

SPECIAL MEETING – December 28th, 2004

BE IT REMEMBERED, that on this 28th day of December, 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 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, DECEMBER 28, 2004 at 9:30 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

1. Roll Call

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

2. Pledge of Allegiance

Revised Page

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. County Clerk – J.D. Salinas, III - Approval of Officials' Bonds: (SEE EXHIBIT E)

A. Sylvia S. Handy – Commissioner, Pct. #1

B. Gilberto Saenz – J.P. Pct. #1 Pl. 1

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

7. Approval of Resolution honoring Rusty Dove, County Librarian for his dedication and service to the Hidalgo County Library System (SEE EXHIBIT F)

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

8. District Attorney’s Office – Roy Cazares: (SEE EXHIBIT G)

A. Requesting approval for extension by Commissioners’ Court to purchase item for the D.A. Office after deadline

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

B. Requesting authority to process requisition #62291 to Diaz Floors & Interiors for installation of carpet in the grand jury room (as no sessions are currently scheduled) and will be completed before December 31, 2004

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

9. Human Services – Rudy De La Viña: (SEE EXHIBIT H)

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.

10. Buildings & Grounds – Daniel Flores: (SEE EXHIBIT I)

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

Presentation made by Daniel Flores.

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

A. Requesting exemption from competitive bidding requirements under the Texas Local Government Code 262.024(a) for professional architectural services with Rike, Ogden, Figueroa, Dickson, Wells, Architects in connection with City of Donna for Parks, Recreational Facility.

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

B. The City of Donna is requesting approval of a professional service contract with Rike, Ogden, Figueroa Dickson, Wells Architects in the amount of \$10,000.00 utilizing Years 14, 15&16 (2001,2002 & 2003) funding.

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

- C. 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 all FY 16 and 17 (2003 & 2004) projects.**

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

- D. Requesting approval for professional services agreement with Javier Hinojosa Engineering in connection with all City of Peñitas Street Improvement projects Yr. 16 & 17 (2003, 2004) in the amount of \$71,868.26.**

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

- E. Discussion and possible action regarding the FY 2005 Community Development Block Grant reduction in allocation and distribution of such funds among the participating entities.**

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

At this time Commissioner Garza steps out of the Court.

12. Health Department – Eddie Olivarez: (SEE EXHIBIT K)

- A. Requesting authorization and approval to increase the Immunization Grant – Acct. #4-1293-441 -00-340-012-5 in the amount of \$ 183,784.00 – revised grant amount \$ 459,461.00**

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

- B. Requesting authorization and approval of attached budget and salary schedule**

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

At this time Commissioner Garza returns to the Court.

- C. Approval of line item transfer for Health – SDI - \$ 7,689.48**

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

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

- A. Request approval of payment for S & G Paving (CAP Project) Application #3 - \$ 21,691.80 & final application #4 - \$ 80,573.59 (retainage) contracted to S & G Paving Group II #04-002-01-07 & approval of Certificate of Completion**

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

B. Request authorization for Auditor to issue manual check upon Auditor's review

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

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

A. Presentation for consideration, discussion, acceptance and approval of Application for payment #1 in the amount of \$ 92,250.00 submitted by S & G Paving Co. and as recommended by project engineer, R. Gutierrez Engineering Corp. in connection with South McColl Rd. Project under Road & Bridge for Pct. #2 with authority to issue a manual check

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

15. Budget Office – Valde Guerra: (SEE EXHIBIT N)

A. Intradepartmental transfers (to cover negative balances):

1. 370th District Court
2. 332nd District Court
3. 398th District Court
4. Indigent Defense
5. Public Defense
6. Pct. #1 – Sanitation
7. Elections Department
8. Parking Lot
9. Sheriff Department
10. Constable Pct. #4
11. Constable Pct. #5

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on items 1 thru 11.

B. Approval to increase estimated revenues for 2004 Indirect Costs from Drainage District #1 - \$150,000.00

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

C. Approval to appropriate \$ 150,000.00 into B.O. Contingency

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

D. Approval to unappropriate lapsed salaries – General Fund & appropriate into B.O. Contingency

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval in the amount of \$245,221.82

E. Approval to unappropriate \$ 50,000.00 from County Records Mgmt. Acct. and appropriate into Budget Office Contingency Acct.

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

F. Approval to unappropriate \$ 70,000.00 from Jail Room & Board and appropriate to B.O. Contingency

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

G. Interdepartmental transfers:

1. **B.O. Contingency/various accts. (Obj. 220 – FICA)**
2. **B.O. Contingency/various accts. (Obj. 211 – Health Ins.)**
3. **B.O. Contingency/various accts. (Obj. 212 – Life Ins.)**
4. **B.O. Contingency/various accts. (Obj. 230 – Retirement)**
5. **B.O. Contingency/various departments (to cover negative balances)**
6. **B.O. Contingency/COPS 15 Grant Yr. 3 Local Match**

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

7. Fire Marshal (Alamo)/Fire Marshal (various (cities) accts.)

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

H. Approval to unappropriate transfer of funds from Gen. Fund into Parks County Wide Acct. in the amount of \$ 150,000.00

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

I. Approval of General Fund transfer out to each Pct. in the amount of \$ 37,500.00

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

J. Approval of budget amendment for Fund 1201 and Fund 1315 “TXDOT Project” (new fund) - \$3,232.00

K. Approval of budget amendment for Fund 1204 and Fund 1315 “TXDOT Project” - \$ 26,190.00

L. Approval of budget amendment for Fund 1204 and Fund 1315 “TXDOT Project” - \$ 12,000.00

M. Approval of budget amendment for Fund 1204 and Fund 1315 “TXDOT Project” - \$ 10,300.00

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on items J, K, L & M.

16. Purchasing Department – Marty Salazar: (SEE EXHIBIT O)

- 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>951</u>	Other Information:	<u>10</u>
Physical Count:	<u>938</u>	Males (in house)	<u>876</u>
Out of County: La Villa	<u>0</u>	Females (in house)	<u>62</u>
Brook’s	<u>0</u>	Federal Prisoners	<u>11</u>
Adj. /Sentenced to TDC	<u>153</u>	Total Paper Ready TDC	<u>118</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, 3-A, B or 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 Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval.

- 5. Presentation for discussion, consideration, acceptance and approval of the negotiated Best and Final Offer and Quality Claims Administration Services Agreement/Contract subject to legal review with TRISTAR Risk Management (the number one ranked firm) for Hidalgo County’s Workers Compensation Program**

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

- 6. **Requesting authority to advertise for RFB-“New and Used Guard Rail Beam Materials and Installation” project and approval of specifications as attached hereto.**

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

- 7. **Recommending award (from solicited quotes) and approval of contract for (“Photo Processing”) on an As Needed Basis with bidder meeting all specifications and/or requirements. The term of the contract will commence 1/1/2005 to 12/31/2005 but in no event to exceed the \$ 25,000.00 statutory bid limit.**

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

- 8. **Pursuant to Article § 81.005(a) (Terms of Court Meeting) of the Texas Local Government Code. Consideration and Entering of an order into the minutes the designation of time of day, day of the week and week of the month of Hidalgo County Commissioners’ Court Regular Term Meeting Tex. Loc. Gov. Code.**

**ORDER OF THE COURT:
 HIDALGO COUNTY COMMISSIONER’S COURT
 Week of the Month: 2nd Week
 Day of the Week: Tuesday
 Time of the Day: 9:00 a.m.**

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

B. HIDALGO COUNTY BUDGET OFFICE-

- 1. **Requesting approval and authorization for County Auditor to issue payment (after review, audit, and processing procedures are completed) in the amount of \$ 124.58 to CACC-Carolyn Arnold Communications Consultant (see attachment)
 SWBT ACCOUNT 956-318-2000
 MCI- Adjustment for calls re-rated that should have been through SBC but not due to SBC Network error**

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

C. 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);**

Department Name:	Name of Employee(s)	Basic Rate Plan Per Month	Total Minutes Plan:	Equipment/Cost
93 rd Dist. Judge	Rodolfo Delgado	\$ 82.00	2000	Motorola V60 @

\$249.99- \$150.00credit=\$99.99

NO ACTION taken on this item.

D. 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.

17. Closed Session: (SEE EXHIBIT P)

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**

18. Open Session:

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

NO ACTION take on items A & B.

C. Pending and/or potential litigation

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on the on a request from Whilette & Guerra for a waiver to be able to represent the City of McAllen on cause #2680-04-G

19. Closed Session:

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

20. Open Session:

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

21. Adjourn

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

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, DECEMBER 28, 2004, at 9:30 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

**NOTICE TO THE PUBLIC
CONSENT AGENDA**

The following items are of a routine or administrative nature. The Commissioners' Court has been furnished with background and support on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commissioner, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve the Consent Agenda.

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

2. Line item transfers: (SEE EXHIBIT B)

- A. Veterans Services**
- B. Constable Pct. #3**
- C. Buildings & Grounds**
- D. D.A. – Gen. Fund**
- E. Minor Structures**
- F. 92nd District Court**
- G. County Court #2**
- H. Pct. #1 – R & B**
- I. Pct. #1 – Parks**
- J. Pct. #1 – Sanitation**
- K. Pct. #4 – Landfill**
- L. Pct. #4 – R & B**
- M. Pct. #2 – R & B**
- N. WIC (2)**
- O. 92nd District Court**
- P. 93rd District Court**
- Q. 139th District Court**
- R. 370th District Court**
- S. County Court #2**
- T. County Court #4**
- U. J.P. Pct. #4, Pl. 2**
- V. Pct. #2 – Landfill**
- W. Pct. #3 – Landfill**
- X. Tax Office**
- Y. Human Resources**
- Z. Constable Pct. #2**
- AA. Texas Cooperative Extension**

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 Report – November: (SEE EXHIBIT D)

A. District Attorney \$ 161,515.92

**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, DECEMBER 28, 2004 at 9:30 A.M., in the Commissioners Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

**DRAINAGE DISTRICT
(SEE EXHIBIT Q)**

1. Roll Call

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

2. Open Forum

No presentations made under Open Forum.

3. Approval of Consent Agenda

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

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

4. 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

5. Open Session:

A. Real Estate Acquisition

6. Closed Session:

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

7. Open Session:

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

8. Adjourn

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Board made a UNANIMOUS vote of approval to adjourn today's meeting.

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, DECEMBER 28, 2004 at 9:30 A.M., in the Commissioners Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

**NOTICE TO THE PUBLIC
CONSENT AGENDA**

The following items are of a routine or administrative nature. The Drainage District #1 Board of Directors has been furnished with background and support on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commissioner, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

DRAINAGE DISTRICT

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Board made a UNANIMOUS vote to approve the Drainage District Consent Agenda.

- 1. Approval of check register and payment of claims and bills - County Treasurer**

There being no further business to come before said Court, the meetings of the Commissioners' Court and the Drainage District #1 Board are now hereby adjourned.

Dated this the 28th day of December, 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 December 28, 2004.

Signed this _____ day of _____ 2004.

ATTEST:
JUAN D. SALINAS, III
County Clerk and Ex-Officio Clerk
Of the Commissioners' Court of
Hidalgo County

By: _____
Norma Garza, Deputy

(Seal)