

SPECIAL MEETING – November 09 , 2004

BE IT REMEMBERED, that on this 09<sup>th</sup> day of November, 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-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 SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, NOVEMBER 09, 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. Delinquent Tax Attorney – Cynthia Garza-Schammel: (SEE EXHIBIT F)**

**A. Discussion and approval of the Proposed Guidelines for Tax Foreclosure Auction of Resale Properties Scheduled for Sale on November 20, 2004**

**B. Discussion and possible action on Resolution for Tax Foreclosure Auction of Resale Properties Scheduled for Sale on November 20, 2004**

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

At this time the Court moved to item # 8.

**7. Tax Office – Armando Barrera: (SEE EXHIBIT G)**

**A. Request for waiver of penalty and interest as per Sec. 32.11 of the Texas Property Code, Mr. Jim Wood, R556464, Wal-Mart Lot 6, Seymour Bunns Inc., dba Schlotzsky's Deli, Edinburg, Texas**

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

At this time the Court moved to item #12.

**8. Head Start – Teresa Flores: (SEE EXHIBIT H)**

**A. Discussion/approval for Authority to:**

- 1. Contract with the Texas Association of School Boards Buy Board (TASB)**
- 2. To 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**

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

**9. County Auditor – Tony Sandoval: (SEE EXHIBIT I)**

**A. Approval of budget amendment for Fund 1203 and Fund 1315 “TXDOT Project” - \$ 2,400.00**

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

**10. County Judge's Office – Humberto Garza: (SEE EXHIBIT J)**

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

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to survey the property and have the County Judge's office send a letter to the Health Services District saying that our intent is to transfer the property by whatever legal means possible to the State of Texas Department of Health.

At this time the Court moved to item # 7.

**B. Appointment of members to the Amigos Del Valle Board**

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

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to appoint Commissioner Handy as the alternate.

**C. Emergency Management:****1. Assignment of Emergency Management duties to Mr. Oscar Montoya**

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

**2. Discussion, consideration and action on auto allowance stipend – Emergency Management Coordinator**

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

**D. Discussion, consideration and possible action on combining the current two (2) Risk Management vacancies into one (1) position**

NO ACTION taken on this item.

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

- A. The City of Mercedes is requesting the approval of Budget & Program Amendment for Fiscal Years 15 & 16 (2002 & 2003). The proposed amendments will cancel Transportation services for both years and allocate additional funding for the Parks, Recreational Facility line item for the installation and completion of bathroom facilities at Kennedy Park and HEB Park, a Fiscal Year 2004 project. The proposed amendment will also delete two projects in the 2003 Street Improvements Line Item, Florida Street and the City Parking Lot due to non-eligibility.**

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

- B. Precinct #4 is requesting approval of a Contract with Mission Paving Company in the amount of \$65,650.00 for a Street Improvement Project utilizing Urban County Program Year 16 (2003) funds.**

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

- C. Request for approval to amend the original 2003 HOME Community Housing Development Organization (CHDO) Exhibit “A” Performance Statement presented by Southern Rio Services (CHDO).**

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

- D. Requesting exemption from competitive bidding requirements under the Texas Local Government Code 262.024 (a) for professional engineering services with Flores Engineers in connection with the City of Penitas Street Improvements to Martinez Subdivisions.**

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

- E. Approval of professional services contract with Raul Flores Engineers with the City of Penitas Street Improvements Yr. 13(2000), 14(2001), 15(2002) and 16 (2003) requested amount \$47,376.00.**

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

- F. Presentation of the Grade Tabulations and Scoring Grid for the purpose of ranking the responses received in connection with the Urban County Program’s Request for Qualifications and Proposal for Consulting Services for the development of a regional Five-Year Consolidated Plan and Strategy.**

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

- G. Requesting authority to enter negotiations with the number one ranked firm for the purpose of formulating a final draft contract for consulting services.**

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

At this time the Court moved to item #10-A.

**12. Constable Pct. #3 – Larry Gallardo: (SEE EXHIBIT L)**

- A. Acceptance and approval of the Interlocal Contract between County of Hidalgo and Lower Rio Grande Development Council – September 1, 2004 through August 31, 2005 Regional Solid Waste Enforcement Grant**
- B. Approval to appropriate the budget in the amount of \$ 28,000.00**
- C. Set salary at \$ 29,987.00**

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

At this time the Court moved to item #20F-1&2.

At this time Commissioner Palacios steps out of the Court.

**13. Planning Department – Raul Sesin: (SEE EXHIBIT M)****A. Preliminary Approval:**

- 1. Margaritas Subdivision – Pct. 3 (Eberardo Elizondo)**
- 2. Juan Garcia Subdivision – Pct. 3 (Juan Garcia)**
- 3. Margarita Subdivision – Pct. 4 (Ismael Barroso)**
- 4. La Pinata Subdivision – Pct. 1 (Paul Daniec)**
- 5. Linan Subdivision – Pct. 4 (Maria Guadalupe De Linan)**
- 6. Abel Gonzalez Subdivision – Pct. 1 (Abel Gonzalez)**
- 7. Mirasoles Subdivision – Pct. 1 (Leopoldo Garcia)**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on items 1 thru 7.

**B. Final Approval with a Cash Deposit:**

- 1. Pilar Salinas Subdivision – Pct. 3 (Maria De Leon)**

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

- 2. Cardinal Meadows Subdivision – Pct. 3 (Laura Coffman)**

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

- 3. Leal Acres Subdivision – Pct. 3 (Severo Cantu)**

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

- 4. Wrangler Acres Subdivision – Pct. 3 (Rene Cavazos)**

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

**C. Partial Reimbursement of a Cash Deposit:**

- 1. Godina Subdivision – Pct. 3 (Mrs. Maria G. Smith, Developer)**

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

**14. Risk Management/Workers' Compensation: (SEE EXHIBIT N)**

- 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 \$ 78,813.42 for the period ending October 16-31, 2004**

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

**15. Human Services – Rudy De La Viña: (SEE EXHIBIT O)**

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

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

NO ACTION taken on this item.

At this time Judge Garcia steps out of the Court.

**16. Buildings & Grounds – Daniel Flores: (SEE EXHIBIT P)**

- A. Status of old jail building**
- B. Maintenance of county grounds**
- C. Status of renovation of administration building**

NO ACTION taken on this item.

**17. Budget Officer – Valde Guerra: (SEE EXHIBIT Q)**

**A. Discussion, consideration and action on payment to Hidalgo County encompassing Edinburg CISD (\$ 462.30) and the City of Edinburg (\$ 120.03) for a total of \$ 582.33 for ad valorem property taxes as it pertains to the purchase from Pink Lady Corporation of Lots 2 & 3, Block 296, Original Townsite of Edinburg, Hidalgo County, Texas**

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

**B. Discussion, consideration and action to reimburse funds for personal property damage as a result of the July 22, 2004 pipe break water damage at the Administration Building Budget Office claim #047504037562 to:**

<u>Employee #</u>	<u>Loss Value</u>
019542	325.00
084123	50.00
044024	20.00
076996	130.00
058165	95.00
053074	40.00

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

**C. Approval of invoices from A.B. Flores Insurance Consultants totaling \$ 22,500.00 and authorize County Auditor to issue payment of same**

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

**D. Intradepartmental transfers:**

1. **WIC - \$ 100,117.00**
2. **ROW - \$ 7,220.00**
3. **D.A. – Bad Checks - \$ 4,149.00**
4. **D.A. Inv. Fund - \$ 15,789.00**
5. **Co. Clerk Rec. Mgmt. - \$ 11,000.00**
6. **County Clerk - \$ 95.12**

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

NO ACTION taken on items 5 & 6.

**E. Insurance:**

1. **Approval to create obj. 529 & line item transfer - \$ 900.00**

**F. Sheriff's Department:**

1. **Approval to create obj. #672 & line item transfer - \$ 130.00**

**G. 13<sup>th</sup> Court of Appeals:**

1. **Approval to create obj. #661 & line item transfer - \$ 4,800.00**

**H. County Judge:**

1. **Approval to create objs. # 605, 663 & 533 & line item transfer - \$ 3,450.00**

**I. J.P. Pct. #4, Pl. 1:**

1. **Approval to create obj. #746 & line item transfer - \$ 2,200.00**

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

**J. Interdepartmental transfers:**

1. **Pct. #3 – Aerial - \$ 245,621.55**
2. **B.O. Contingency/Public Defense**
3. **B.O. Contingency/County Wide (vehicle equip.)**
4. **Road & Bridge Ins./R & B Adm. (beacon lights)**

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on item #4

5. **Insurance/County Wide Adm. (Pink Lady ad valorem taxes)**
6. **Various Gen. Fund Accts./County Wide Adm. - obj. 531 (telephone)**

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on items 1, 2, 3, & 5.

NO ACTION taken on item #6.

**K. Emergency Management:**

- 1. Discussion on Hurricane Bret FEMA 1287 monies received by County and Disallowed Cost of \$ 1,895.92 by the Governor's Division of Emergency Management – Office of the Governor**

Discussion made by Valde Guerra.

- 2. Approval of interdepartmental transfer form B.O. Contingency Acct. into the County Wide Adm. Acct. obj. 890**
- 3. Request approval of manual check in the amount of \$ 1,895.92 for the cost noted above**

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

**L. Information Technology:**

- 1. Approval to create a full-time position – Data Analyst**
- 2. Approval to set salary at \$ 20,500.00/yr.**

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

- 3. Approval to discuss and authorize active telephone survey and memo to departments**
- 4. Approval to discuss and authorize unknown telephone line survey and memo to departments**
- 7. Discussion on Letter to Purchasing/Budget Office on new building IT planning**

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on items 3, 4, & 7.

At this time Judge Garcia returns to the Court.

- 8. Approval to implement “Call Accounting” codes to identify outgoing long distance calls**

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

**M. WIC:**

- 1. Discussion and action on the indirect cost rate proposal for the WIC Department needed for submittal to the Texas Department of Health**

NO ACTION taken on this item.

At this time Commissioner Palacios returns to the Court.

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

- A. Request authorization to submit a proposal to the Workforce Development Board dba Workforce Solutions for the Workforce Investment Act, Out of School Youth Programs (GED Connection & Job Readiness Program), FY 2004**

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

**19. Pct. #4 – Comm. Garza: (SEE EXHIBIT S)**

- A. Request authorization to enter into an Interlocal Cooperation Agreement between Hidalgo County and Willacy County to maintain County Road 10**

NO ACTION taken on this item.

**20. 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>1056</u>	Other Information:	<u>10</u>
Physical Count:	<u>1043</u>	Males (in house)	<u>964</u>
Out of County: La Villa	<u>0</u>	Females (in house)	<u>79</u>
Brook’s	<u>        </u>	Federal Prisoners	<u>12</u>
Adj. /Sentenced to TDC	<u>151</u>	Total Paper Ready TDC	<u>125</u>

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

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

- A. Detention Facility Law Enforcement Center Design - Build Contract Action (if necessary)**
- B. Presentation for discussion, consideration and action (if necessary) regarding Landmark final Certificate & Application for Payment, punch list and retainage;**

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

- C. Presentation for discussion, consideration, acceptance and approval of Application and Certificate for Payment No. 4 from Asago, LLC, awarded contractor for the construction of the Shooting Range Berm Project in the amount of \$89,391.15 for the period ended 10-26-04 and as certified for payment by project architect, Quintanilla, Headley & Associates, Inc. with authority for Auditor to issue payment;**

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval subject to the auditor's review.

- D. Presentation for discussion, consideration, and approval of Change Order No. 1 for; 1) additional drainage improvements of \$26,500.00; and 2) reduction in dirt for berm by 10,250 c.y. per final grading of (\$43,666.65) which results in a total change order DEDUCT of (\$16,166.35) and a new contract amount of \$432,243.35**

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

- E. Presentation for discussion, consideration, and approval to surplus "Badges" as detailed in attachment labeled Exhibit # 1 to Law Enforcement personnel that retire, leave or are promoted (as further described in Exhibit #1) and authority to sell "Badges" on a dollar for dollar cost basis with prices noted on Exhibit # 1;**

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

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

NO ACTION taken on this item.

- 4. Presentation for discussion, consideration, acceptance and approval of**  
**a) 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 Garza, the Court made a UNANIMOUS vote of approval.

- 5. Requesting authority to exercise the sixty (60) day grace period extension as provided under the current contract for: "Tires" with Pueblo Tires, LTD, effective December 04, 2004 through February 02, 2005, so as to have no lapse while bid process is completed.**

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

6. **Requesting clarification on Contract’s Designated Representative(s), required under Article 1.1.3.1. Of the AIA B141, Standard Form of Agreement between Owner and Architect, with Rike Ogden-Figueroa- Dickson-Wells Architects for “Design and Construction New Facility for CSCD (aka, Adult Probation Department-Hidalgo County” Project.**

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

At this time Commissioner Garza steps out of the Court.

7. **Request by awarded contracted vendor (Maderite Janitor Supply) to withdraw janitorial items detailed on Exhibit “A” from the total of 33 items (currently under contract), due to escalating supplier pricing; and, if approve;**

NO ACTION taken on this item.

At this time Commissioner Flores steps out of the Court.

At this time Commissioner Garza returns to the Court.

8. **Requesting authority for items withdrawn to be purchased through the Inter-Local with TASB “Buyboard” from multiple awarded vendors (CC Distributors and Gulf Coast Paper) to have no lapse in user department ability to acquire products necessary to continue department operations.**

NO ACTION taken on this item.

At this time Commissioner Handy steps out of the Court.

9. **Requesting authorization to exercise the County’s option to terminate the contract, by issuing 60 days written notice of termination to Schlindler Elevator Corporation**  
 10. **Requesting approval to advertise for elevator services with modifications to specifications as recommended by Buildings and Grounds Director.**

On motion of Commissioner Garza, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval on items 9 & 10.

11. **Discussion, consideration and authority to re-advertise the RFQ for “Pool” of qualified architectural firms in order to attempt to increase participation.**

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

- 12. **Presentation and acceptance of roster (as listed on the RFQ Acceptance Sheet attached hereto) of “Architectural 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; or in the alternative:**

NO ACTION taken on this item.

At this time the Court moved to item #K.

- 13. **Presentation by A.B. Flores Insurance Consultants for discussion, consideration and action necessary including, but not limited, to the following:**
  - a) **Status of Requests for Proposals**
  - b) **Information availability by Humana**
  - c) **Proposal Options available to participants under the RFP (i.e., self-funded, fully funded, etc.)**
  - d) **Coverage for employees and/or retirees**

Presentation made by Martha Salazar and Will Halfe.

- 14. **Presentation for discussion, consideration and action on the proposed final draft of the Letter of Engagement with the firm of Ernst & Young (sole qualified submitted response to County’s RFQ/P) (including issues/points of non-agreement by both parties) in connection with the provision of arbitrage calculation services for Hidalgo County.**

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

- 15. **Requesting authority to purchase computer equipment and peripherals from vendors on State of Texas DIR GoDirect Contract for the following;**

Req	Department	Vendor	Amount	Account Number
60213	CC #1	Dell Marketing	\$6,060.06	4-1100-412-00-021-001-0-745
59941	Master Court #1	Dell Marketing	\$9,176.92	4-1100-412-00-032-001-0-745
59800	389 <sup>th</sup> District	Dell Marketing	\$5,020.90	4-1100-412-00-008-001-0-745
60445	District Clerk	Dell Marketing	\$8,566.60	4-1100-412-00-090-001-0-745

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

**B. HIDALGO COUNTY PRECINCT NO. 1-**

- 1. **Requesting authority to purchase two (2) 2005 Tandem Dump Trucks through the Interlocal Agreement with Houston Galveston Area Council (H-GAC) vendor being Rush Truck Center of Texas, L.P. Total purchase price \$135,566.00, administration and delivery fees included.**

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

At this time Commissioner Handy returns to the Court.

2. **Requesting approval of a “Certificate of Substantial Completion” with Spacemaker Construction, Inc. reflecting the substantial completion date of September 28, 2004 for the Pct No. 1 Multi-Purpose Center**

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

#### **C. HIDALGO COUNTY PRECINCT NO. 3-**

1. **Presentation for consideration, discussion and approval to award a short term contract (solicited through sealed quotes) to 3F Utility Construction, Inc. for a: Utility Improvements for Los Ebanos Rd.” in the amount of \$ 19,173.50, but in no event to exceed the statutory bid limit of \$25,000.00.**

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

2. **Recommending award of bid and approval of contract to the lowest bidder meeting all specifications attached hereto for: “Hauling Services of Crushed Caliche”.**

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

3. **Presentation for discussion, consideration, acceptance and approval of Certificate for Payment No. 10 from Rio Valley Construction for the Multi-Purpose Center in the amount of \$58,925.65 and as certified for payment by project architect, George A. Garcia, AGADC.**

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

At this time Commissioner Garza steps out of the Court.

#### **D. HIDALGO COUNTY JP PCT. 2. PL 1-**

1. **Recommending award of bid and approval of contract for “Lease of Office Space for Hidalgo County JP Pct Pl.1”, to Al Cardenas Masonry meeting all requirements and/or specifications.**

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

#### **E. HIDALGO COUNTY AUDITOR’S OFFICE –**

1. **Requesting authority to purchase computer equipment and peripherals from CISV vendors through TBPC Catalogue Purchasing Program for Req #59319 in the total amount of \$5,097.67.**

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

**F. HIDALGO COUNTY CLERK'S OFFICE-**

1. **Requesting acceptance of Best and Final Offer, from ACS Records Services, received in response to "Records, Management and Imaging for Hidalgo County Clerk's Office" through the CISV program of Texas Building and Procurement Commission (TBPC).**

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

2. **Recommending approval of contract for "Records, Management and Imaging for Hidalgo County Clerk's Office" to respondent meeting all requirements.**

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 #13.

**G. HIDALGO COUNTY DISTRICT ATTORNEY'S OFFICE-**

1. **Requesting authority to add two (2) additional users/licenses to the agreement with Lexis-Nexis previously approved on August 6, 2004.**

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

At this time Commissioner Garza returns to the Court.

**H. HIDALGO COUNTY ELECTIONS DEPARTMENT –**

1. **Status on the demonstration by the four certified vendors through SOS for the Electronic Voting Systems workshop to be held on November 18, 2004.**
2. **Status on the bid for Electronic Voting Systems through TBPC**

Presentation made by Martha Salazar on items 1 & 2.

**I. HIDALGO COUNTY HEALTH DEPARTMENT –**

1. **Requesting authority to purchase computer equipment and peripherals from HP Direct a vendor on the State of Texas DIR-WSCA (90-00151-DIR) not to exceed \$38,591.00.**

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

**J. HIDALGO COUNTY TAX OFFICE-**

1. **Recommending of bid award and approval of contract to sole bidder meeting all requirements and specifications attached hereto for: "Tax Assessor Collector Bond Coverage" RFB**

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

**K. HIDALGO COUNTY HEADSTART PROGRAM-**

1. **Presentation for consideration, discussion, acceptance and approval of Fleet Fueling System Applications (Original) to be forwarded to Arguindegui Oil Co. II, Ltd. as submitted by Hidalgo County HeadStart and detailing the “Holders and Users” of fleet cards under awarded contract for “Gasoline, On & Off Highway Diesel Fuel”.**

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

At this time the Court moved back to item # A13.

**L. HIDALGO COUNTY SHERIFF DEPARTMENT-**

1. **Presentation for consideration, discussion and award of quotes, utilizing 2004C.O., for the following equipment to low bidder meeting all specifications and requirements.**
  - a) **15 Motorola Radius M 1225 VHF 40 Watt from Industrial Communications in the amount of \$5,025.00.**
  - b) **5 Aluminum Toolboxes with Spray On Liner from Jessie’s Muffler & Truck Accessories in the amount of \$1,549.50**

NO ACTION taken on this item.

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

**21. Closed Session: (SEE EXHIBIT T)**

**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. Cause No. C-212-04-E; Jose Luis Ramirez et. al vs. John Deere Company, et. al**
- E. CL-04-2441-D; Manuel Trigo, Jr. vs. Hidalgo County et. al**
- F. Review of applications for the position of Risk & Safety Component Director**
- G. Review of applications for the position of Risk Manager**

At this time Commissioner Flores returns to the Court.

**22. 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-212-04-E; Jose Luis Ramirez et. al vs. John Deere Company, et. al**
- E. CL-04-2441-D; Manuel Trigo, Jr. vs. Hidalgo County et. Al**

NO ACTION taken on items A thru E.

- F. Review of applications for the position of Risk & Safety Component Director**
- G. Review of applications for the position of Risk Manager**

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval to give Valde Guerra authority to cancel the current advertisements for the the Risk Manager and Risk & Safety Component Director and ask the H R Director to notify all applicants of this action and that we advertise for a Risk and Safety Component Director with revised qualifications for our self insured workers compensation Program and the County Safety Component Program with a salary up to \$75,000.00 on items F & G.

**23. Closed Session:**

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

**24. Open Session:**

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

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

**NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, NOVEMBER 09, 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 Flores, seconded by Commissioner Handy, 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 EXHIBITA)**
- 2. Line item transfers: (SEE EXHIBIT B)**
  - A. Veterans Services**
  - B. 93<sup>rd</sup> District Court**
  - C. Sheriff Department (2)**
  - D. Indigent Defense**
  - E. Historical Commission**
  - F. Fire Marshal**
  - G. J.P. Pct. 1, 2 (2)**
  - H. Budget Office**
  - I. Planning Department**
  - J. Tax Office**
  - K. D.A. – Grand Jury**
  - L. D.A. – Gen. Fund**
  - M. Indigent Defense**
  - N. Health – Clinics**
  - O. Health – Sanitation**
  - P. Health – Adm.**
  - Q. Constable Pct. #3**
  - R. 389<sup>th</sup> District Court**
  - S. Human Services (3)**
  - T. Pct. #1 – R & B**
  - U. Pct. #1 – Parks**
  - V. Pct. #1 – Landfill**
  - W. Pct. #3 – Adm.**
  - X. Pct. #3 – R & B**
  - Y. WIC**
  - Z. Pct. #4 – R & B**

- AA. County Judge
- BB. Constable Pct. #1
- CC. J.P. Pct. #3, Pl. 1
- DD. Computer Department
- EE. Constable Pct. #5 (2)
- FF. County Court #2
- GG. Law Library

**3. Monthly Fee Reports - September: (SEE EXHIBIT C)**

A. J.P. Palacios	\$37,949.02
B. J.P. Ochoa	\$33,681.30
C. J.P. Saenz	\$25,458.29
D. J.P. Trevino	\$41,818.21
E. J.P. Garza	\$50,089.14
F. J.P. Contreras	\$31,468.19
G. J.P. Jackson	\$17,231.73
H. J.P. Morales	\$36,744.66
I. J.P. Espinoza	\$39,496.48
J. Law Library	\$ 1,848.75
K. Sheriff Escalon	\$31,908.30
L. Anzalduas Park	\$ 1,536.11
M. Delta Lake	\$ 908.05
N. Constable Aguirre	\$ 1,250.00
O. Constable Alaniz	\$ 700.00
P. Constable Gallardo	\$ 815.00
Q. Constable Rios	\$ 2,152.96
R. Constable Bazan	\$ 820.00

**4. Purchasing Department: (SEE EXHIBIT D)**

**A. HIDALGO COUNTY –**

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

Req	Department	Vendor	Amount	Account Number
60346	TX DPS	S.T.E.	\$425.00	4-1100-421-00-110-013-0-432
60147	Tax Office	Dell Marketing	\$265.91	4-1100-415-15-140-001-0-661
60199	Auditor	CDW	\$502.54	4-1100-415-21-170-001-0-745
60199	Auditor	CDW	\$439.98	4-1100-415-21-170-001-0-664
60222	Tax Office	CDW	\$731.77	4-1100-415-15-140-001-0-745
60261	389 <sup>th</sup> District	CDW	\$662.50	4-1100-412-00-008-001-0-745
60145	Tax Office	Dell	\$179.92	4-1100-415-15-140-001-0-661
60098	Tax Office	CDW	\$61.52	4-1100-415-15-140-001-0-601
60420	Judge	Dell	\$1,568.30	4-1100-413-00-110-006-0-745
60341	Pct #3	S.J.S. Computers	\$1,138.00	upon approval of line item transfer
60377	Auditor	CDW	\$590.00	4-1100-415-21-170-001-0-748
60199	Auditor	CDW	\$502.54	4-1100-415-21-170-001-0-745
60199	Auditor	CDW	\$439.98	4-1100-415-21-170-001-0-664
59757	Indigent Defense	CDW	\$249.00	4-1100-412-00-009-003-0-601
59757	Indigent Defense	CDW	\$2,753.70	4-1100-412-00-009-003-0-749

60241	Sheriff's	Yoder	\$199.50	4-1100-421-00-280-001-0-664
60395	Tax Office	CDW	\$318.72	4-1100-415-15-140-001-0-745
60397	Tax Office	CDW	\$630.42	4-1100-415-15-140-001-0-745
60384	Tax Office	CDW	\$509.89	4-1100-415-15-140-001-0-664
60098	Tax Office	CDW	\$61.52	4-1100-415-15-140-001-0-601
60076	CC #2	MPC-G	\$1,244.00	4-1100-412-00-022-001-0-745
60082	CC #2	CDW	\$1,206.49	upon approval of line item transfer

**2. Requesting authority to purchase computer equipment and software from the State of Texas DIR GoDirect Contract for the following;**

Req	Department	Vendor	Amount	Account Number
59762	I.T. Dept	Dell Marketing	\$249.75	4-1100-415-00-200-001-0-601
60017	139 <sup>th</sup> District	Dell Marketing	\$1,382.68	4-1100-412-00-003-001-0-745
60136	I.T. Dept	Dell Marketing	\$904.33	4-1100-415-00-200-001-0-745
60440	Master Court #2	QA Systems	\$1,029.00	4-1100-412-00-032-001-0-745
59972	I.T. Dept	CDW	\$2,546.00	4-1100-415-00-200-001-0-745
58743	I.T. Dept	Global Data	\$3,058.00	4-1242-412-00-060-001-0-745
58755	I.T. Dept	Global Data	\$2,760.00	4-1100-415-00-200-001-0-745
60193	332 <sup>nd</sup> District	Dell	\$2,905.96	4-1100-412-00-006-001-0-745
60342	Treasurer's	CDW	\$2,948.00	4-1100-415-16-150-001-0-743
60349	CC #5	Dell	\$2,905.96	4-1100-412-00-025-001-0-745
60425	I.T. Dept	Dell	\$4,914.32	4-1242-412-00-060-001-0-745
60550	Budge Office	Dell Marketing	\$2,599.96	4-2202-419-50-230-014-0-745

**B. HIDALGO COUNTY BUILDINGS AND GROUNDS-**

1. Requesting authority to enter into rental agreement with Neopost c/o Office Systems 2000. For: "Neopost Mailing System Postage Meter." in the total cost of \$720.00 Agreement will be from November 2004 through November 2005.

**C. HIDALGO COUNTY HEALTH DEPARTMENT -**

1. Requesting authority to enter into a service agreement contract with Sprint PCS through the Department of Information Resources under contract #Tele 06-27-031 Texan 2000-SPR-W in the amount of \$ 60.00 per month with unlimited usage for five (5) Wireless Connection Cards.

**D. HIDALGO COUNTY DISTRICT CLERK -**

1. Requesting authority to enter into a maintenance agreement for 8 typewriters with Southwest Business Machines in the total amount of \$72.00 for one year, July 3, 2004 through July, for Req #59979.

**E. HIDALGO COUNTY 332<sup>ND</sup> DISTRICT COURT -**

1. Requesting authority to enter into a 48-month lease for a copier with Xerox through TBPC Contract 985-A3 for \$173.65 a month. Effective upon approval for Req #59285.

**F. HIDALGO COUNTY COURT NO 2 -**

1. Requesting authority to enter into a 12-month service agreement for a copier with Xerox for \$35.00 a month for Req #60079. Effective upon approval.

**5. Planning Department: (SEE EXHIBIT E)**

**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)

**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, NOVEMBER 09, 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. Approval of budget amendment in the amount of \$ 154,536.00 to fund drainage improvements to TxDot FM 2128 Project**

NO ACTION taken on this item.

**5. Approval of Interlocal Agreement among the City of Mission, Hidalgo County DD #1 and Hidalgo County Irrigation District #1**

NO ACTION taken on this item.

**6. Update on Workers' Compensation claims paid by TriStar Risk Management in the amount of \$ 3,651.38 for the period ending October 16-31, 2004**

Presentation made by Valde Guerra.

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 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 SPECIAL MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, NOVEMBER 09, 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 Palacios, the Board made a UNANIMOUS vote to approve the Drainage District Consent Agenda.

- 1. Approval of check register and payment of claims and bills - County Treasurer**
- 2. Discharge Permits:**
  - A. City of Donna – Walker Estates Subdivision**
  - B. City of Edinburg – Sprague Landing**
  - C. City of Edinburg – Greenleaf Estates**
  - D. City of Edinburg – El Desierto Subdivision**
  - E. City of Edinburg – Golden Crest Apt. Community Phase II**
  - F. City of Pharr – Stone Ridge Estates**
  - G. City of Pharr – Moore Heights Subdivision**
- 3. Line item transfer - \$ 6,150.00**
- 4. Line item transfer - \$239,932.20**

*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 09<sup>th</sup> day of November, 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 November 09, 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)