

REGULAR MEETING – December 13, 2005

BE IT REMEMBERED, that on this 13th day of December, 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:

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-OFFICIO 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 REGULAR MEETING of the Commissioners' Court will be held on TUESDAY, DECEMBER 13, 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 with the exception of Commissioner Flores who arrived 15 minutes late.

2. Pledge of Allegiance

Judge Garcia led the Court and Audience in the Pledge of Allegiance.

3. Prayer

Commissioner Handy led the Court and Audience in Prayer.

4. Open Forum

Gilbert Garza – Concerning retirees insurance.

At this time the Court moved to item #6.

Virginia Townsend – Going against the Heath Service District.

Joe Muniz – With Dannabuam Engineering inviting the Court to their first annual Christmas Fiesta.

Fern McClagherty – Concerning spending Tax Payers' Money.

At this time Commissioner Handy returns to the Court.

5. Approval of Consent Agenda

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

At this time the Court moved to item #18-A-6.

6. **HIDTA Task Force – Dora Muñoz: (SEE EXHIBIT I)**

A. Presentation of appreciation plaques for support toward the successful completion of the HIDTA building

Presentation made by Dora Munoz.

At this time the Court moved to item #10.

7. **Elections Department – Teresa Navarro: (SEE EXHIBIT J)**

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

1. Elections Agreement between the County of Hidalgo and the Republican Party for the March 7, 2006 Primary

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

At this time Commissioner Palacios steps out of the Court.

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

A. Requesting authorization for County Judge to sign the Single Notice – Notice of Finding of No Significant Impact (FONSI) for Hidalgo County Precinct No. 2 Street Improvements project Urban County Year 17 (2004) and Year 18 (2005).

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

At this time Judge Garcia steps out of the Court.

B. Consider awarding bid for the demolition and the reconstruction of three (3) units in the City of San Juan for the total amount of \$127,497.00 to Quality Investments.

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

C. Requesting approval to enter into the Urban County Program Housing Loan Agreement for Jose J. and Rosa Maria Silva in the amount of \$29,500.00, Eleazar & Joaquina G. Oviedo in the amount of \$29,500.00 and for Gil B. and Espiridiona Vallejo in the amount of \$26,500.00.

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

- D. Approval to award a contract to Casco Industries, Inc. for the purchase of 25 Sets of Bunker Gear (includes jackets, trousers, helmets, hoods, gloves and boots) for the City of Palmview Fire Department using Urban County Program Year 18 (2005) Fire Station / Equipment funds in the amount of \$39,875.00.**

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

9. District Clerk's Office: (SEE EXHIBIT L)

A. Approval to authorize the collection of additional fees

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval not to exceed \$30.00.

At this time the Court moved to item #11.

10. District Attorney's Office – Roy Cazares: (SEE EXHIBIT M)

A. Approval of the 2006 D.A. Office Bad Checks Budget and Salary Schedule

B. Approval of the 2006 D.A. Office Inv. Fund Budget and Salary Schedule

C. Approval of the 2006 HIDTA Task Force Program Income Budget and Salary Schedule

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on item A thru C.

At this time the Court moved to item #13-A and item #14-A & B

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

A. Preliminary Approval:

1. Maiz Acres No. 2 Subdivision – Pct. 2 (Evon Harbison)

2. Nasser Farag Subdivision – Pct. 4 (Nasser Farag)

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

B. Final Approval with Letter of Credit:

1. San Cristobal Phase 2 Subdivision – Pct. 4 (William Schwarz)

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

12. Sheriff's Department – Capt. Jackson: (SEE EXHIBIT O)

A. Requesting authority to accept a 43 passenger bus from Defense Re-Utilization Marketing Service (D.R.S.M.) 1033 Program

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

At this time the Court moved to item # 13-B.

13. Pct. #2 – Comm. Palacios: (SEE EXHIBIT P)**A. Discussion and possible action on letter from Senator Juan Hinojosa and other Health Services District Related Matters**

Presentation made.

At this time Commissioner Flores arrived.

At this time the Court moved to item #14-A & B.

Presentation made by Paul Valzadua.

At this time the Court moved to recess.

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval to recess and open the Drainage District Agenda.

B. Discussion, consideration and approval of TXDOT Advance Funding Agreement Amendment #3 regarding the reconstruction of North I Rd. from 495 North to Owassa Rd. (this amendment addresses the latest funding revisions)

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

At this time the Court moved to item #14-C.

14. County Judge's Office – Lorie Ochoa: (SEE EXHIBIT Q)**A. Discussion and possible action regarding the status and update of Rio Grande Valley Health Services District**

Presentation made by Dr. Linda Villarreal.

Commissioner Handy and Commissioner Flores step out of the Court.

B. Discussion, consideration and possible action regarding the Rio Grande Valley Health Services District Contract with Hidalgo and Cameron Counties

On motion of Commissioner Garza, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval as is for a penny a year.

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

C. Discussion and update on allocation of computers from Health and Human Services Commission

Presentation made by Humberto Garza.

D. Discussion, consideration and action on approval of maintenance grant contracts for the Texas VINE Program

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

E. Discussion, consideration and action regarding written Resolution and ballot selection of Appraisal District Board of Directors 2006-2007

NO ACTION taken on this item.

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

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

Presentation made by Rudy De La Vina.

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

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

Presentation made by Daniel Flores on items A thru C.

17. Right of Way – Godfrey Garza: (SEE EXHIBIT T)

A. Discussion and action regarding existing sick leave available for proposed Right of Way Agents

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

At this time Judge Garcia and Commissioner Palacios return to the Court.

B. Discussion and action of exemption and appointments of two (2) Landman positions

NO ACTION taken on this item.

C. Appointment of Right of Way Director/Supervisor for Right of Way Department

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval to appoint Joe Pena effective Dec. 14, 2005.

At this time Court moved back to item #13-A.

18. Purchasing Department – Marty Salazar: (SEE EXHIBIT U)**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: 1284**

Physical Count: <u>1140</u>	Males (in house) <u>1057</u>
Out of County Facility <u>141</u> .	Females (in house) <u>83</u>
La Villa. <u>119</u>	
Brook's Co. _____	Federal Prisoners <u>9</u>
Frio Co. _____	
Other: (n/c) <u>22</u>	
Adj./ Sentenced to TDC <u>210</u>	Total Paper Ready TDC <u>118</u> No. over 45 days <u>32</u>
	Pending Paperwork/Courts <u>41</u>
	Pending Charges/Courts <u>51</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.

At this time Commissioner Flores steps out of the Court.

- 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 line for of all exterior and/or interior repairs/remodeling and renovations:**

Presentation made on items a & b.

- i) **Requesting approval of a correction to the original Notice to Proceed (approved on CC on 11-22-05) reflecting the effective date from 11-25-05 to 12-13-05 as indicated in new Notice to Proceed document, for Bio-Tech Solutions, project contractor, as submitted by Rike Ogden Figueroa Architect, project architect due to execution of AIA A101 Agreement.**

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

- c) **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;**
 - b) **Other Related Items;**

NO ACTION taken on items #5a & b.

At this time the Court moved to item #7.

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;**

Presentation made.

At this time Commissioner Flores returns to the Court.

- b) **Status of pending payment requests;**
 - i) **Approval of Request for Payment for invoice No. 5501 in the amount of \$10,391.30 from L&G Engineering Laboratory, LLC contracted materials testing engineer firm for "Juvenile Justice Center" and as certified for payment by project architect, V-A Architecture.**

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

c) Other related issues;

- i) Requesting approval of Change Order No.1 (decrease) in the amount of \$ 405,134.00 from Descon Construction, LP, and as submitted through project architecture V-A architecture in connection with the construction of the new Juvenile Justice Center Project with authority for County Judge to execute document;**

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

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

- 7. Requesting authority to advertise and approval of draft specifications as attached hereto for “Leasing of Vehicles” project.**

SEE item #8.

- 8. Requesting authority to advertise and approval of draft specifications as attached hereto for “Bulletproof Vests (armor)” project.**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval on items #7 & 8.

- 9. Recommending bid award and approval of contract (subject to legal review) for: RFB “Mailing Services –Hidalgo County” to sole bidder meeting all specifications and requirement. (Bid No. 2005-265-11-30)**

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

- 10. Presentation of the sole Statement of Qualification received from Estrada & Hinojosa Company, Inc. in response to Hidalgo County’s RFQ/P Financial Advisory Services for the purposes of ranking by Commissioners Court as “Qualified” for the provision of financial advisory services;**

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

- 11. Requesting authority for Purchasing to negotiate a professional services contract (subject to legal review) for the provision of financial advisory services with the firm of Estrada & Hinojosa Company, Inc.;**

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

B. HIDALGO COUNTY PRECINCT NO. 1-

- 1. Requesting approval to reject sole bid received for: RFB (#06-020) Hauling Services of All Road Materials for Precinct No. 1 with authority to re-advertise same so as to attempt to solicit and obtain more participation;**

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

- 2. Presentation for discussion, consideration and approval to exercise the sixty (60) day grace period (effective January 1, 2006 thru March 1, 2006) as permitted under the current contract for “Hauling Services of all Road Materials for Precinct No. 1”, under the same rates, terms and conditions while re-bid process is on going and completed .**

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

- 3. Requesting exemption from competitive bidding requirements under the Texas Local Government Code, Section 262.024(A)(4) ‘... a Professional Service” with for: Professional Service Industries, Inc. for “Construction Material Testing” for Road & Bridge and C.I.P. Projects for Hidalgo County Precinct No. 1.**

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

- 4. Approval of a Professional Engineering Service Contract (subject to legal review) for with Professional Service Industries, Inc. for “Construction Material Testing” for Road & Bridge and C.I.P. Projects for Hidalgo County Precinct No. 1**

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

- 5. Requesting exemption from competitive bidding requirements under the Texas Local Government Code, Section 262.024 (A) (4) a Professional Service” with for: Quintanilla, Headley & Associates for two (2) specific Engineering Projects for “Whalen Road So. Of Moore Road” & Moore Road between Val Verde and Border” for Hidalgo County Precinct No. 1**

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

- 6. Approval of a Professional Engineering Service Contract (subject to legal review) for with Quintanilla, Headley & Associates for two (2) Specific Engineering Projects for “Whalen Road So. of Moore Road” & “Moore Road between Val Verde and Border” for Hidalgo County Precinct No. 1**

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

7. **Presentation for discussion, consideration, acceptance and approval of Request for Payment Invoice No. 11321715 in the amount of \$97,305.57, from L&G Consulting Engineers Inc. contracted engineer for “FM 1015- from 9 North Rd. to Mile 12 North Rd. ROW Acquisition.”**

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

C. HIDALGO COUNTY PRECICNT NO. 2-

1. **Requesting authority to advertise and approval of draft specifications for the following:**
 - a) **“Hauling Services”**
 - b) **“Geo-grid Reinforcement Material”**

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

D. HIDALGO COUNTY PRECICNT NO. 2 PARKS –

1. **Requesting exemption from competitive bidding requirements under Texas Local Government Code 262.024 (a)(7)(C) “electric power, gas, water and other utility services”; with Magic Valley Electric Cooperative for the provision of material, labor and power service at North San Juan Park;**

NO ACTION taken on this item.

2. **Requesting authority to purchase from Magic Valley Electric Cooperative the installation of transformers, thirty –two (32) street lights with concrete poles in the amount of \$50,449.56 and the electric service thereafter;**

NO ACTION taken on this item.

3. **Requesting consideration, acceptance and approval of invoice from Magic Valley Electric Cooperative in the amount of \$50,449.56 with authority for County Auditor to issue payment as required by MVEC;**

NO ACTION taken on this item.

At this time Commissioner Garza steps out of the Court.

E. HIDALGO COUNTY PRECICNT NO. 3 –

1. **Requesting approval of specifications drafted by Hinojosa Engineering, Inc. contract # C-05-250-07-19 attached hereto for: “Construction of a Motor Pool Building (authority to advertise project approved by CC 12-06-05)**

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

2. **Request approval of Supplement Agreement No. 1 under current agreement, with Hinojosa Engineering, Inc. (subject to legal review) for the “Precinct No. 3 Motor Pool Facility”; to reflect the following engagement for professional services with a) Unitech Engineering to perform (MEP) engineering services; and b) Alcocer Garcia Associates Design Consultants to provide architectural design services.**

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

F. HIDALGO COUNTY PRECINCT NO. 4-

1. **Requesting exemption from competitive bidding requirement under the Texas Local Government Code, Section 262.024(A)(4) a Professional Service” with TEDSI Infrastructure for: “Preliminary Design of Trenton Road Corridor (from US HWY.281 to FM 491) for Hidalgo County Precinct No. 4 /Right of Way Department.**

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

2. **Approval of a Professional Engineering Service Contract (subject to legal review) with a four (4) year term with TEDSI Infrastructure for “Preliminary Design of Trenton Road Corridor (from US HWY. 281 to FM 491) for Hidalgo County Precinct No. 4 /Right of Way Department**

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

3. **Requesting exemption from competitive bidding requirements under the Texas Local Government Code, Section 262.024(A)(4) a “professional/service” appraisal services with Leonel Garza, Jr. & Associates for the applicable parcels on the North 10th Street Extension Project (from US HWY 107 to FM 1925/ Monte Cristo Rd.) for Hidalgo County Precinct No. 4 /Right of Way Department;**

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

4. **Approval of an appraisal services contract (subject to legal review) with Leonel Garza, Jr. & Associates for: North 10th Street Extension Project from US Hwy 107 to FM 1925/ Monte Cristo for Hidalgo County Precinct No. 4 /Right of Way Department.**

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

At this time Commissioner Garza returns to the Court.

G. HIDALGO COUNTY ELECTIONS DEPARTMENT –

- 1. Presentaion for consideration, discussion, acceptance and approval of proposal from Jamail Construction Project # (05-188) through our participation/membership with TASB area job order contractor project (AJOC) for the provision of labor and materials (as attached hereto) for the removal, demolition, installation of a new elevator, vinyl composition tile (VCT) in all areas, lights and electrical fixtures, a/c ducts, new swamp and sewage pumps and gas generator for: “Basement Renovations Elections Department Facility” in an amount not to exceed \$250,458.89 with authority to issue purchase order.**

NO ACTION taken on this item.

- 2. Requesting authority to purchase computer equipment and peripherals from Dell Marketing through the State of Texas Dir Contract DIR-SDD-192 for Req #81009 in the total amount of \$19,500.00.**

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

- 3. Requesting authority to reject the sole bids received for RFB # 05-307 “Transportation of Election Equipment & Supplies” with authority to re-advertise.**

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

- 4. Requesting authority to process Req # 81181 into a purchase order for major equipment after the approved Commissioner’s Court set deadline of October 21,2005 to purchase a Press Printer License which is needed to print the voter registration certificates for the Mass Mailouts and due to the recent break down of existing equipment. Vendor is assuring Department that the equipment will be received and installed by December 31, 2005.**

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

H. HIDALGO COUNTY INFORMATION TECHNOLOGY DEPARTMENT –

- 1. Requesting authority to purchase computer equipment and peripherals from Dell Marketing a CISV vendor through TBPC Catalogue Purchasing Program for Req # 80900 in the total amount of \$12,355.55**
- 2. Requesting authority to purchase computer equipment from CDW_G a CISV vendor through TBPC Catalogue Purchasing Program for Req # 80890 in the total amount of \$20,459.06.**

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

I. HIDALGO COUNTY SHERIFF'S OFFICE (ADULT DETENTION FACILITY) –

- 1. Presentation for discussion, consideration, acceptance and approval of the scoring grid for the purposes of ranking two (2) candidates by Hidalgo County Commissioner's Court from the statements of qualifications received in response to Hidalgo County's RFQ/P for "Physician Services for the Adult Detention Facility".**

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a VOTE of approval to rank Dr. Marin Garza as #1, Dr. Humaro Garza as #2, Dr. Javier Cortinas as #3 and Dr. Ivan Melendez as #4.

Commissioner Garza – Abstain.

- 2. Requesting authority for the Purchasing Department to negotiate two (2) contract(s) with "Dr. Humaro Garza and, Dr. Marin Garza ___ for "Physician(s) Services for the Adult Detention Facility".**

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

Commissioner Garza – Abstain.

J. 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.

19. Budget Office – Valde Guerra: (SEE EXHIBIT V)**A. 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 \$ 37,687.97 for the period ending 11/16-30/05**

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

B. Interdepartmental transfers:

1. Co. Wide Adm. Cont. to Constable Pct. #1 - \$ 520.00
2. Co. Wide Adm. Cont. to Constable Pct. #3 - \$ 188.75
3. Co. Wide Adm. Cont. to Auxiliary Court - \$ 3,500.00
4. Co. Wide Adm. Cont. to Court Reporters Fund - \$ 75,000.00
5. Co. Wide Adm. Cont. to Fire Fighting (various cities) – NO ACTION taken on this item.
6. Co. Wide Adm. Cont. to Juvenile Justice Court - \$ 50,695.84

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on items #1 thru 6 with the exception of item #5.

At this time Judge Garcia excuses himself from the Court.

C. Budget Amendments:

1. Capital Outlay Fund 1301 - \$ 173,212.30 (bldg./land appropriation of funds)
2. Pct. #1 – 28,764.27 (appropriation of revenues)

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

D. Requesting authorization and approval of Inter-departmental transfer to Contingency Funds and lapsed Unemployment Compensation Funds into various Unemployment Compensation accounts to fund through the end of 2005.

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

E. Requesting authorization and approval of Inter-departmental transfer of Contingency Funds and lapsed Worker's Compensation funds into other various Worker's Compensation accounts to fund through the end of 2005.

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

F. Health Insurance:

1. Discussion, consideration and approval to transfer \$ 403,084.58 to the Hidalgo County Health Insurance Claims Bank Account for Health Insurance Claims paid for the following periods:

- November 22, 2005 thru November 28, 2005 \$200,850.40
- November 29, 2005 thru December 05, 2005 \$202,234.18

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

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

20. Closed Session: (SEE EXHBIT W)

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**

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

21. 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 thru C.

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

At this time the Court moved to reconvene the Drainage District Meeting.

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, DECEMBER 13, 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 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. **Intradepartmental transfers: (SEE EXHIBIT B)**
 - A. **J.P. Pct. #3, Pl. 2**
 - B. **County Court #2 (2)**
 - C. **WIC & create obj. 605**
 - D. **92nd District Court**
 - E. **J.P. Pct. #5, Pl. 1**
 - F. **398th District Court**
 - G. **332nd District Court**
 - H. **Fire Marshal**
 - I. **Planning Department**
 - J. **J.P. Pct. #2, Pl. 2**
 - K. **Master Court #2**
 - L. **Constable Pct. #4**
 - M. **Tax Office**
 - N. **Constable Pct. #5**
 - O. **Buildings & Grounds**
 - P. **Budget Office & create obj. 529**
 - Q. **370th District Court**
 - R. **Elections Department**
 - S. **County Judge's Office**
 - T. **Pct. #1 – Adm.**
 - U. **Pct. #1 – R & B**
 - V. **Pct. #1 – Parks**
 - W. **Pct. #2 – R & B**
 - X. **Pct. #2 – Adm. (2) & create obj. 748**
 - Y. **Pct. #3 – R & B**
 - Z. **Pct. #4 – Parks**
 - AA. **Pct. #4 - Landfill**
 - BB. **Pct. #4 – Adm.**

3. **Planning Department:** (SEE EXHIBIT C)
 - A. **Approval of the following Certificates:**
 - **Certificates of Plat & Utility Status under Local Government Code Section 232.028(b)**
 - **Certificates of Residence Construction under Local Government Code Section 232.029(c)(1)**
 - **Certificates of Water Service Availability under Local Government Code Section (c)(2)**

4. **Monthly Fee Reports – November:** (SEE EXHIBIT D)
 - A. **District Clerk \$ 226,011.55**

5. **Urban County:** (SEE EXHIBIT E)
 - A. **Request for Approval of one (1) applicant in the County Wide area under the HOME Homeowner Occupied Housing Rehabilitation Program – classified as rehabilitation.**

6. **Right of Way – Permits:** (SEE EXHIBIT F)

NORTH ALAMO WATER SUPPLY: INSTALL A 2” WATERLINE APPROXIMATELY 200’ EAST OF KENYON ROAD ON RAMSEYER ROAD- ADOLFO PROPERTIES- PAID 3.75

NORTH ALAMO WATER SUPPLY: INSTALL A 2” WATERLINE APPROXIMATELY ¼ OF A MILE EAST OF SHARP ROAD ON MILE 17 NORTH - BORE - DANIEL FIKE. PAID 3.75

NORTH ALAMO WATER SUPPLY: INSTALL A 2” GAS LINE AT THE SWC OF 4TH STREET AND “E” STREET- SUNRISE HILL - ROSA MORENO. PAID 3.75

NORTH ALAMO WATER SUPPLY: INSTALL A 2” WATERLINE APPROXIMATELY ¼ OF A MILE SOUTH OF MILE 19 NORTH ON SKINNER ROAD - BORE - PHILIP LINTON. PAID 3.75

NORTH ALAMO WATER SUPPLY: INSTALL A 2” WATERLINE APPROXIMATELY ¼ OF A MILE EAST OF DOOLITTLE ROAD ON PINKSTON - BORE- ARMIN QUINTANILLA. PAID 3.75

NORTH ALAMO WATER SUPPLY: INSTALL A 2” WATERLINE ON TROPICAL FARMS SUBDIVISION LOT 7 LOCATED ON FM 88 AND MILE 11½ ROAD- BORE- ALFREDO SALINAS. PAID 3.75

NORTH ALAMO WATER SUPPLY: INSTALL A 2” WATERLINE APPROXIMATELY ¼ MILE EAST OF CESAR CHAVEZ ROAD ON TEXAS ROAD - BORE - ERCILIA SOLIS. PAID 3.75

NORTH ALAMO WATER SUPPLY: INSTALL A 2” WATERLINE APPROXIMATELY 1000’ EAST OF TOWER ROAD ON RAMSEYER ROAD -BORE- JUAN RAMIREZ. PAID 3.75

LA JOYA WATER SUPPLY: INSTALL A 2” WATERLINE ON MINNESOTA ROAD 1½ MILE NORTH OF FM 495- 30’ BORE ACROSS MINNESOTA ROAD GOING EAST TO WEST. PAID 3.75

CITY OF EDINBURG: INSTALL A 6” SANITARY SEWER FORCE MAIN CROSSING NORTHWARD UNDER NOLANA LOOP THEN ALONG THE NORTH SIDE. PAID 3.75

VALERO LOGISTICS: INSTALL A AN 8" GAS LINE; PROPOSED CONSTRUCTION WILL TAKE PLACE ALONG MILE 13 ROAD APPROXIMATELY 500' EAST TO WESTERN ROAD THEN NORTH 300' ALONG MILE 14 ROAD EAST APPROXIMATELY 10,300' ALONG MILE 14 ROAD EAST APPROXIMATELY EAST OF WARE ROAD FOR POINT OF BEGINNING THEN BE IN COUNTY ROAD APPROXIMATELY 2640', VALERO WILL PROVIDE AS-BUILTS AFTER CONSTRUCTION.

J & D PRODUCE: INSTALL A 12" IRRIGATION LINE ALONG CIBOLO DRIVE GOING NORTH, THEN BORE UNDER NORTH MILE 22 ½ ROAD CONTINUE EAST TO CALLE PARIS ROAD NORTH TO THE CUL-DE-SAC.

7. County Auditor: (SEE EXHIBIT G)

A. Approval of Financial Report for the month of November

8. Purchasing Department: (SEE EXHIBIT H)

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
State of Texas DIR Go-Direct Program				
80700	Health Department	CDW-G	\$11,799.98	5-1100-441-00-340-003-0-661
80700	Health Department	CDW-G	\$240.13	5-1100-441-00-340-003-0-664
TBPC CISV Program				
81070	Indigent Defense	CDW-G	\$345.12	5-1100-412-00-009-003-0-661
81070	Indigent Defense	CDW-G	\$2,031.00	5-1100-412-00-009-003-0-745
81070	Indigent Defense	CDW-G	\$418.77	5-1100-412-00-009-003-0-747
81015	Sheriff's Dept	CDW-G	\$299.25	5-1100-421-00-280-001-0-661
80943	Elections Dept	Dell	\$525.45	5-1100-414-00-130-001-0-661

B. HIDALGO COUNTY TAX OFFICE –

1. Requesting authority to enter into a one year renewal service agreement for a fax machine with Copy Graphics for Req #80853 in the total amount of \$200.00. Effective October 16, 2005 through October 26, 2006.

**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, DECEMBER 13, 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 X)

1. Roll Call

All Members of the Board were counted present.

2. Open Forum

No presentations made under Open Forum.

3. Approval of Consent Agenda

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

At this time the Board moved to items #6 & 7.

4. Discussion and action regarding existing sick leave for proposed Right of Way Agents

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

5. Approval of Interlocal Cooperation Agreement between Hidalgo County Irrigation District #1, Hidalgo County Drainage District #1 and the City of McAllen for Mission-McAllen Lateral/Rado Drain/Bentsen Rd.

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

At this time the Board moved to item #8.

6. Resolution regarding the need for additional funding for the United States International Boundary Water Commission (IBWC) for improvements of levee flood protection system

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

7. Discussion and action regarding proposed Memorandum of Understanding (MOU) between the HCDD #1 and IBWC for future levee repairs

NO ACTION taken on this item.

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Board made a UNANIMOUS vote of approval to recess and moved back to item #18 of the Regular Agenda.

8. Workers' Comp. – Valde Guerra:

A. Update on Workers' Compensation claims paid by TriStar Risk Management in the amount of \$ 3,232.45 for the period ending 11/16-30/05

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

9. Purchasing Department – Marty Salazar:

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

- 1. 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:

 - a. Status report by Godfrey Garza, Manager, HCDD#1 and/or S&B Infrastructure, Ltd., project engineer on the condition, on-going repairs, acquisition of raw materials/supplies/equipment, and re-construction of the Weir Control Structure on the Main Flood Water Channel of HCDD#1 with action, if necessary.****

Presentation made by Godfrey Garza.

- 2. Recommending award of bid and approval of Contract for: "US 281 Outfall Irrigation Line Adjustments" to low bidder meeting all required specifications. A fully executed copy of the contract will be forwarded to Hidalgo County Drainage District No. 1 Contract's Manager.**

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

- 3. Presentation for discussion, consideration, and approval to advertise for a Request for Qualification "RFQ/P" for Financial Advisory Services**

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

- 4. Approval of Term of Engagement: Initial term of proposed contract is a period of 3 year(s) with the Drainage District's option to renew for an additional 2 years term.**

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

- 5. Requesting approval to reject sole bid received inasmuch as bid submitted is partial. Note: Drainage District does not anticipated expending more than statutory bid limit of \$25,000.00 Therefore, it will seek "Sealed Quotes" on all tire items as required. Their ytd expenditure amount is \$ 3,000.00**

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

- 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. Presentation for discussion, consideration with authority to re-advertise a public sale and/or exchange for other land, interest in a land or personal property, right of way and/or easements (due to no bids received) as described herein;**
 - b. 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 Procion 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 Palacios, seconded by Commissioner Garza, the Board made a UNANIMOUS vote of approval on items a & b.

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

10. Closed Session:

Board of Directors 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. Pending and/or potential litigation**

NO ACTION on items A & B in Closed Session.

11. Open Session:

- A. Real Estate Acquisition**
- B. Pending and/or potential litigation**

NO ACTION taken on items A & B.

12. Closed Session:

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

13. Open Session:

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

14. Adjourn

On motion of Commissioner Garza, 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 REGULAR MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, DECEMBER 13, 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 Garza, 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 Permit:**
 - A. City of McAllen – Saddle Creek Unit #3**

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 13th day of December, 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 December 13, 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