

SPECIAL MEETING - NOVEMBER 01, 2005

BE IT REMEMBERED, that on this 01st day of November, A.D., 2005, 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 JOE M. FLORES	COMMISSIONER, PRECINCT NO. 3
HONORABLE OSCAR L. GARZA JR.	COMMISSIONER, PRECINCT NO. 4

and EDDY TREVINO, COUNTY CLERK & EX-OFICIO CLERK OF THE COMMISSIONERS' COURT of Hidalgo County, Texas, wherein the following proceedings were had, to-wit:

Sylvia S. Handy
Commissioner, Pct. #1

Ramon Garcia
County Judge

Joe M. Flores
Commissioner, Pct. #3



Hector "Tito" Palacios
Commissioner, Pct. #2

HIDALGO COUNTY
COMMISSIONERS' COURT
AGENDA

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

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 01, 2005 at 9:00 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

Salvador Vela, Mayor of the City of Alton, led the Court and Audience in Prayer.

4. Open Forum (SEE OPEN FOFUM)

Santos Urbina – Concerning Murrillo Subdivision and the unsafe traffic issues in that area.

Cecilia Hinojosa – Nurse Practitioner Week.

Raul Sesin – Hidalgo County Planning Administrator concerning subdivisions and residential building development in the County.

5. Approval of Consent Agenda

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

6. **92nd District Court – Judge Peña: (SEE EXHIBIT F)**

- A. Presentation for discussion, consideration, acceptance and approval of invoice #6407 dated 8-15-05 (with Requisition #73982 dated 7-29-05) from Diaz Floors & Interiors, Inc. in the amount of \$ 4,169.37 with authority for Auditor to issue payment after review, audit and processing procedures completed**

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

At this time the Court moved to item #11.

7. **Urban County – Diana Serna: (SEE EXHIBIT G)**

- A. Hidalgo County Precinct No. 4 requests authorization to purchase Firefighting and Suppression Equipment in the amount of \$28,489.00 from Amigo Power Equipment for the Lynn San Manuel Volunteer Fire Department utilizing Urban County Program funds from Year 15, 16, & 17 (2002, 2003 & 2004).**

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

- B. Consider awarding bid for the demolition of an existing structure, and the reconstruction of one (1) unit in the City of Weslaco for the total amount of \$51,000.00 to GMH Construction.**

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

- C. Urban County Program on behalf of Hidalgo County Precinct #2 requests approval to amend the Subrecipient Agreement between Amigos Del Valle and Hidalgo County Urban County Program for a total amount of \$8,750.00 using Urban County Program Year 19 (2005) funds.**

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

8. **Public Defender's Office – Jaime Gonzalez: (SEE EXHIBIT H)**

- A. Request for approval of FY 2006 Hidalgo County Discretionary Grant Program Application for Public Defender's Office**

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.

B. Approval of Grant

NO ACTION taken on this item.

At this time Commissioner Flores steps out of the Court.

9. **Planning Department – Raul Sesin: (SEE EXHIBIT I)**

A. Preliminary Approval:

1. Leisure Valley Ranch RV and MH Park Phase II – Pct. 3 (Jack Martin)

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

B. Final Approval with a Cash Deposit:

1. Griselda Subdivision – Pct. 4 (Griselda Guerra)

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

10. **J.P. Pct. #4, Pl. 1 – Judge Espinoza: (SEE EXHIBIT J)**

A. Approval to increase change fund by \$ 25.00 (total change fund would now be \$ 50.00) (see attached letter from County Auditor)

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

At this time the Court moved to item #12.

At this time Commissioner Flores steps out of the Court.

11. **County Judge's Office – Lorie Ochoa: (SEE EXHIBIT K)**

A. Proclamation honoring the late Erasmo C. Bravo from San Juan, Texas for his civic contributions

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

B. Discussion and possible action on granting the Edinburg Chamber of Commerce permission to use the K-Mart Parking Lot and the county square for their annual event

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

At this time Commissioner Flores returns to the Court.

At this time the Court moved to item #18.

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

A. Approval to rescind action taken on 9/13/05 “Approving Resolution for Project STOP Grant”

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

B. Approval and acceptance of a Revised Resolution for Project STOP Grant

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

13. Head Start – Teresa Flores: (SEE EXHIBIT M)

- A. Discussion/approval for Hidalgo County (Head Start Program) to exercise the option to renew for an additional one year term for Interlocal & Leases (as provided in Interlocal Agreements) with the following: Alamo, Alton, Donna II, Donna III, Donna IV, Edcouch, Edinburg I, Edinburg II, Hidalgo, La Joya, Las Milpas I, Las Milpas II, McAllen V, McAllen VI, Vine Terrace, Mercedes I, Mercedes II, Mission I, Monte Alto, Palmview I, Palmview Annex, Pharr, Progreso, San Juan I, and Weslaco II**

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

B. Discussion/approval to advertise and approval of draft specifications as attached hereto for:

- 1. Weslaco (2)**
- 2. McAllen Area**
- 3. Elsa Area**
- 4. Peñitas Area**

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

C. Discussion/approval on request to purchase office supplies through the Hidalgo County's Membership/Participation with the Texas Association School Board (TASB) Buyboard's awarded vendor Staples

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

14. Hidalgo County – Godfrey Garza: (SEE EXHIBIT N)

- A. Approval of TEDSI Infrastructure Group invoice #553975 for Work Authorization #4 (FEMA-MAS #2)**

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

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

- A. Discussion and/or action, including, but not limited to Indigent Health Care Program and/or Expenditures**

NO ACTION taken on this item.

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

Presentation for discussion, consideration and action (if necessary) including, but not limited to the following:

- A. Status of renovations of administration building**
- B. Status of other ongoing county owned building construction, renovation repair projects**
- C. Report of unanticipated, or emergency situation occurring since last agenda meeting**

Presentations made by Daniel Flores on items A thru C.

At this time Commissioner Garza returns to the Court.

At this time Commissioner Palacios steps out of the Court.

17. Pct. #1 – Comm. Handy: (SEE EXHIBIT Q)**A. Approval of Hidalgo County Meet & Confer Resolution for County Employees**

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval subject to legal review by both parties.

At this time Commissioner Flores returns to the Court.

- B. Approval of Advanced Funding Agreement between Hidalgo County and TxDOT for proposed funding to Mile 2 West Phase 2**
- C. Approval of Advanced Funding Agreement between Hidalgo County and TxDOT for proposed funding to Mile 6 West**
- D. Approval of Advanced Funding Agreement between Hidalgo County and TxDOT for Southeast Connector (Hidalgo County Loop) no matching required**

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

- E. Request approval to submit Economically Disadvantaged County Application for Mile 2 West to TxDOT and authorization for County Judge to sign documents**
- F. Request approval to submit Economically Disadvantaged County Application for Mile 6 West to TxDOT and authorization for County Judge to sign documents**

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

G. Requesting approval to appropriate Pct. #1 Parks unreserved funds

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

H. Approval of budget amendment

NO ACTION taken on this item.

At this time the Court moved to item #19.

18. Pct. #3 – Comm. Flores: (SEE EXHIBIT R)

A. Consideration and action on approval of Resolution in Support of the Road District #5 with approval to submit application to TxDOT Commission

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

At this time the Court moved back to item #7.

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

A. Request authorization to name an unnamed/private road located within Hidalgo County Pct. #4 as follows:

- **Alyanna Street (this road is located south of Mile 17, between Tower & Terry Rd.)**

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

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>1300</u>	Other Information:	<u>23</u>
Physical Count:	<u>1104</u>	Males (in house)	<u>1033</u>
Out of County Facility	<u>196</u>	Females (in house)	<u>71</u>
La Villa.	<u>173</u>		
Brook’s Co.	<u>0</u>	Federal Prisoners	<u>8</u>
Frio Co.	<u>0</u>	Total Paper Ready TDC	<u>164</u>
No. over 45 days	<u>62</u>	Adj. / Sentenced to TDC	<u>257</u>
		Pending Paperwork/Crts	<u>51</u>
		Pending Charges/Courts	<u>42</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 with including action regarding Landmark Application for payment, final punch list and release of retainage;**
 - b) **Construction of additional pod(s)**
 - c) **Selection and engagement of an architect for the construction of additional pod(s)**

NO ACTION taken on items #2, 3a, b & c.

4. **Presentation for discussion, consideration and action including , but not limited to, the following items in connection with the County-owned building and property, fka, the Kmart Property:**
 - a) **General status report by project architect (when necessary) or purchasing department;**
 - b) **Projected time lines for bids of all exterior and/or interior repairs and renovations;**
 - c) **Other related items;**

Presentation made.

5. **Presentation for discussion, consideration and action including, but not limited to, the following items in connection with the construction of a new facility to house the Hidalgo County Adult Probation Dept.:**
 - a) **General status report by project architect (when necessary) or purchasing department;**
 - b) **Presentation of final design and program elements as developed through/with Joe Lopez, Director, Adult Probation Dept. for completion of plans and specification with revised estimated projected costs, if any;**
 - c) **Status of construction document phase and projected time line for bid advertisement, bid opening, etc.;**

NO ACTION taken on items #5a thru c.

6. **Presentation for discussion, consideration and action including, but not limited to, the following items in connection with the construction of the new Hon. Mario E. Ramirez, Jr. Juvenile Detention Facility:**
 - a) **General status report by project architect (when necessary) or purchasing department;**
 - b) **Status of pending payment requests;**
 - c) **Other related issues;**

NO ACTION taken on item #6a thru c.

7. **Requesting authority to exercise the additional one year extension as provided in current contract for “Mats, Dust Mops & Shop Rags-Janitorial Services” for Hidalgo County, under the same rates, terms and conditions with Unifirst Holding, LP. Effective 10/26/05-10-26-06**

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

8. **Presentation for consideration, discussion, acceptance and approval of Fleet Fueling System Application (original) to be forwarded to Arguindegui Oil Co. II, Ltd. as submitted by Hidalgo County Planning Department and Hidalgo County Constable Precinct No. 3 and detailing the “holder and user” of fleet fuel card under awarded contract for “Gasoline, On & Off Highway Diesel Fuel”.**

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

9. **Requesting authority to advertise and approval of specifications for “Mailing Services-Hidalgo County”**

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

10. **Requesting approval of a “Certificate of Substantial Completion” with R.L. Abatement reflecting the substantial completion date of June 9,2005 for the “Asbestos Abatement and demolition of Portions of the Former Site of the Hidalgo County Sheriff’s Dept. and Jail on Hwy 281 Edinburg, Texas.”**

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

11. **Requesting authority to purchase computer equipment and peripherals from State Awarded through our participation of Cooperative Programs for the following;**

Req	Department	Vendor	Amount	Account Number
State of Texas DIR Go-Direct Program				
78494	Health Department	HP Direct	\$11,406.77	5-1100-441-00-340-001-0-745
78494	Health Department	HP Direct	\$ 9,999.23	5-1100-441-00-340-003-0-745
78605	I.T. Department	Global Data	\$47,806.00	5-1334-415-00-200-004-0-745
78676	I.T. Department	Global Data	\$16,686.00	5-1100-415-00-200-002-0-745

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

B. HIDALGO COUNTY PRECINCT NO. 1-

- 1. Requesting approval of Change Order No. 3 (increase) in the amount of \$5,750.00 with the Hidalgo County and Cameron Counties Irrigation District # 9 to relocate pipeline structure and gate reline canal, connect 26' pipeline in connection with Mile 2 West Road Project. (PO # 553859) Interlocal Agreement previously approved by CC 02/14/05.**

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

C. HIDALGO COUNTY PRECINCT NO. 2 – PARKS –

- 1. Presentation for discussion, consideration for authority to advertise sealed bids for the: Constructions of Wetland/Pond at North San Juan Park located in Precinct # 2 with specification to be drafted and prepared by project engineer, R. Gutierrez Engineering.**

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

D. HIDALGO COUNTY PRECINCT NO. 3-

- 1. Requesting authority to re-advertise for “lease Land (approximately five (5) acres) West of FM 886 (in the vicinity of Cuevitas, Los Ebanos or Sullivan City, Texas)” due to no bids received.**

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

At this time Commissioner Garza steps out of the Court.

E. HIDALGO COUNTY PRECINCT NO. 4 –

- 1. Presentation for discussion, consideration, acceptance and approval of Payment application # 1 (Retainage Payment) submitted by D.M. Roth, Inc. in the amount of \$109,387.35 in connection with (Contract no. C-CAP 05-007-06-14- Road Construction of Meadowlands and Tropicana Subdivisions);**

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

- 2. Requesting approval of Change Order No. 1 (net Increase) in the amount of \$ 1,067.00 in connection with: Contract # CAP- CAP-C-05-001-02-14- “Road Construction of Rancho Nuevo and Summerwood Subdivision” awarded to S&G Paving Company (Project Engineer: J.E. Saenz & Associates, Inc.),**

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

F. HIDALGO COUNTY COLONIA ACCESS PROGRAM PRECINCT NO. 3-

- 1. Presentation for discussion, consideration, acceptance and approval of Payment Application # 1 (retainage payment) submitted by Juan Mendoza Corporation D/B/A.J.M Construction in the amount of \$44,287.20 in connection with (Contract No. C-CAP -05-021-08-02- Road Construction of Basham No. 12, 13 & 16 subdivisions)**

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

G. HIDALGO COUNTY ADULT PROBATION –

- 1. Requesting authority to re-advertise for “Lease of Office Space – City of McAllen” due to no bids received.**

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

H. HIDALGO COUNTY BUILDINGS AND GROUNDS –

- 1. Presentation for consideration, discussion, acceptance and approval of proposal from Centennial Contractors Enterprises, Inc. through our participation/membership with TCPN area job order contactor (AJOC) for the provision of labor and materials for the demolition and installation of approx. 3,445 sq. ft. of concrete sidewalks (as attached hereto) for: ADA Sidewalks at County Courthouse in an amount not to exceed \$37,000.00with authority to issue purchase order.**

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

I. HIDALGO COUNTY CLERK’S OFFICE –

- 1. Presentation for discussion, consideration & action to award and approval of the final negotiated contract (subject to legal review) with the number one (1) ranked participant A.C.S. Government Record Management Services for RFP No.2005-262-08-03-LHS: “Back scanning and Indexing of Deed Records” (as ranked by C.C. on 09/20/05)**

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

J. HIDALGO COUNTY HUMAN SERVICES-

- 1. Presentation for discussion, consideration and acceptance of the final negotiated contract (best and final offer included) with US Script, number one ranked firm meeting all requirements for: “On Line Pharmacy Billing Services”.**

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

K. HIDALGO COUNTY SHERIFF'S DEPARTMENT –

- 1. Requesting authority to advertise and approve to auction abandoned and unclaimed items on Auction List # 28 on Exhibit "A".**

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

- 2. Recommending award of bid for "One Mobile Command Post" to the lowest bidder (Comtex Communications) meeting all specifications and/or requirements.**

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

L. HIDALGO COUNTY WIC PROGRAM –

- 1. Presentation for discussion, consideration and approval for Hidalgo County to exercise the option to renew for an additional one (1) year term (as provided in contract) with Miguel L. Barboza, Jr. for Rental of Office Space.**

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

- 2. Presentation for discussion, consideration and approval for Hidalgo County to exercise the option to renew for an additional one (1) year term (as provided in contract) with GBB Rentals, LTD for Rental of Office Space.**

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

M. HIDALGO COUNTY RE: REAL ESTATE ACQUISITIONS –

- 1. Requesting authority to obtain and approval of (when applicable), including, but not limited to, the following 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 services, commercial contracts (improved property) or option contracts with authority for County Auditor to issue required earnest money payment(s) or option payment(s) and County Judge to execute necessary/required document(s)**

NO ACTION taken on this item.

At this time the Court moved to Executive Session.

21. Budget Office – Valde Guerra: (SEE EXHIBIT U)**A. County Auditor:**

- 1. Budget Amendment - \$ 22,336.60**

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

At this time Commissioner Flores leaves the Court.

B. Interdepartmental transfers:

1. **IT #200-002 to #200-001 - \$ 1,000.00**
2. **Co. Wide Adm. Cont. to CC #1 - \$ 600.00**
3. **Various to Public Defense Acct. (legal services)**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval on items #1 thru 3.

C. Health Insurance:

1. **Discussion, consideration and approval to transfer \$ 501,296.17 to the Hidalgo County Health Insurance Claims Bank Account for Health Insurance Claims paid for the following periods:**
 - **October 11, 2005 thru October 17, 2005 \$ 334,005.14**
 - **October 18, 2005 thru October 24, 2005 \$ 167,291.03**

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

D. Workers' Compensation:

1. **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 \$ 38,379.01 for the period ending October 01-15, 2005**

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

E. Discussion, consideration and action on \$ 25,000.00 donation requested by Hidalgo County Crime Stoppers

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

F. Discussion, consideration and possible action regarding a General Fund Hiring Freeze with appropriate exceptions

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval effective Nov. 07, 2005 till the end of the year.

At this time the Court moved to adjourn.

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

22. Closed Session: (SEE EXHIBIT V)

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 #C-1162-02-C; County of Hidalgo vs. Alvarado Architects & Associates, LLC in the 139th District Court of Hidalgo County, Texas**
- E. Cause No.C-2487-05-C; Campacuas Memorial del Rancho de Guadalupe vs. Hidalgo County Auditor, Ray Eufrazio**
- F. EEOC Complaint #360-2005-03144**
- G. State of Texas v. Gabriel Rodriguez, et ux, et al**
- H. Garcia v. Hidalgo County**
- I. Civil Action No. M-02-518; RGOI ASC, LTD. v. Blue Cross Blue Shield of Texas, Blue Cross Blue Shield Federal, et al**

NO ACTION taken on items A thru I in Close Session.

23. 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**

NO ACTION taken on items A, B & C.

- D. Cause #C-1162-02-C; County of Hidalgo vs. Alvarado Architects & Associates, LLC in the 139th District Court of Hidalgo County, Texas**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval to authorized Mr. Leech to proceed to settle in the amount of \$445,000.00.

- E. Cause No.C-2487-05-C; Campacuas Memorial del Rancho de Guadalupe vs. Hidalgo County Auditor, Ray Eufrazio**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to authorized Mr. Valde Guerra to act as agent to settle this case.

- F. EEOC Complaint #360-2005-03144**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval to authorized Mr. Valde Guerra to act as agent to settle this case.

G. State of Texas v. Gabriel Rodriguez, et ux, et al

NO ACTION taken on this item.

H. Garcia v. Hidalgo County

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to authorized Mr. Valde Guerra to act as agent to settle this case.

I. Civil Action No. M-02-518; RGOI ASC, LTD. v. Blue Cross Blue Shield of Texas, Blue Cross Blue Shield Federal, et al

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval to authorized Mr. Valde Guerra to act as agent to settle this case.

At this time the Court moved back to item #21.

24. Closed Session:

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

25. Open Session:

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

26. Adjourn

On motion of Commissioner Handy, seconded by Commissioner Palacios, 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, NOVEMBER 01, 2005 at 9:00 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:

**NOTICE TO THE PUBLIC
CONSENT AGENDA**

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

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

- 1. Approval of check register and payment of claims and bills – County Auditor (SEE EXHIBIT A)**
- 2. Intradepartmental transfers: (SEE EXHIBIT B)**
 - A. J.P. Pct. #1, Pl. 2**
 - B. J.P. Pct. #2, Pl. 2**
 - C. 206th District Court**
 - D. Texas Cooperative Extension**
 - E. County Treasurer**
 - F. Health – TB Elimination**
 - G. Elections – HAVA Grant & create obj. 664**
 - H. 92nd District Court**
 - I. Human Services**
 - J. Probate Court**
 - K. General Litigation**
 - L. Purchasing Department**
 - M. Public Defenders & create obj. 431 & 607**
 - N. 275th District Court & create obj. 746**
 - O. Fire Marshal**
 - P. Constable Pct. #3**
 - Q. Constable Pct. #4**
 - R. Constable Pct. #5**
 - S. Health – Adm.**
 - T. 332nd District Court**
 - U. 370th District Court (2) & create obj. 661**
 - V. 389th District Court**
 - W. J.P. Pct. #3, Pl. 2**
 - X. IT Department 200-001 (2)**
 - Y. IT Department 200-002**
 - Z. J.P. Pct. #4, Pl. 1**

- AA. Indigent Defense & create obj. 664
- BB. WIC
- CC. Public Defenders & create obj. 529 & 810
- DD. J.P. Pct. #2, Pl. 1
- EE. Pct. #1 – Parks
- FF. Pct. #1 – CAP & create obj. 731
- GG. Pct. #1 – Adm. & create obj. 413
- HH. Pct. #1 – R & B & create obj. 676
- II. Pct. #2 – R & B
- JJ. Pct. #4 – CAP
- KK. Pct. #4 – C/O 2002
- LL. Sheriff's Department
- MM. Buildings & Grounds

3. **Planning Department: (SEE EXHIBIT C)**

A. **Approval of the following Certificates:**

- **Certificates of Plat & Utility Status under Local Government Code Section 232.028(b)**
- **Certificates of Residence Construction under Local Government Code Section 232.029(c)(1)**
- **Certificates of Water Service Availability under Local Government Code Section (c)(2)**

4. **Right of Way – Permits: (SEE EXHIBIT D)**

- **B & J AIR & PUMP LTD: INSTALL A 3" WATERLINE ACROSS TEXAN ROAD BEFORE ROAD GETS PAVED WITH BLACK TOP - FOR DELIVERY OF WATER FOR DRILLING RIG.**
- **NORTH ALAMO WATER SUPPLY: INSTALL A 2" WATERLINE APPROXIMATELY ¼ MILE EAST OF VICTORIA ROAD ON THE NORTH SIDE OF MILE 9 ROAD - BORE- ESTEBAN HERNANDEZ.**
- **SOUTH WESTERN BELL: BORE AND BURY A CABLE ALONG BENTSEN PALM ROAD SOUTH OF BUS 83 APPROXIMATELY 680 FEET.**
- **CRYSTAL GAS STORAGE INC.: INSTALL A GROUND WATER MONITORING WELL ON COMMERCIAL AVENUE AND ASH AVENUE.**
- **SHELL EXPLORATION & PRODUCTION CO.: INSTALL A 3" GAS LINE ALONG THE INTERSECTION OF FM 490 & FM 681 IN MCCOOK. DM HOPKINS # 17 IS LOCATED .8 MILES WEST ON FM 490 THEN 1 MILE SOUTH ON COUNTY ROAD. TURN 500' TO WEST AT LOCATION. THIS WELL WILL BE TIED INTO THE JAVALINA CPF LOCATED 2500' WNW OF THIS WELL.**
- **ELUTERIO MORALES: INSTALL A 4" WATERLINE ¾ MILE NORTH OF 7 MILE LINE ROAD ON BRUSHLINE ROAD.**
- **ERSKINE ENERGY PARTNERS: INSTALL A 4" GAS LINE ACROSS MILE 6 ROAD .24 MILES TO MILE 14 NORTH.**
- **HEADINGTON OIL COMPANY: INSTALL A 6" GAS LINE WHICH IS TO BE ENCASED IN 160' OF 18" 0.25" W.T. CASING ALONG WITH ONE 4" S/80 AND 1 3" S/80 LINE EACH CAPPED OUTSIDE THE CASING FOR FUTURE EXPANSION. THE ROAD CROSSING IS TO BE CONSTRUCTED SOUTH TO NORTH INSIDE THE KENT/JACKSON RANCH AND KELLER PROPERTY FENCE LINE PARALLEL TO EL PINTO ROAD AND CROSSING 7 MILE LINE.**

5. Purchasing Department: (SEE EXHIBIT E)

A. HIDALGO COUNTY –

- 1. Requesting authority to purchase computer equipment and peripherals from State Awarded through our participation of Cooperative Programs for the following;**

Req	Department	Vendor	Amount	Account Number
TBPC CISV Program				
78376	Risk/Loss	Dell	\$1,151.00	5-1100-419-50-230-001-0-748
78381	Risk/Loss	Dell	\$544.52	5-1100-419-50-230-001-0-661
78599	I.T. Dept	Dell	\$59.95	5-1100-415-00-200-002-0-661
78765	93 rd District	CDW-G	\$152.97	5-1100-412-00-002-001-0-664
78805	Tax Assessor	CDW-G	\$415.94	5-1100-415-15-140-001-0-745
The State of Texas DIR				
78979	Purchasing	CDW-G	\$3,968.56	5-1100-415-18-160-001-0-743
78500	Indigent Defense	CDW-G	\$2,959.45	5-1100-412-00-009-003-0-745
78682	Human Resource	Dell	\$2,557.74	5-1100-415-50-190-002-0-745
78768	Auditor	CDW-G	\$816.95	5-1100-415-21-170-001-0-661
78768	Auditor	CDW-G	\$3,790.40	5-1100-415-21-170-001-0-745
79086	I.T. Dept	Dell	\$3,002.02	5-1242-412-00-060-001-0-745

B. HIDALGO COUNTY WIC PROGRAM –

- 1. Requesting authority to re-new a maintenance agreement for an IR5000 Copier with Ikon on Req #78900 at \$157.00 a month. To expire July 2006.**

C. HIDALGO COUNTY ELECTION DEPARTMENT –

- 1. Requesting authority to enter into a Governmental Non-Perpetual Annual License Agreement for GIS services with Tele Atlas North America in the total amount of \$790.00.**

D. HIDALGO COUNTY INDIGENT DEFENSE PUBLIC DEFENDERS OFFICE –

- 1. Requesting authority to enter into a 48-month lease agreement with Xerox Corporation on a new copier for Req #78526 in the amount of \$152.41 a month.**

**DRAINAGE DISTRICT BOARD OF DIRECTORS
AGENDA**

**Ramon Garcia
Chairman**

**Sylvia S. Handy
Board Member**

**Joe M. Flores
Board Member**



**Hector "Tito" Palacios
Board Member**

NOTICE

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

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 01, 2005 at 9:00 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:

(SEE EXHIBIT W)

1. Roll Call

All Member of the Board were counted present with the exception of Commissioner Garza and 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.

4. Approval of Change Order #1 for Mission Paving Company Inc. (decrease) Los Ebanos Drainage Outfall)

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

5. Workers' Comp. – Valde Guerra:

A. Update on Workers' Compensation claims paid by TriStar Risk Management in the amount of \$ 915.19 for the period ending October 01-15, 2005

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

6. Purchasing Department – Marty Salazar:

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

Pursuant to Water Code, Chapter 49.274 Emergency Approval of District Projects and action taken by DD# 1 Board on Tuesday, October 18, 2005 presentation for discussion, consideration and approval including, but not limited to, the following:

- 1. Status report by both Godfrey Garza, Manager, HCDD#1 and S&B Infrastructure, Ltd on the condition of the Weir Control Structure on the Main Flood Water Channel of HCDD # 1;**

Presentation made by Godfrey Garza.

- 2. Approval of a professional engineering services contract with S&B Infrastructure, Ltd for the provision of consulting/supervision and related engineering services in connection with the: “Repair and Re-construction of the Weir Control Structure on the Main Flood Water Channel of HCDD # 1 due to the collapse of the structure;**

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

- 3. Approval of the final negotiated Repair and Construction Contract with McAllen Construction for the Repair and Reconstruction of the Weir Control Structure on the Main Flood Water Channel of HCDD # 1 due to collapse of structure;**

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

- 4. Authority for HCDD #1 to purchase applicable related raw materials, supplies, and equipment in connection with the Repair and Reconstruction of the Weir Control structure on the Main Flood Water Channel of HCDD #1 due to collapse of structure;**

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

- 5. Other related issues;**

NO ACTION taken on this item.

6. Pursuant to Texas Water Code, Title 4(General Law District), Chapter 49, Section 226 (Sale or Exchange of Surplus Land, Right of Way, Easements or Personal Property”), requesting consideration, discussion and approval of, but not limited to the following:

a) Declaration of a “Finding of Surplus” by the “Board” of Hidalgo County Drainage District No. 1 for the property, right of way and/or easements described as: Mission Inlet By-Pass Parcels I-VI (Various Tracts located along the existing Mission Inlet Drainage System) in Hidalgo County, Texas, listed as follows:

Parcel I: Being a 2.631 acre tract of land situated in Prociones No. 58, and being out of Lots 121 and Lot 122, John H. Shary Subdivision, Hidalgo County, Texas;

Parcel II: Being a 2.444 acre tract of land situated in Porcion No. 58, and being out of Lot 121, John H. Shary Subdivision, Hidalgo County, Texas;

Parcel III: Being a 4.237 acre tract of land situated in Porcion No. 57, and being out of Lot 12-12, West Addition to Sharyland, Hidalgo County, Texas;

Parcel IV: Being a 3.528 acre tract of land situated on Porcion No.57, and being out of Lot 12-11, West Addition to Sharyland, Hidalgo County, Texas;

Parcel V: Being an 8.969 acre tract of land situated in Porciones No. 56 and 57, and being out of Lots 12-9 and 12-10, West Addition to Sharyland, Hidalgo County, Texas;

Parcel VI: Being a 7.670 acre tract of land situated in Porciones No. 55 and 56, and being out of Lost 12-7 and 12-8, West Addition to Sharyland, Hidalgo County, Texas; and more particularly described in “Exhibit A” (attached hereto), and if approved;

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

b) Requesting approval of the “Order” by the “Board” authorizing the disposition of the surplus property/land, right of way and/or easements described above by:

a) Private or public sale;

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

b) sale and/or exchange for other land, interest in land or personal property, right of way and/or easements needed by the district

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

c) Approval of the minimum bid amount as per the “fair market value” appraisal as required by the “code” of \$ 1,805,000.00, therefore;

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

- d) Authority to advertise the publication of : A Public Sale and/or Exchange for Other Land, Interest in Land or Personal Property, Right of Way and/or Easements described above herein;**

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

- 7. Requesting approval to accept a check in the amount of \$58,993.50 from RGV Horizon Development, Ltd, for the “Sale of Recorded Easement”, (1.49 acre tract of land out of Lot 168) at John H. Shary Subdivision approved on September 6, 2005.**

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

At this time the Board request 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 Closed Session for the discussion regarding the agenda items listed

11. Adjourn

On motion of Commissioner Handy, seconded by Commissioner Palacios, 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 01, 2005 at 9:00 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 Board Member, 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

2. Discharge Permits:

A. City of Mission – La Joya Elementary

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 01st day of November, 2005

EDDY TREVINO, County Clerk
Hidalgo County, Texas

By: _____
Norma Garza, Deputy

I, EDDY TREVINO, County Clerk attest that this is an accurate accounting of a proceeding of the Commissioners' Court held on November 01, 2005.

Signed this ____ day of _____ 2005

ATTEST:
EDDY TREVINO
County Clerk and Ex-Officio Clerk
Of the Commissioners' Court of
Hidalgo County

(Seal) By: _____
Norma Garza, Deputy