

**REGULAR MEETING – November 08, 2005**

**BE IT REMEMBERED, that on this 08<sup>th</sup> day of November, A.D., 2005, there was begun and held a REGULAR MEETING of the Honorable Commissioners' Court of Hidalgo County, Texas, wherein the following members thereof were present, to-wit:**

<b>HONORABLE RAMON GARCIA</b>	<b>HIDALGO COUNTY JUDGE</b>
<b>HONORABLE SYLVIA HANDY</b>	<b>COMMISSIONER, PRECINCT NO. 1</b>
<b>HONORABLE HECTOR (TITO) PALACIOS</b>	<b>COMMISSIONER, PRECINCT NO. 2</b>
<b>HONORABLE JOE M. FLORES</b>	<b>COMMISSIONER, PRECINCT NO. 3</b>
<b>HONORABLE OSCAR L. GARZA JR.</b>	<b>COMMISSIONER, PRECINCT NO. 4</b>

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

**Ramon Garcia**  
County Judge

**Sylvia S. Handy**  
Commissioner, Pct. #1

**Joe M. Flores**  
Commissioner, Pct. #3



**Hector "Tito" Palacios**  
Commissioner, Pct. #2

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

**HIDALGO COUNTY  
COMMISSIONERS' COURT  
AGENDA**

**NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Commissioners' Court will be held on TUESDAY, NOVEMBER 08, 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**

Commissioner Handy led the Court and Audience in Prayer.

**4. Open Forum**

Paul Vazaldua – Introducing the Ballot, a voter education project.

**5. Approval of Consent Agenda**

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

**6. County Judge's Office – Lorie Ochoa: (SEE EXHIBIT G)**

**A. Proclamation proclaiming November 6-12, 2005 as "Texas Nurse Practitioners" Week**

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

At this time Commissioner Flores steps out of the Court.

**B. Discussion, consideration and possible action on report on the Rio Grande Regional Water Authority (RGRWA) and their request for funding**

Presentation made by Jim Darling.

At this time the Court moved to item #9.

**7. County Clerk's Office – Eddy Treviño: (SEE EXHIBIT H)**

**A. Approval of Official Bond – Eddy Treviño**

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

**8. Tax Office – Armando Barrera: (SEE EXHIBIT I)**

**A. Approval of 2005 Tax Roll Totals – Hidalgo County as per Sec. 26.09(e) of the Texas Property Tax Code**

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 #11.

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

**A. Requesting approval to purchase vehicle for Warrants Officer for J.P. Pct. 4, Pl. 1**

NO ACTION taken on this item.

At this time Commissioner Flores returns to the Court.

**10. J.P. Pct. #4, Pl. 2 – Mary Alice Palacios: (SEE EXHIBIT K)**

**A. Approval to purchase a new vehicle (truck or car) for Warrant Officer, Ramiro Robledo**

NO ACTION taken on this item.

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

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

**A. Approval to award a Construction Contract to American Contracting USA, Inc. for the Development of the Progreso Community Park in the City of Progreso using Urban County Program Parks, Recreational Facilities funding from Year 15 (2002), Year 16 (2003), Year 17 (2004) and Year 18 (2005) in the amount of \$722,500.00.**

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

**12. HIDTA – Task Force – Dora L. Muñoz: (SEE EXHIBIT M)**

**A. Authorization and approval for County Auditor to issue payment (after audit and review) for the amount of \$ 2,000.00 payable to Texas Association of Counties County Government Risk Management Pool**

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

**13. Planning Department – Raul Sesin: (SEE EXHIBIT N)****A. Preliminary Approval:****1. Saucedo Acres Subdivision – Pct. 4 (Juan Saucedo)**

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

At this time Commissioner Flores steps out of Court.

**B. Final Approval with a Cash Deposit:****1. La Pinata Subdivision – Pct. 1 (Paul Daniec)**

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

**14. Pct. #1 – Comm. Handy: (SEE EXHIBIT O)****A. Authorization to enter into an Agreement between Region One Education Service Center and Hidalgo County Pct. #1 GED Connection/Job Readiness Program for GED testing services.**

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

**B. Approval of an Order establishing the process by which Hidalgo County employees, through designated representatives, may meet and confer with designated management representatives on matters pertaining to personnel policies and employment conditions**

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

At this time the Commissioner Flores returns to the Court.

**15. Pct. #4 – Comm. Garza: (SEE EXHIBIT P)****A. Requesting approval of corrections and amendments to Hidalgo County Parks Master Plan as requested by Texas Parks & Wildlife**

NO ACTION taken on this item.

**16. Human Services – Rudy De La Viña: (SEE EXHIBIT Q)****A. Discussion and/or action, including, but not limited to Indigent Health Care Program and/or Expenditures**

NO ACTION taken on this item.

**17. Buildings & Grounds – Daniel Flores: (SEE EXHIBIT R)**

**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.

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

**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:**

<b>1. New Hidalgo County Jail:</b>	<b>Total inmate population: <u>1262</u></b>
Physical Count: <u>1097</u>	Males (in house) <u>1021</u>
Out of County Facility <u>165</u>	Females (in house) <u>76</u>
La Villa. <u>143</u>	
Brook’s Co. _____	Federal Prisoners <u>9</u>
Frio Co. _____	
Other: (n/c) <u>22</u>	
Adj. / Sentenced to TDC <u>257</u>	Total Paper Ready <u>TDC177</u> No. over 45 days <u>63</u>
	Pending Paperwork/Courts <u>26</u>
	Pending Charges/Courts <u>37</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 thru 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;**

NO ACTION taken on this item.

At this time the Court moved to item #6.

- b) Presentation by project architect the bids received for the purpose of award of the bid to the bidder meeting all specification and requirements for: “Asbestos Abatement and Demolition Project “ at the property/building, fka, the K-mart Building;**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval on the low bid from Bio Tech.

- c) Projected time line for of all exterior and/or interior repairs/remodeling and renovations:**

Presentation made.

- d) Other related items;**

NO ACTION taken on this item.

**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;**

NO ACTION taken on this item.

- b) Presentation by project architect the bids received for the purpose of award of the base bid and/or Alternative(s) # 1 and/or # 2 for: “Construction of a New Adult Probation Facility” to the bidder meeting all specifications and requirements;**

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval on Descon for the base bid.

At this time Judge Garcia steps out of the Court.

- c) Presentation for discussion, consideration, acceptance and approval of request for payment invoice no. 05-228 in the amount of \$8,625.00, from Hinojosa Engineering, Inc. contracted engineer for “The New Hidalgo County Adult Probation Center.”**

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

- d) Other Related Items;**

NO ACTION taken on this item.

At this time the Court moved to item #9.

- 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;**

NO ACTION taken on this item.

- b) Approval of request for payment No. 4 in the amount of \$517,051.00 from Descon Constructions, L.P., contracted vendor for “Juvenile Justice Center” and certified for payment by project architect, V-A Architecture;**

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

- c) Approval of request for payment invoice No. 23 in the amount of \$ 6,372.60 from V-Architect, contracted architect for “Juvenile Justice Center.**

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

- d) Approval of request for payment for invoice No. 5368 in the amount of \$ 9,660.05 from L&G Engineering Laboratory, LLC, contracted engineer for “Juvenile Justice Center” and certified for payment by project architect, V-A Architecture.**

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

- e) Other related issues;**

NO ACTION on this item.

7. **Presentation for consideration, discussion, acceptance, and approval of an “Amended and Restated Interlocal,” between City of Pharr and Hidalgo County for “Lease of Space to Store the New Electronic Voting System & Related Equipment and the Education and Training Center for the Hidalgo Center for the Hidalgo County Election Department,” to reflect the following: a) Revise the rent provision of the agreement by increasing the amount paid to the City Pharr; b) Revise the lease term .**

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

8. **Presentation for discussion, consideration and approval of a Rental Contract for Public Facility under the current Interlocal Agreement between the City of Edinburg and Hidalgo County for the use of the auditorium for an unscheduled Jury Implement on November 9,2005 with authority for County Judge to execute rental agreement as required by the City of Edinburg.**

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

At this time the Court moved back to item #4 & 5.

9. **Presentation for discussion, consideration, acceptance and approval of:**

<b>Department</b>	<b>Invoice Number</b>	<b>P.O. Number</b>	<b>Amount</b>
<b>Purchasing Dept.</b>	<b>11784 (4<sup>th</sup> Qtr.)</b>	<b># 555068</b>	<b>\$ 907.35</b>
<b>County Clerk</b>	<b>11826 &amp; 11974 9 (Oct &amp; Nov.)</b>	<b># 558476</b>	<b>\$ 5,980.00</b>
	<b>2 mos. @ \$2,940.00 each</b>		
<b>District Clerk</b>	<b>11827 &amp; 12600 (Oct &amp; Nov)</b>	<b>#558427</b>	<b>\$26,006.00</b>
	<b>2 mos. @ \$13,003.00</b>		
<b>HIDTA</b>	<b>11828 (Sept. &amp; 4<sup>th</sup>. Qtr.)</b>	<b># 557194</b>	<b>\$ 257.40</b>
		<b>Total Amount</b>	<b><u>\$33,050.75</u></b>

with authority for County Auditor to make payment, after review and audit procedures are completed and through a manual check if necessary.

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

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

1. **Presentation for discussion, consideration, acceptance and approval of request for payment for invoice # 11321702 totaling \$140,001.60 submitted by L&G Consulting Engineers Inc. with authority for County Auditor to issue payment (after review, and processing procedures are completed) in connection with Contract # C-05-105-03-08 (PO # 554947) for FM 1015 ROW Acquisition & General Engineering Services.**

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

2. Pursuant to Article 1.3.3.1- “Additional Services” of the agreement between Hidalgo County and Alcoser Garcia Associates Design Consulting for “Renovations to Existing Facilities, Hidalgo County Pct # 1 Multipurpose Center 1902 Joe Stephens Drive, Weslaco, Texas”, presentation for discussion, consideration, and approval Amendment # 3 for project architect to provide the County with consulting and supervision services in connection with addressing corrective work (to be conducted & completed by the County) cited under the inspection report (dated 4/27/05) issued by registered accessibility specialist for a post construction inspection of the Pct # 1 Multipurpose Center Facility in order to comply with Texas Accessibility Standards in the amount not to exceed \$2,500.00.

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

#### **C. HIDALGO COUNTY PRECINCT NO. 2 –**

1. Requesting approval of Change Order No. 3 (increase) in connection with “South I Road” the amount of \$64,948.00 from S&G Paving Company, as recommend by project engineer, R. Gutierrez Engineering Corporation, with authority for County Judge to execute document.

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

2. Presentation for discussion, consideration, acceptance, and approval of Request for Payment Invoice No. 1810 in the amount of \$489.45 from R. Gutierrez Engineering Corporation, contracted engineer for Precinct No. 2., “McColl Rd. II Dicker-Orangewood”.

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

3. Presentation for discussion, consideration, acceptance, and approval of Request for Payment Invoice No. 1815 in the amount of \$ 35,146.00 from R. Gutierrez Engineering Corporation, contracted engineer for Precinct No. 2 “Owassa Rd”

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

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

1. Presentation for discussion, consideration, acceptance and approval of invoices dated 10/18/05 from Dannenbaum Environmental Corporation in the amounts of \$13,316.00 & \$5,919.60 totaling \$ 19,235.60 in connection with the selected site for the landfill in Precinct No. 3.

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

**E. HIDALGO COUNTY PRECINCT NO. 4 –**

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 Performance Grade Asphalt, Inc. for CRS – 2 Emulsified Asphalt.**
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 Roy’s Hauling Services for Pit Run Caliche.**

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

**F. HIDALGO COUNTY COLONIA ACCESS PROGRAM PRECINCT NO. 2-**

1. **Requesting approval of Change Order No. 1 –(net increase) in the amount of \$6,528.64(subject to TXDOT approval) in connection with: Contract # CAP-C-05-005-05-31 “Road Construction Campo Alto Subdivision” awarded to D.M. Roth, Inc. and as presented by project engineer, R. Gutierrez Engineering.**

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

**G. HIDALGO COUNTY BUILDINGS AND GROUNDS –**

1. **Ratification of request (5-237) to solicit proposal from Amer-Clean (contract No. R4610) through the County’s participation/membership through TCPN for the provision of labor and materials for the cleaning (soft wash chemical process) of the outside façade of the County Administration and Courthouse Buildings.**

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

2. **Presentation for consideration, discussion, acceptance and approval (05-237) of proposal from Amer-Clean (Contract No. R4610) through our participation/membership with TCPN for the provision of labor and materials for cleaning soft wash chemical process as attached hereto for: “County Administration and Courthouse Building Outside (façade) Cleaning Services” in an amount not to exceed \$ 8,800.00 with authority to issue purchase order.**

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

**H. HIDALGO COUNTY DISTRICT CLERK –**

1. **Presentation for discussion, consideration and approval to purchase “Computer equipment and peripheral for the Document Imaging Software” in the amount of \$20,269.00 from The software Group current awarded contractor for the Case Management and Indexing System for the Hidalgo County District Clerk and a TBPC CISV vendor.**

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

**I. HIDALGO COUNTY HIDTA TASK FORCE -**

- 1. Requesting authority to purchase computer equipment and peripherals from Dell Marketing through the State of Texas DIR Go-Direct Program on Req #78717 in the total amount of \$16,971.52.**

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

**J. HIDALGO COUNTY RISK MANAGEMENT DEPARTMENT –**

- 1. Requesting exemption from competitive bidding requirements under Texas Local Government Code, Section 262.024(a) (9) (C), “...a state agency of this state...” for Texas Department of Public Safety for Risk Management Department.**

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

- 2. Requesting authority to enter into an agreement with Texas Department of Public Safety for the “Release of Drivers Record” on Hidalgo County Employees who operate County owned vehicles and naming Valde Guerra as the point of contact.**

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

**K. 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 the Addendum.

At this time Judge Garcia returns to the Court.

At this time the Court moved to item E-2.

**19. Budget Office – Valde Guerra: (SEE EXHIBIT T)**

- A. Approval of Field Agreement among USDA, Animal and Plant Health Inspection Service, Wildlife Services and Texas Wildlife Damage Management Service and Texas Wildlife Damage Management Association, Inc. and Hidalgo County which includes assessment rate increase of 3% effective January 01, 2006**

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

**B. Discussion, consideration and action authorizing the firm of Atlas & Hall to employ legal counsel to represent Hidalgo County's interest before the Texas Railroad Commission**

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

**C. Discussion, consideration and action authorizing the County Auditor and County Treasurer to process and issue a retainer fee in the amount of \$ 3,000.00 to Jaime Nielson**

On motion of Commissioner Palacios, seconded by Commissioner Flores, 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 \$ 46,021.88 for the period ending 10/16-31/05**

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

At this time the Court moved to item F.

**E. Risk/Safety Division (Fund 2202):**

- 1. Acceptance of Check #747273834 from Allstate Insurance Company for reimbursement of damages sustained to county vehicle (Planning) Claim #1769105642**
- 2. Discussion on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Quarter Survey Reports for Workers' Compensation**

Presentation made by Valde Guerra.

At this time the Court moved to recess.

At this time Judge Garcia left the Court.

- 3. Discussion, consideration and action on the creation of two (2) Safety Officer positions**

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

- 4. Approval of Revised Salary Schedule**

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

At this time the Court moved back to item #19-A.

**F. Interfund transfers:****1. Notes Payable to Co. Wide Adm. Contingency - \$ 33,330.68**

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

**G. Interdepartmental transfers:****1. Co. Wide Adm. to County Treasurer - \$ 1,650.00****2. Co. Wide Adm. to Auxiliary Court - \$ 4,431.00****3. Various Gen. Fund Accts. to Public Defense Acct.**

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

**H. Budget Amendments:****1. Constable Pct. #3 – STOP Grant - \$ 360.53****2. Juvenile Justice Court Grant - \$ 22.58****3. Indigent Health Care - \$ 1,836,983.49 (additional estimated revenues and additional appropriations)**

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

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

**20. Closed Session: (SEE EXHIBIT U)**

**Commissioners' Court may go into Closed Session pursuant to Chapter 551, Texas Government Code, Sections 551.071 & 551.072 to discuss the following:**

**A. Real Estate Acquisition****B. Consultation with Attorney on litigation associated with New Adult Detention Facility & Law Enforcement Center Project****C. Pending and/or potential litigation****D. Maria Cruz vs. Hidalgo County****E. Pending/potential litigation; Leonel Palacios, individually and Luz Sena as Guardian of Dora Mae Sena vs. Hidalgo County****F. Cause No. C-094-05-F; Hidalgo County vs. Texas Association of Counties Property and Casualty Self Insurance Fund****G. Texas Association of Counties Gov. Risk Management Pool, Appellant vs. Hidalgo County and Enrique Escalon, Appellees (13-03-00664-CV)**

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

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

NO ACTION taken on this item.

**B. Consultation with Attorney on litigation associated with New Adult Detention Facility & Law Enforcement Center Project**

NO ACTION taken on this item.

**C. Pending and/or potential litigation**

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval to have Atlas & Hall file a general response under Campacuas Memorial del Rancho de Guadalupe Vs Ray Eufracio.

**D. Maria Cruz vs. Hidalgo County****E. Pending/potential litigation; Leonel Palacios, individually and Luz Sena as Guardian of Dora Mae Sena vs. Hidalgo County****F. Cause No. C-094-05-F; Hidalgo County vs. Texas Association of Counties Property and Casualty Self Insurance Fund****G. Texas Association of Counties Gov. Risk Management Pool, Appellant vs. Hidalgo County and Enrique Escalon, Appellees (13-03-00664-CV)**

NO ACTION taken on items D thru G.

**22. Closed Session:**

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

**23. Open Session:**

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

**24. 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 REGULAR MEETING of the Commissioners' Court will be held on TUESDAY, NOVEMBER 08, 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 Garza, 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 EXHIBIT A)**
- 2. Intradepartmental transfers: (SEE EXHIBIT B)**
  - A. County Clerk**
  - B. Risk Management**
  - C. 93<sup>rd</sup> District Court (2)**
  - D. County Court #5**
  - E. District Clerk (2)**
  - F. Public Defense**
  - G. Public Defenders & create obj. 535**
  - H. Planning Department**
  - I. Constable Pct. #3 – Proj. STOP**
  - J. Constable Pct. #3 & create obj. 532**
  - K. Constable Pct. #5**
  - L. D.A. Checks Acct.**
  - M. D.A. Gen. Fund**
  - N. J.P. Pct. #1, Pl. 1**
  - O. J.P. Pct. #1, Pl. 2**
  - P. J.P. Pct. #2, Pl. 2 & create obj. 608**
  - Q. J.P. Pct. #4, Pl. 2**
  - R. B & G – 2004 CO's (2)**
  - S. Tax Office**
  - T. Buildings & Grounds**
  - U. County Auditor**
  - V. Purchasing Department**
  - W. 139<sup>th</sup> District Court**
  - X. Fire Marshal**
  - Y. Texas Cooperative Extension**
  - Z. Criminal Auxiliary Court & create obj. 608**

- AA. Sheriff's Department**
- BB. Elections Department**
- CC. WIC**
- DD. 398<sup>th</sup> District Court**
- EE. Info. Technology**
- FF. Pct. #1 – CO 2002**
- GG. Pct. #1 – Parks (2)**
- HH. Pct. #1 – R & B & create obj. 413**
- II. Pct. #1 – Sanitation**
- JJ. Pct. #2 – County Wide**
- KK. Pct. #2 – Landfill**
- LL. Pct. #2 – Parks**
- MM. Pct. #2 – Adm.**
- NN. Pct. #2 – R & B**
- OO. Pct. #3 – CAP**

**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. Processing Fee Report – October: (SEE EXHIBIT D)**

**A. District Attorney - \$ 233,102.68**

**5. Tax Refunds: (SEE EXHIBIT E)**

<b>Taxpayer</b>	<b>Payer</b>	<b>Amount</b>
<b>A. Ann Jedrezejewski</b>	<b>Bit O Heaven</b>	<b>\$4,590.07</b>
<b>B. Fausto Salinas</b>	<b>L, G, B &amp; S LLP</b>	<b>\$2,882.73</b>

6. **Purchasing Department:** (SEE EXHIBT F)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
<b>TBPC CISV Program</b>				
79127	370 <sup>th</sup> District Crt	CDW-G	\$ 76.99	5-1100-412-00-007-001-0-664
79137	139 <sup>th</sup> District Crt	Dell	\$1,308.67	5-1100-412-00-003-001-0-745
79233	I.T. Dept	CDW-G	\$ 555.99	5-1242-412-00-060-001-0-664
79361	I.T. Dept	CDW-G	\$ 744.24	5-1100-415-00-200-001-0-661
79439	I.T. Dept	Dell	\$ 327.86	5-1100-415-00-200-001-0-664
79447	I.T. Dept	CDW-G	\$ 305.00	5-1242-412-00-060-001-0-664
<b>TCPN</b>				
79101	Pct #1	Xerox	\$ 360.00	5-1201-431-00-121-004-0-432
79101	Pct #1	Xerox	\$1,390.00	5-1201-431-00-121-004-0-743
<b>State of Texas DIR Go-Direct</b>				
01020	93 <sup>rd</sup> District Crt	Dell	\$2,397.56	5-1100-412-00-002-001-0-745
78520	Risk/Loss	Dell	\$1,899.48	5-1100-419-50-230-001-0-745
78962	370 <sup>th</sup> District Crt	Dell	\$3,378.81	5-1100-412-00-007-001-0-745
79018	92 <sup>nd</sup> District Crt	Dell	\$2,862.43	5-1100-412-00-001-001-0-745

**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 REGULAR MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, NOVEMBER 08, 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 V)

**1. Roll Call**

All Members of the Board were counted present with the exception of Judge Garcia.

**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 to change "temporary full-time" Landman position, slot #5 in Administration to "regular full-time" and set salary (effective November 14, 2005)**

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

**5. Approval to create a Buyer position for slot #10 in Administration, set salary and appropriate funds**

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

**6. Approval of budget amendment in the amount of \$ 15,200.00 to fund both slots for the remainder of the year and approval of revised salary schedule**

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

**7. Approval of budget amendment from District's fund balance in the amount of \$ 710,000.00 for the emergency construction of weir @ FM 1425 & FM 491, Main Floodway Channel**

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

**8. Tax Office – Armando Barrera:**

**A. Approval of 2005 Tax Roll Totals, as per Sec. 26.09(e), of the Texas Property Tax Code**

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

**9. Workers' Comp. – Valde Guerra:**

**A. Update on Workers' Compensation claims paid by TriStar Risk Management in the amount of \$ 3,034.05 for the period ending 10/16-31/2005**

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

**10. Purchasing Department – Marty Salazar:**

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

**Pursuant to Water Code, Chapter 49.274 Emergency Approved 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 Godfrey Garza, Manager, HCDD#1 and/or 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. Requesting authority to advertise for the following items as follow:**

- a. Title Report Services- RFQ**
- b. Engineering Services- RFQ**
- c. Architectural Services-RFQ**
- d. Real Estate Appraisers & Surveyors- RFQ**
- e. One (1) New Twenty Ton Tag Trailer (to be used with dump truck)-RFB**
- f. One 2005 Or Newer 12- To 14 Cubic Yard Dump Truck- RFB**

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

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

**11. Closed Session:**

**Board of Directors may go into Closed Session pursuant to Chapter 551, Texas Government Code, Section 551.072 to discuss the following:**

**A. Real Estate Acquisition**

**12. Open Session:**

**A. Real Estate Acquisition**

**13. Closed Session:**

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

**14. Open Session:**

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

**15. Adjourn**

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

**NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, NOVEMBER 08, 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 Garza, the Board made a UNANIMOUS vote to approve the Drainage District Consent Agenda.

- 1. Approval of check register and payment of claims and bills – County Treasurer**
- 2. Discharge Permits:**
  - A. Stonehaven Development – Frontera Heights East Phase 3**
  - B. Albert Figueroa – Fig. #3**
  - C. Albert Figueroa – Alberta Rd.**
  - D. City of Edinburg – LA Donna Gardens**
  - E. City of Weslaco – Pioneer Crossings Subdivision**

**Ramon Garcia**  
**County Judge**

**Sylvia S. Handy**  
**Commissioner, Pct. #1**

**Joe M. Flores**  
**Commissioner, Pct. #3**



**Hector "Tito" Palacios**  
**Commissioner, Pct. #2**

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

**HIDALGO COUNTY**  
**COMMISSIONERS' COURT**  
**AGENDA**

**NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Commissioners' Court will be held on TUESDAY, NOVEMBER 08, 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:**

**ADDENDUM**

**1. Purchasing Department – Marty Salazar: (SEE EXHIBIT S)**

**Hidalgo County Pct. #1:**

- A. Requesting authority to advertise and approval of specifications as attached hereto for: Two (2) New Unused Rotary Flex Wing Mowers/Shredders (Bid No. 05-374-11 -300-CGV) or in the alternative;**
- B. Authority to purchase from a State Awarded Vendor or through a Cooperative Purchasing Contract**

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

At this time the Court moved back to item #19 of the Regular Agenda.

*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 08<sup>th</sup> 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 08, 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