

SPECIAL MEETING – October 26th , 2004

BE IT REMEMBERED, that on this 26th day of October, A.D., 2004, there was begun and held a SPECIAL MEETING of the Honorable Commissioners' Court of Hidalgo County, Texas, wherein the following members thereof were present, to-wit:

HONORABLE RAMON GARCIA

HIDALGO COUNTY JUDGE

HONORABLE SYLVIA HANDY

COMMISSIONER, PRECINCT NO. 1

HONORABLE HECTOR (TITO) PALACIOS

COMMISSIONER, PRECINCT NO. 2

HONORABLE JOSE FLORES

COMMISSIONER, PRECINCT NO. 3

HONORABLE OSCAR L. GARZA JR.

COMMISSIONER, PRECINCT NO. 4

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

Ramon Garcia
County Judge

Sylvia S. Handy
Commissioner, Pct. #1

Joe M. Flores
Commissioner, Pct. #3



Hector "Tito" Palacios
Commissioner, Pct. #2

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

**HIDALGO COUNTY
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, OCTOBER 26, 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

Nancy Sherry – When will Pct. 3 and Pct. 2 receive money owe by Pct. 1.

Fern McClagherty – On Agenda item #23-E-2.

Dolores Warner – On being deny to vote due to no identification.

Armando Barrera – On the Tax notices mailed out and the new Weslaco Substation.

5. Approval of Consent Agenda

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

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

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

- 1. Amended Election Services Agreement between the County of Hidalgo and the City of Palmhurst for their November 2, 2004 Election**

NO ACTION taken on this item.

7. Discussion regarding personal property tax levied on semi-trucks and trailers – Don Pemelton (concerned taxpayer) (SEE EXHIBIT H)

NO ACTION taken on this item.

8. Juvenile Probation – Buddy Silva: (SEE EXHIBIT I)

A. Request approval of FY-2005 C.J.D. Purchase of Juvenile Justice Alternatives Grant in the amount of \$ 40,000.00

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

9. Sheriff's Department – Capt. Quintanilha: (SEE EXHIBIT J)

A. Approval of Reimbursement Agreement between the FBI and the Hidalgo County Sheriff's Department

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

B. Approval of budget appropriation for overtime and benefits in Sheriff's Acct. #4-1100-421-00-280-001-0

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval for the amount \$3,073.12

10. County Clerk's Office – Arturo Guajardo, Jr.: (SEE EXHIBIT K)

A. Authorization for County Auditor to issue manual check in the amount of \$ 7,595.00 due to the State Comptroller for Court Costs

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

11. Tax Office – Armando Barrera: (SEE EXHIBIT L)

A. Approval of 2004 Tax Roll Totals as per Sec. 26.09(e) of the Texas Property Tax Code

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

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

A. Approval of Resolution honoring Dr. Nicasio Urbina for his academic contributions in the area of Latin American Studies and his civic contributions as Ambassador of Nicaragua to the United Nations Organization

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

B. Discussion, consideration and possible action regarding the Courthouse Parking Lot

Discussion presented by Daniel Flores.

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

A. Preliminary Approval:

- 1. Three "A" Subdivision – Pct. 1 (Esteban Garza)**
- 2. Hacienda Valentin No. 2 Subdivision – Pct. 2 (Roel Rodriguez)**
- 3. Haro Subdivision – Pct. 1 (George Haro)**
- 4. Pedraza Subdivision – Pct. 1 (Juan J. Pedraza)**
- 5. Quintanilla Subdivision – Pct. 4 (Jesus Quintanilla)**
- 6. Kellye Estates Subdivision – Pct. 4 (Saul Ortega)**

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on items 1 thru 6.

B. Final Approval:

- 1. ECISD No. 51 Subdivision – Pct. 4 (Eugenio Gutierrez, Superintendent)**

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

At this time the Court moved to item #16-A.

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

A. Public Hearing concerning a proposed Budget and Program Amendment for Precinct # 1. The proposed amendment will allow for budget transfers in the amount of \$50,630.07 for an increase of street improvements in Year 16 (2003). The proposed amendment for Year 17 (2004) will allow an increase of funding for public services, youth services, water/sewer improvements (colonia match) and will create an activity for fire station/equipment totaling \$54,445.00.

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.

At this time Commissioner Flores steps out of the Court.

At this time Commissioner Palacios steps out of the Court.

- B. Approval of Budget/Program Amendment for Hidalgo County Precinct # 1 using Urban County Year 16 (2003) funding for Street Improvements totaling \$50,630.07 and Year 17 (2004) funding for Public Services, Youth Services, Water/Sewer Improvements (Colonia Match) and Fire Station/Equipment totaling \$54,445.00**

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

- C. Approval to close Purchase Order #6418 issued to South Texas Concrete for the City of Elsa Sidewalk Improvements Project UCP YR 2002 Force Account due to purchase of concrete being completed. The Purchase Order was issued in the amount of \$72,620.00 but only \$47,087.50 was expended leaving a surplus of \$25,533.00 in the purchase order. The City of Elsa will use these funds to complete other eligible projects.**

NO ACTION taken on this item.

- D. 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.**

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

- E. Approval of Budget/Program Amendment for the City of San Juan using Urban County Year 15 (2002) funding in the amount of \$20,000.00, Year 16 (2003) funding in the amount of \$56,525.75 and Year 17 (2004) funding. All funding years affected would be for Street Improvements.**

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

- F. Approval to award construction contract to Cunningham Constructors & Associates, Inc. for the City of La Villa Water/Sewer Improvements using Urban County Program funding from Year 15 (2002) and Year 16 (2003) in the amount of \$237,300.00.**

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

- G. Request approval to increase the maximum sales purchase price from \$78,707 to \$87,685 under the HOME "Homebuyer Assistance Program".**

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

At this time the Court moved to item #17.

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

A. Approval of Regional Mobility Authority (RMA) Petition, Order and authority to submit same

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

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

At this time Judge Garcia steps out of the Court.

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

At this time Judge Garcia returns to the Court.

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

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

At this time the Court moved back to item #14.

16. Right of Way – Godfrey Garza: (SEE EXHIBIT Q)

A. Discussion and/or action on an existing road located west of Sunflower Rd. between Mile 17 ½ and Rogers Rd.

Discussion made.

At this time the Court moved to item #23K.

B. Authority to create a temporary full-time position for Landman Research

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

C. Approval to set salary

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to set salary between \$45,000.00 to \$60,000.00.

At this time the Court moved back to item #15.

17. Head Start – Teresa Flores: (SEE EXHIBIT R)

A. Requesting acceptance and approval with authority for payment on professional services engineers/architects from Rike, Odgen, Figueroa, Dickson, Wells (ROFDW) Architects on McAllen III Project in the amount of \$ 13,793.54

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

B. Discussion/approval to declare the list of items as surplus or obsolete and proceed to sell the items listed following county procedures

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

C. Discussion/approval for authority to:

- 1. Contract with the Texas Association of School Boards Buy Board (TASB)**
- 2. Enter into a three (3) year lease agreement for two (2) copy machines, one (1) Toshiba Model e-Studio 450 and one (1) Toshiba Model e-Studio 550, thru TASB Buy Board with Office Communications Systems, Inc. to be effective upon approval**

NO ACTION taken on items 1 & 2.

At this time Commissioner Flores returns to the Court.

18. Pct. #1 – Comm. Handy: (SEE EXHIBIT S)

A. Approval and authorization to increase salaries of the following slots from vacant slot #121-005-020 (R & B Dept.):

- 1. Slot #121-005-022 from \$ 21,275.08 to \$ 27,100.00 in the amount of \$ 5,824.92**
- 2. Slot #121-005-031 from \$ 22,588.66 to \$ 28,041.24 in the amount of \$ 5,452.58**
- 3. Slot #121-005-040 from \$ 33,600.00 to \$ 35,000.00 in the amount of \$ 1,400.00**
- 4. Slot #121-005-043 from \$ 53,560.00 to \$ 65,000.00 in the amount of \$ 11,440.00**
- 5. Slot #121-005-056 from \$ 16,756.20 to \$ 18,888.70 in the amount of \$ 2,132.50**

On motion of Commissioner Handy, seconded by Judge Garcia, the Court made a Vote of 2 for and 2 against, motion fails on items 1 thru 5.

Judge Garcia – Aye

Commissioner Handy – Aye

Commissioner Flores – Nay

Commissioner Garza – Nay

At this time Commissioner Palacios returns to the Court.

B. Approval and authorization to increase salary on slot #121-013-017 from \$ 18,617.82 to \$23,000.00 (Parks Dept.)

On motion of Commissioner Handy, seconded by Judge Garcia, the Court made a Vote of 3 against and 2 for, motion fails.

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

19. Pct. #3 – Comm. Flores: (SEE EXHIBIT T)

A. Discussion, acceptance and approval of Contractual Agreement for Right of Way Procurement with County of Hidalgo and TXDOT, ROW CSJ No. 1802-01-035

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

At this time Commissioner Flores steps out of the Court.

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

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.

At this time Commissioner Flores returns to the Court.

At this time Commissioner Garza steps out of the Court.

D. Discussion, consideration and action on request to create two (2) custodian positions for the Pct. #1 Building and Tax Office Building in Weslaco

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

E. Approval to set salary

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

21. Human Services – Rudy De La Viña: (SEE EXHIBIT V)**A. Discussion and/or action, including, but not limited to the following items:**

1. Authorization to pay claims: 2004 \$1,514,737.47
2. Indigent Health Care expenditures

Presentation made by Rudy de La Vina.

At this time Commissioner Handy steps out of the Court.

22. Budget Office – Valde Guerra: (SEE EXHIBIT W)**A. Discussion, consideration and action on Reduction in Force in Dept. 110-013 (DPS – H/P)**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval effective today to implement the reduction in force.

B. Request authority to pay amount due to State Comptroller for court costs in the amount of \$1,680.35 – amounts were previously collected by the Justices of the Peace but recorded as revenue

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

C. Approval to budget lateral road funding to each precinct in the amount of \$ 17,186.12 each for Pcts. 1 & 2 and \$ 17,186.11 each for Pcts. 3 & 4 for a total of \$68,744.46 from monies received on October 15, 2004 from State Comptroller

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

D. Approval of 2005 Holiday Schedule

NO ACTION taken on this item.

At this time Commissioner Garza returns to the Court.

At this time Commissioner Handy returns to the Court.

E. Approval to de-obligate unused local cash match for JB-03-J20-14800-06 FY2005/Juvenile Justice Grant - \$ 30,890.00

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

F. Interdepartmental transfers:**1. Budget Office Contingency - \$ 30,890.00 (from Juvenile Justice Court)**

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

2. Budget Office Contingency/Public Defense - \$ 300,000.00

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

3. Budget Office Contingency/County Wide Vehicles - \$ 649,641.50

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

4. Budget Office Contingency/Computer Department - \$ 50,000.00

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

G. Intradepartmental transfers (line item):

1. Pct. #1 – Colonia Access Program - \$ 2,123.56

2. Pct. #1 – Colonia Access Program - \$ 400.00

3. Pct. #4 – Colonia Access Program - \$ 181.20

4. Sheriff – COPS Weslaco ISD - \$ 610.00

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval on items 1 thru 4.

H. Veterans Services:**1. Approval to create obj. 603 & line item transfer - \$ 800.00**

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

I. County Court #5:**1. Approval to create obj. 745 & line item transfer - \$ 2,768.15**

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

J. Criminal Auxiliary Court – FY 04-05:**1. Approval to create obj. 115 and line item transfer - \$ 1,508.00**

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

K. Fire Marshal:

1. Approval to create obj. 412 & line item transfer - \$ 100.00

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

At this time the Court moved to go into Executive Session.

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

- NOTES:**
- 1. FOR ANY CONTRACT(S) AWARDED AND APPROVED UNDER THIS AGENDA, EXECUTED COPIES OF THE CONTRACT(S) WILL BE FORWARDED TO HIDALGO COUNTY AUDITOR’S OFFICE.**
 - 2. ANY/ALL REQUESTS FOR ACCEPTANCE AND APPROVAL OF CLAIMS/INVOICES UNDER THIS AGENDA WILL INCLUDE AUTHORITY FOR AUDITOR TO ISSUE PAYMENT AFTER REVIEW, AUDIT AND PROCESSING PROCEDURES 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:	1094	Other Information:	12
Physical Count:	1075	Males (in house)	994
Out of County: La Villa	4	Females (in house)	81
Brook’s		Federal Prisoners	10
Adj. /Sentenced to TDC	154	Total Paper Ready TDC	118
- 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, 3-A,B and C.

4. **Presentation for discussion, consideration, acceptance and approval of**
 - a) **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 with authority to issue payment for the items detailed in “Exhibit B” from L&G Engineering Laboratory in the amount of \$1,037.53.**

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

At this time Commissioner Handy leaves the Court.

5. **Recommending award of bid and approval of contract for “Mats, Dust Mops & Shop Rags-Janitorial Services” to sole bidder meeting all requirements and specifications.**

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

6. **Presentation for consideration, discussion and approval of bid award and approval of contracts to primary and secondary low bidders meeting all requirements and specifications for “Indoor Air Quality Testing Services”**

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

7. **Presentation for discussion, consideration and approval for Hidalgo County to exercise the option to renew (as provide in contract) with A.B. Flores Insurance Consultants with an expiration day of July 31, 2005**

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

8. **Presentation by Hidalgo County Auditor’s Office, Budget Office and Purchasing Department for discussion, consideration and approval of an “Order” for all General Fund Budgets and any Other applicable budgets:**
 - a) **Cut off date for submission of Requisitions by 12-06-04 on goods and/or services that will require sufficient time to order and receive prior to 12-31-04; i.e., day to day departmental/program maintenance/operational goods and/or services, etc.**
 - b) **All open Purchase Orders at 12-31-04 for which there is not a proper invoice for physical receipt of goods and/or services, will be charged to 2005 budgets;**

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

9. **Requesting exemption from competitive requirements under Texas Local Government Code, 262.024(a) (4), professional services for the provision of engineering services in connection with Aboveground/Belowground Storage Tanks Project for Hidalgo County:**

NO ACTION taken on this item.

10. **Requesting authority to negotiate a contract for the provision of engineering services for the Aboveground/Belowground Storage Tanks Project with the number one ranked engineering firm (ranked from the County's "Pool" of Engineering Firms by Mr. Godfrey Garza, at purchasing department's request)**

NO ACTION taken on this item.

11. **Presentation for discussion, consideration and approval to rescind the bid item with Acetylene Oxygen Company (contract document as yet not executed by company) if approved;**

NO ACTION taken on this item.

12. **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;**

NO ACTION taken on this item.

13. **Requesting approval to amend the current contracts with Welding House and Cactus Iron Works respectively to include the bid items awarded.**

NO ACTION taken on this item.

B. HIDALGO COUNTY PRECINCT NO. 4-

1. **Presentation for discussion, consideration, acceptance and approval of request for payment of invoice # 16 totaling 15,000.00 submitted by J.E. Saenz & Associates for Engineering Services rendered for the Precinct No. 4 Landfill Cap and Closure, Phase II B.**

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.

C. HIDALGO COUNTY COLONIA ACCESS PROGRAM PCT NO 1 –

1. **Requesting approval of change order No. 3 (Net Decrease) in the amount of \$<7,826.00> in connection with: Contract # CAP-04-001-02-10-“Construction of Roads for Catherine, Rosalito, La Quinta, Mesquite, Ramiro Leal, Oak and Flea Market Subdivisions’ awarded to S&G Paving Company. (A Colonia Access Program Project)**

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

D. HIDALGO COUNTY DISTRICT ATTORNEY OFFICE-

1. **Requesting approval to surplus numerous seized vehicles for the purpose of disposition through auction and as set fourth under Texas Local Government Code, Section 263.152. (a) (1) as detailed on Exhibit "A" and attached hereto.**

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

E. 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 position as indicated and further detailed in "Exhibit A" attached hereto;**

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

At this time Judge Garcia returns to the Court.

2. **Requesting approval to change model of cellular phone previously approved on (C.C. of 10-12-04) as follows:**
 - **Roy Quintero- Pct.1 R&B Free phone (Sanyo 4920) to Sanyo 7300 at a cost of \$129.99**
 - **Tina Quijas- Pct 1. Parks Free phone (Sanyo 4920) to Sanyo 7300 at a cost of \$129.99**

NO ACTION taken on this item.

F. HIDALGO COUNTY TAX OFFICE –

1. **Requesting authority to purchase computer equipment from a CISV vendor, Multiwave, through TBPC Catalogue Purchasing Program for Req #59422 in the total amount of \$6,050.00**

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

G. HIDALGO COUNTY HUMAN SERVICES-

1. **Requesting approval of requirements and authority to advertise for: "On-Line Pharmacy Billing Services" RFP.**

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

H. HIDALGO COUNTY SHERIFF'S DEPARTMENT –

1. **Presentation for consideration, discussion, acceptance and ratification of Fleet Fueling Systems Application (Original) forwarded to Arguindegui Oil Co. II, Ltd. as submitted by Hidalgo County Sheriff's Department, (under the circumstances detailed in the Memo dated 10/21/04 attached hereto), the “holders and users” of fleet cards under awarded contract for “Gasoline, On & Off Highway Diesel Fuel”.**

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

2. **Presentation for consideration, discussion, acceptance and approval regarding request by vendor (Trooper Supply) to terminate the award & contract for Uniforms-Section I.**

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

I. HIDALGO COUNTY BUILDINGS & GROUNDS (HEALTH DEPARTMENT)-

1. **Presentation for discussion, consideration and authority for Hidalgo County to seek a proposal from Centennial Contracting Enterprises, Inc., awarded JOC (job order contractor) through the County's participation/membership with Texas County Purchasing Network's Program (under the Region IV contract) for the renovations(i.e., re-roofing, repairs, remodeling) to Hidalgo County Health Department facilities including, but not limited to: Central Office, McAllen & Weslaco Clinics; or in the alternative**

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

2. **Requesting authority to advertise for sealed bids for the repairs and /or renovations to several Hidalgo County Health Department buildings including, but not limited to: Central Office, McAllen & Weslaco Clinics; if approved;**

NO ACTION taken on this item.

3. **Recommending that Commissioners Court consider the engagement of an architect/firm from the County's Pool of Architects to draft specifications, bid documents, tabulate, evaluate and recommend award of contract for the buildings approved for repairs and/or renovations including but not limited to: Central Office, McAllen & Weslaco Clinics;**

NO ACTION taken on this item.

4. **Pursuant to a report by Eduardo Olivarez, Director, Hidalgo County Health Department on 10-19-04 in connection with the shortages of flu vaccines, requesting exemption from competitive bidding requirements under Texas Local Government Code, 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 flu vaccines;**

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

5. Requesting authority to purchase Flu Vaccine in an amount not to exceed \$25,000.00

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

J. HIDALGO COUNTY BUILDINGS & GROUNDS DEPARTMENT-

- 1. Presentation of a report by George A. Garcia, AGADC, project architect for the Atrium Roof Renovation on the status of said repairs/renovations with recommendations related to the atrium interior improvements with authority for architect to seek a proposal from Centennial Contracting Enterprises, Inc., awarded JOC (job order contract) through the County's participation/membership with Texas County Purchasing Network's Program(under the Region IV contract); or in the alternative;**

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

- 2. Authority for architect to include interior atrium improvements/renovations in the proposal being drafted by Centennial Contractors Enterprises, Inc. for Repairs, Renovations & Remodeling of other portion of the Administration Building;**

NO ACTION taken on this item.

- 3. Presentation for discussion, consideration and authority for the Building & Grounds Department to seek a proposal from Centennial Contracting Enterprises, Inc., awarded JOC (Job order contractor) through the County's participation/membership with Texas County Purchasing Network's Program (under the Region IV contract) including, but not limited to: Asbestos Testing, Abatement and Monitoring Services for the water pipes supplying pressure to the bathrooms in the Elections Department and as more particularly described in the Memorandum from B&G dated 10-22-04**

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

K. HIDALGO COUNTY JUVENILE PROBATION DEPARTMENT-

- 1. Presentation for discussion, consideration and approvals, if necessary, including, but not limited to, the following items in connection with the design and construction of a Juvenile Justice Center for the Hidalgo County:**
- a) Report on the status of the design, plans and/or bid document phase of the project;**
 - b) Square footage requirements not only for the detention portion of the facility but also including the administration wing of the center;**
 - c) Time lines related to the project;**

Presentation made by Tommy Canul.

At this time the Court moved back to item #16-A.

L. HIDALGO COUNTY –

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

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval to proceed with surveys, title reports and appraises on the Sunflower Rd.

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

24. Closed Session: (SEE EXHIBIT Y)

Commissioners' Court may go into Closed Session pursuant to Chapter 551, Texas Government Code, Sections 551.071, 551.072 & 551.074 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. Review of applications for the position of Risk & Safety Component Director**
- E. Review of applications for the position of Risk Manager**

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

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on the settlement offer of \$1,000.00 on parcel #8 belonging to Ramon Vera and Antonio Vera Jr.

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on the settlement offer of \$1,400.00 parcel #120 belonging to Victor Garcia.

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a Vote of approval to execution of contract of sale by between KAF Realty One Edinburg LLC and the County of Hidalgo for the purchase price if it closes on or before Dec. 17, 2004 for the amount of 1.7 million dollars with earnest money payable \$80,000.00 to Edwards Abstract for the property commonly known as the K-Mart Building in Edinburg.

Commissioner Garza – Abstain.

- B. Consultation with Attorney on litigation associated with New Adult Detention Facility & Law Enforcement Center Project**
- C. Pending and/or potential litigation**
- D. Action on selection process for the applicants of Risk & Safety Component Director position**
- E. Action on selection process for the applicants of Risk Manager position**

NO ACTION taken on items B thru E.

At this time the Court moved back to item #23.

26. Closed Session:

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

27. 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, OCTOBER 26, 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 with the correction of item #4-A.

- 1. Approval of check register and payment of claims and bills - County Auditor (SEE EXHIBIT A)**
- 2. Line item transfers: (SEE EXHIBIT B)**
 - A. Civil Service (2)**
 - B. Human Resources**
 - C. Veterans Services**
 - D. Pct. #1 – R & B**
 - E. Pct. #1 – Parks**
 - F. Pct. #1 – Sanitation**
 - G. Pct. #1 – Adm. (2)**
 - H. Planning Department**
 - I. Computer Department (2)**
 - J. Elections Department**
 - K. District Clerk (2)**
 - L. Pct. #3 – R & B**
 - M. Pct. #3 – Landfill**
 - N. Courthouse Security**
 - O. Budget Office**
 - P. J.P. Pct. #4, Pl. 2**
 - Q. 398th District Court (2)**
 - R. County Clerk**
 - S. 332nd District Court**
 - T. Master Court #1**
 - U. County Judge**
 - V. Human Services**
 - W. County Court #1**
 - X. Purchasing Department**
 - Y. Health Department – Adm.**

- 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. **Monthly Fee Reports – September:** (SEE EXHIBIT D)
 - A. **District Clerk - \$ 230,295.38 – Corrected to \$230,348.13**

- 5. **Right of Way – Permits:** (SEE EXHIBIT E)
 - A. **Oates Oilfield Construction Co. – FM 681 & FM 490**
 - B. **North Alamo Water Supply – Bus. 83 on Val Verde Rd.**
 - C. **North Alamo Water Supply – Mile 6 ½ and Mile 8**
 - D. **Kinder Morgan – Jarachinas Rd. in McCook**

6. **Purchasing Department:** (SEE EXHIBIT F)

A. **HIDALGO COUNTY –**

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

Req	Department	Vendor	Amount	Account Number
59428	Elections	CDW-Government	\$552.07	4-1100-414-00-130-001-0-661
59281	I.T. Department	S.J.S. Computers	\$42.00	4-1100-415-00-200-001-0-661
59198	Clerk’s Office	Dell Marketing	\$107.92	4-1100-415-40-180-001-0-664
59198	Clerk’s Office	Dell Marketing	\$404.10	4-1237-415-40-180-003-0-745
59347	Clerk’s Office	The Software Group	\$744.00	4-1100-415-40-180-001-0-601
59428	Election Dept	CDW Government	\$552.07	4-1100-414-00-130-001-0-661
59535	Health Dept	CDW Government	\$193.72	4-1293-441-00-340-013-5-601

B. **HIDALGO COUNTY CLERK’S DEPARTMENT -**

- 1. **Requesting authority to purchase a wireless pager to include activation fee from Metrocall Inc, a vendor on the State of Texas DIR-Texan 2000 program for Req #59265 in the total amount of \$124.95.**
- 2. **Requesting authority to purchase computer equipment from a CISV vendor, Dell Marketing, through TBPC Catalogue Purchasing Program for Req #59198 in the total amount of \$512.02.**

C. **HIDALGO COUNTY JUDGE’S OFFICE -**

- 1. **Requesting authority to enter into a service agreement, for a fax machine, with Copy Graphics for one year for Req #59251, in the total amount of \$395.00. Effective November 01, 2004 through November 3, 2005.**

D. **HIDALGO COUNTY PURCHASING DEPARTMENT-**

- 1. **Requesting authority to purchase a shredder from HSM of America through TBPC automated State Contract 600-A1 in the total amount of \$881.25 to include one year warranty.**

**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, OCTOBER 26, 2004 at 9:30 A.M., in the Commissioners Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

**DRAINAGE DISTRICT
(SEE EXHIBIT Z)**

1. Roll Call

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

2. Open Forum

No presentation made under Open Forum.

3. Approval of Consent Agenda

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

4. Discussion and recommended action regarding drainage problems at 3 ½ Mile Line & Los Ebanos Rd. (Pct. #3)

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

5. Approval to process check in the amount of \$100,000.00 to the City of Mercedes as per Interlocal Agreement approved 04/15/03 (Mercedes drainage improvement, Mile ½ E & S. Exy. 83)

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

At this time Judge Garcia leaves the Court.

6. Approval to accept Transfer of Drainage Easement Rights from Hidalgo County Irrigation District #1 to HCDD1 (Alamo Rd. to the east of Sharp Rd.)

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

7. Approval to create a temporary full time position for Landman research

8. Approval to set salary

On motion of Commissioner Garza, seconded by Commissioner Flores, the Board made a UNANIMOUS vote of approval on items 7 & 8 to set salary between \$45,000.00 to \$60,000.00

9. Tax Office – Armando Barrera:

A. Approval of 2004 Tax Roll Totals as per Sec. 26.09 (e), of the Texas Property Tax Code

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

10. 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. Requesting authority to exercise the sixty (60) day grace period under the current contracts for: Bid No. 03-257-09-24 “Tires”, so as to have no lapse in service while bid process is on going.**
- 2. Requesting authority to advertise for: “Tires”**

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

- 3. Requesting authority to utilize the State Term Contract Extended by Texas Building and Procurement Commission through December 31, 2004 to purchase through the Resolution with The State of Texas Building and Procurement Commission for Roundup Pro (Monsanto) Herbicide and Rodeo (Monsanto) Herbicide with the State Awardee(s), (previously approved on May 25, 2004).**

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

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

11. 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

12. Open Session:

A. Real Estate Acquisition

13. Closed Session:

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

14. 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 Flores, the Board made a UNANIMOUS vote of approval 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, OCTOBER 26, 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 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. Discharge Permit:**
 - A. City of McAllen – Derby Downs Subdivision**
- 3. Line item transfers:**
 - A. Administration - \$ 257,100.00**
 - B. M & O - \$ 75,550.00**

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 26th 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 26, 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)