138.00	4-1203-431-00-123-004-0-745
58433	Treasurer	I.D.I.	\$3,200.00	4-1100-415-16-150-001-0-350

B. HIDALGO COUNTY DISTRICT CLERKS –

- 1. Requesting authority to enter into a rental agreement with Pitney Bowes for a Mailing Equipment through TBPC State Contract 985-A4 for \$322.00 a month. Req #58868 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 REGULAR MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, OCTOBER 12, 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 V)**

1. Roll Call

All Members of the Board were counted present.

2. Open Forum

Rebecca Flores – United Farm Workers Resolution.

3. Approval of Consent Agenda

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

4. Approval to dispose District’s vendor invoice copies from 1997-2002 (original invoices stored at Auditor)

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

5. Authorization to charge a Drilling Permit Fee for drilling on District property

NO ACTION taken on this item.

6. Discussion and approval of Centennial Contractor Enterprise Inc.'s proposal, an awarded vendor through The Cooperative Purchasing Network, utilizing Drainage District's plans and specifications as reviewed by the District for building addition (board approval 5-18-04)

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

7. Discussion and approval of Two Party License Agreement for Mission-McAllen Lateral/RADO Drain/Bensten Rd.

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

8. Approval to remove 1999 GMC pickup asset #33324 from District's inventory (vehicle totaled in accident 9-15-04)

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

9. Approval to accept check in the amount of \$ 11,687.50 from Fred Loya insurance for total loss of 1999 GMC

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

At this time Judge Garcia steps out of the Court.

10. Approval to purchase new truck replacing totaled vehicle by utilizing (3) quotes under \$ 25,000.00

NO ACTION taken on this item.

11. Presentation for discussion, consideration to seek membership with The Texas Building and Procurement Commission and approval of State Resolution in order to utilize all applicable programs

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

At this time Judge Garcia returns to the Court.

12. Risk Management:

- A. Update on Workers' Compensation claims paid by Tristar Risk Management in the amount of \$ 18,760.43 for the period ending September 30, 2004 (9/16/04 to 9/30/04)**

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

13. 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

- 1. Clarification of agenda previously approved to exercise the sixty day extension by the Drainage District No. 1 Board of Directors on 08-24-04, to reflect the corrected effective and terminating date as follow: Effective: September 27, 2004 and terminating: November 26, 2004 for the Lubricants (Grease, Oil, Hydraulic Fluids) and Anti-Freeze Products.**

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

- 2. Presentation and acceptance of roster (as listed in the RFQ Acceptance Sheet attached hereto) of "Title Report Services Pool" of pre-qualified firms submitting Statements of Qualifications for ranking on an "as needed basis" per project by all County departments requiring said services as set forth in the ranking requirements state in the County's Request for Qualifications packet and subject to compliance with all said requirements.**

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Board made a UNANIMOUS vote of approval on Noe Gonzalez Jr. and South Texas Land Investigations.

- 3. 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:**

- 1. 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 Drainage District No. 1 as described as follows;**
- a. A 0.49 acre tract, more or less, out of part of Farm Tract 147, Campacuas Addition, recorded in Volume "1" page 2, Map records and Warranty Deed recorded in Volume 383, Page 55 of the Deed Records of Hidalgo County, Texas.**

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

b. Under Article 71.005- Requesting authority to Publish “Notice of Intention to Lease land of Mineral Development”.

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.

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

4. Recommending to reject bid received for: Bid No. 04-035-09-22 Lubricants (Grease, Oil Hydraulic Fluids) and Antifreeze Products, due to modification of specifications.

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

5. Requesting authority to advertise and approval of draft specifications for: “Uniforms”

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

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

14. 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

15. Open Session:

A. Real Estate Acquisition

16. Closed Session:

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

17. Open Session:

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

On motion of Commissioner Handy, seconded by Commissioner Flores, 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, OCTOBER 12, 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 Flores, 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. License:**
 - A. City of Pharr – east of Jackson Rd. south to the City of Pharr, Hidalgo County**
- 3. Discharge Permits:**
 - A. RCI Development – Cascabel Estates Phase III**
 - B. Davis Development – North Park Place Phase I**
 - C. City of Edinburg – McColl Manor Subdivision**
 - D. Ricardo Carillo – Lomas Del Valle Subdivision**
- 4. Line item transfer - \$ 200.00**
- 5. Line item transfer - \$ 5,000.00**

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

HIDALGO COUNTY
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, OCTOBER 12, 2004 at 9:30 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

ADDENDUM

1. Closed Session:

Commissioners' Court may go into Closed Session pursuant to Chapter 551, Texas Government Code, Sections 551.071 to discuss the following:

- A. Civil Action No. M-00-280; Aurelio Aguilar, et.al vs. Henry Escalon, Sheriff of Hidalgo County, et.al**

2. Open Session:

- A. Civil Action No. M-00-280; Aurelio Aguilar, et.al vs. Henry Escalon, Sheriff of Hidalgo County, et.al**

NO ACTION taken on this item.

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 12th day of October, 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 October 12, 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: _____

(Seal)