

REGULAR MEETING – SEPTEMBER 27, 2011

BE IT REMEMBERED, that on this 27th day of September, A.D., 2011, 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 JOEL QUINTANILLA | COMMISSIONER, PRECINCT NO. 1 |
| HONORABLE HECTOR (TITO) PALACIOS | COMMISSIONER, PRECINCT NO. 2 |
| HONORABLE JOE M. FLORES | COMMISSIONER, PRECINCT NO. 3 |
| HONORABLE JOSEPH PALACIOS | COMMISSIONER, PRECINCT NO. 4 |

and ARTURO GUAJARDO, JR., COUNTY CLERK & EX-OFFICIO CLERK OF THE COMMISSIONERS' COURT of Hidalgo County, Texas, wherein the following proceedings were had, to-wit:

**AGENDA
CC REGULAR
HIDALGO COUNTY
COMMISSIONERS COURT MEETING
September 27, 2011
9:30 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Commissioners' Court will be held in the Commissioners' Courtroom of the Administration Building, 100 E. Cano, 1st floor, 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

Leo Hinojosa, Catholic World Veterans, led the Court and Audience in the Pledge of Allegiance after the Posting of the Colors.

3. Prayer

Commissioner Quintanilla led the Court and Audience in Prayer.

At this time, the Court took item 7.G. out of order.

The Court then recessed the Commissioners' Court Meeting and convened the Drainage District Agenda.

The Court reconvened the Regular Commissioners' Court Agenda.

4. Approval of Consent Agenda

The Court proceeded with the Consent Agenda.

5. Open Forum

(Audio Tape # 1, Tracking # 1066)

-Elias Olivarez, Rosalie Weisfeld, Eduardo de la Rosa and Leslie Lowry spoke in support of Linda Yanez for County Court at Law #7.

-Virginia Townsend had questions/concerns with the various Justice of the Peace in Hidalgo County and their duties.

-Bea Whitlock expressed her concerns with the possibility of each precinct having their own Human Resources Department.

-Fern McClaugherty had questions about the JP's, the 3% deductions that was to be done.

6. AI-28786 Appointment of Judge to the Office of County Court at Law #7 (Exhibit N)

(Audio Tape # 2, Tracking # 824)

Commissioner Flores moved to appoint Rolando Cantu as Judge to the Office of County Court at Law # 7. The motion was seconded by Commissioner Joseph Palacios, and carried as follows:

AYE: Commissioner Flores, Commissioner Joseph Palacios and Commissioner Joel Quintanilla

NAY: Commissioner Hector Palacios and Judge Garcia

7. Executive Officer - Valde Guerra: (Exhibit O)

(Audio Tape # 2, Tracking # 1035)

A. 1. Requesting exemption from competitive bidding requirements under the Texas Local Government Code, Section 262.024(A) (4) "a Professional Service" for the "provision of legal services/representation in connection with litigation."

2. Requesting engagement with the firm of _____ for the "Provision of Legal Services/Representation in connection with Litigation"

NO ACTION taken on items 7.A.1 & 2.

Commissioner Hector Palacios stepped away.

B. AI-28789 Notification and action of intent to re-locate county departments from Mediplex Bldg. to County Courthouse

Valde Guerra, Executive Officer, notified the Court of intent to re-locate the County Judge's Office and Public Defenders' Office to the 5th Floor of the Courthouse.

NO ACTION required on this item per Mr. Guerra.

C. AI-28702 Presentation and acceptance of check by U.S. Fish & Wildlife to Hidalgo County.

Presentation by Ms. Jennifer Owen White.

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

D. AI-28755 Presentation on delinquent tax collection report by Perdue, Brandon, Fielder, Collins & Mott, LLP in Association with the Law Offices of John David Franz.

Presentation made by John David Franz.

NO ACTION taken on this item.

E. AI-28731 Proclamation Announcing October 1-7, 2011 as "Border Binational Health Week"

-Ms. Merida Escobar with the South Texas Promotora's Association informed the Court and audience what a promotora is and what they do.

-Mr. Eddie Olivarez spoke on the "Border Binational Health Week" and the benefits of promotoras.

-Karina Cardoza read the Proclamation into the record.

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

Commissioner Hector Palacios joined the meeting.

F. AI-28747 Recognition of Ms. Barbara Storz, 2011 Texas Health Champion Award Recipient

Ms. Karina Cardoza read a letter of recognition to Ms. Barbara Storz.

G. AI-28739 Resolution in honor of Sgt. Rodolfo Rodriguez, Jr. and Sgt. Estevan Altamirano

Karina Cardoza read the Resolution into the Record, during which time a video presentation was shown.

Judge Garcia informed the Court that the Governor's Office had authorized and directed that the county flags are authorized to fly at half mass in honor of the memory of the courage and heroism of the sergeants.

H. AI-28715 Approval to accept a settlement check from National Union Fire Insurance Company in the amount of \$369.40 to settle property damages to a County vehicle. (Head Start)

(Audio Tape # 2, Tracking # 2090)

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

Commissioner Quintanilla joined the meeting.

I. AI-28637 Discussion, consideration, and appropriate action on the following:

(Audio Tape # 2, Tracking # 2100)

1. Redistricting Plans for the following Hidalgo County Precincts:

a. County Commissioners;

The Court informed of the Changes they wanted to make. The Company continued to make modifications to the map while the Court continued with the Agenda. (left off at Tape 3, Tracking #310). The Court proceeded with other Agenda items while modifications were being made to the map.

Commissioner Quintanilla later excused himself from the remainder of the meeting. (Audio Tape #3, Tracking # 1617) Judge Garcia advised Commissioner Quintanilla that they will be voting on the Redistricting Plan. Commissioner Quintanilla stated, "I'm o.k. with what they presented last".

(Audio Tape 3, Tracking # 1115) After further review of the map...Rolando Rios presented the Court changes made on the Redistricting map as requested by the Court. (left off at Tape 3, Tracking #1870)

Mr. Rios then presented to the Court the Plan-AAA with the changes requested by the members of the Court.

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve Plan AAA.

Commissioner Hector Palacios and Commissioner Quintanilla were away from the Court during this vote.

b. Justices of the Peace and Constables

(Audio Tape #3, Tracking # 1984)

The Court clarified that the Justices of the Peace and Constables will be exactly the same, with the exception of Pct. 1, which has J.P. Pct. 5 and the Delta Area.

Steve Crain asked Judge Garcia if a separate motion was needed for the approval of the Justices of the Peace and Constables. Judge Garcia felt they were not ready and should be brought back next week.

NO ACTION taken on this item.

2. Preclearance submission to the United States Department of Justice

(Audio Tape #3, Tracking #1945)

On motion of Commissioner Joseph Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval as it pertains to the Redistricting Plans for the Hidalgo County Commissioners.

Commissioner Hector Palacios and Commissioner Quintanilla were away from the Court during this vote.

The Court then signed the map to show agreement with the changes made.

8. Sheriff's Office - Chief Martinez: (Exhibit P)

(Audio Tape #3, Tracking # 318)

A. AI-28695 Sheriff's Office OCDETF- (1284):

1. Approval of overtime program agreement (Investigation Number SW-TXS-0811H) between the Organized Crime Drug Enforcement Task Forces (OCDETF) and the Hidalgo County Sheriff's Office in the amount of \$14,000.00.

2. Approval of Certification of Revenues as certified by the County Auditor for the OCDETF agreement.

3. Approval to appropriation of funds in the amount of \$14,000.00.

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve items 8.A.1, 2 & 3.

B. AI-28704 Sheriff (1100) / Courthouse Security (1241):

1. Approval of employee transfers as follows, pursuant to section 3.49 of the Civil Service Commission Rules:

| | | FROM | | TO | | |
|--------------|-----------------------|---------------------------|----------|---------------------------|----------|-----------------|
| Employee No. | Position Title | Dept. No./ Name | Slot No. | Dept. No./ Name | Slot No. | Budgeted Salary |
| 174467 | Deputy Sheriff Step I | Sheriff (280-001) | 0093 | Courthouse Sec. (115-044) | 0012 | \$38,000.00 |
| 139041 | Deputy Sheriff Step I | Courthouse Sec. (115-044) | 0012 | Sheriff (280-001) | 0093 | \$38,000.00 |

2. Approval of revised salary schedules.

On motion of Commissioner Flores, seconded by Commissioner Hector Palacios, the Court made a UNANIMOUS vote to approve items 8.B.1, & 2.

C. AI-28701 Sheriff's Office FBI - (1284)

1. Approval to accept overtime funding agreement from the Federal Bureau of Investigation (FBI) in the total amount of \$51,606.75.

2. Approval of Certification of Revenues as certified by the County Auditors for the FBI overtime agreement .

3. Approval of appropriation of funds in the amount of \$51,606.75.

On motion of Commissioner Flores, seconded by Commissioner Hector Palacios, the Court made a UNANIMOUS vote to approve items 8.C.1, 2 & 3.

D. AI-28699 Sheriff's Office - OCDETF (1284):

1. Approval of the Organized Crime Drug Enforcement Task Forces (OCDETF) Agreement between the Hidalgo County Sheriff's Office and the Drug Enforcement Administration McAllen District Office/Houston Division Office OCDETF Strike Force Group D-81.

2. Approval of Certification of Revenues as certified by the County Auditor for the OCDETF Grant Contract.

3. Approval to appropriate OCDETF Grant award in the amount of \$14,000.00. (in reference to Investigation Number SW-TXS-0811H).

On motion of Commissioner Flores, seconded by Commissioner Hector Palacios, the Court made a UNANIMOUS vote to approve items 8.D.1, 2 & 3.

9. Tax Office - Armando Barrera: (Exhibit Q)

(Audio Tape #3, Tracking # 392)

A. AI-28601 Interlocal City of Hidalgo & Hidalgo ISD:

1. Approval of Certification of Revenues as certified by the County Auditor.

2. Approval of appropriation of funds.

3. Approval to create one (1) regular full time Deputy Clerk I position, slot no. 0136, grade 5.

4. Approval of revised salary schedule.

On motion of Commissioner Flores, seconded by Commissioner Hector Palacios, the Court made a UNANIMOUS vote to approve items 9.A.1, 2, 3 & 4.

10. Health & Human Services Department - Eddie Olivarez (Exhibit R)

(Audio Tape #3, Tracking # 420)

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

NO ACTION taken on this item.

B. AI-28632 Family Planning Services (1293):

1. Requesting authorization to accept the attached Family Planning Services grant contract #2012-039876-001 in the amount of \$21,096.00 for the period of 09/01/2011 to 11/30/2011.

2. Approval of the Certification of Revenue as certified by the County Auditor.

3. Approval of the attached Family Planning Grant Budget Appropriation.

On motion of Commissioner Flores, seconded by Commissioner Hector Palacios, the Court made a UNANIMOUS vote to approve items 10.B. 1,2 & 3.

C. AI-28729 1. Discussion and action to form and create the Hidalgo County Health & Human Services Drug and Alcohol Abuse Advisory Commission.

2. The Commission will:

a. educate the public on drug and alcohol abuse;

b. promote drug and alcohol education at all levels of the schools;

c. study the effectiveness of efforts, including the commission's efforts, in reducing drug and alcohol abuse;

d. create and administer a program to counsel or treat drug and alcohol abusers or to provide both counseling and treatment.

Steve Crain discussed the statute that was discovered which helps us through a legal scenario to do the contract between Hidalgo County and the operator of the clinic. There are no funds allocated by budget because the statute is covering and helping our ability to lease the facility for no cost to the vendor that is going to run the substance abuse treatment facility.

Eddie Olivarez explained that the operation of the facility will fall under Facilities Management and that the Hidalgo County Health & Human Services Drug and Alcohol Abuse Advisory Commission are composed of the Health Department.

On motion of Commissioner Flores, seconded by Commissioner Hector Palacios, the Court made a UNANIMOUS vote to approve items 10.C.1 & 2.a, b, c & d, subject to funding.

11. Emergency Management - Oscar Montoya: (Exhibit S)

(Audio Tape #3, Tracking # 600)

A. AI-28781 Discussion, consideration, and approval of Emergency Management uniform policy.

NO ACTION taken on this item.

12. HIDTA - Task Force - Dora Munoz: (Exhibit T)

(Audio Tape #3, Tracking # 582)

A. AI-28733 Approval to unappropriate 2011 funds in the amount of \$300.00 from the HIDTA Task Force Chapter 59 Asset Forfeiture Funds Budget (1251).

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

13. Urban County - Diana Serna: (Exhibit U)

(Audio Tape #3, Tracking # 606)

A. AI-28659 Urban County Program on behalf of the Precinct No. 1 is requesting authority to enter into contract with Metro Electric, Inc. for a construction contract for the Street Improvements (Solar Light Installation) within Precinct No. 1 in the amount of \$119,638.00 to include the materials and installation of solar lights within the Indian Hills #1 , Indian Hills #2 and Delta West subdivisions utilizing the Hidalgo County Precinct No. 1. UCP Year 22 (2009) Precinct No. 1 Street Improvement funds.

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

B. AI-28713 1. Requesting exemption from competitive bidding requirements under the Texas Local Government Code 262.024 (a)(4) for professional engineer services;

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

2. Presentation of the scoring grid for the purposes of ranking by CC of at least three (3) engineering firms from the County’s approved “pool” as graded and evaluated by the City of La Villa, Urban County Program and Hidalgo County Purchasing Department in connection with and funded through Hidalgo County Urban County Program 24 (2011) La Villa - Water/Sewer Improvements.

| FIRM | GRADE | RANK |
|---|--------|------|
| Noe Garza Engineers, Inc. | 95.67% | 1 |
| Dannenbaum Engineering Corporation | 91.33% | 2 |
| Quintanilla, Headley and Associates, Inc. | 90.67% | 3 |

On motion of Commissioner Flores, seconded by Commissioner Quintanilla, the Court made a UNANIMOUS vote to approve.

3. Authority to negotiate a professional service contract with the No. 1 ranked firm for an Urban County Program – City of La Villa – Water/Sewer improvements project.

On motion of Commissioner Flores, seconded by Commissioner Quintanilla, the Court made a UNANIMOUS vote to approve with Noe Garza Engineers, Inc.

C. AI-28692 The Urban County Program is requesting the award of bids and approval of contracts for the demolition and reconstruction of the following:

1. (2) Units in the Countywide area in the amount of \$94,000.00 to De Leon Construction.

2. (1) Unit in the Countywide area, (1) unit in the City of Donna and (1) unit in the City of Elsa in the amount of \$132,294.00 to G & G Contractors.

NO ACTION taken on items 13.C.1 & 2.

D. AI-28703 1. Authority to rescind action taken on 7/12/2011 to negotiate with the highest ranked firm V-A Architecture for the provision of architectural services for Urban County Program Year 23 (2010) City of Peñitas - Public Facility Improvements for improvements to Penitas Memorial Library.

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

2. Authority to negotiate a professional architectural service contract with the second highest ranked firm Rike Ogden Figueroa Alex Architects, Inc. for the provision of architectural services for Urban County Program Year 23 (2010) City of Peñitas - Public Facility Improvements to Penitas Memorial Library.

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

E. AI-28689 Urban County Program is requesting approval to officially request from the Texas Department Rural Affairs (TDRA) a Contract Period Extension for our TDRA Contract # 729055.

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

F. AI-28667 The Urban County Program requests approval of Subrecipient Agreement with the Boys & Girls Club of Mission, Inc. (Youth Services) in the amount of \$37,000.00 for Urban County Program Year 24 (2011).

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

14. Elections Administration - Yvonne Ramon: (Exhibit V)

(Audio Tape #3, Tracking # 716)

A. AI-28746 Approval of Bond for Elections Administrator - Yvonne Ramón

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

Judge Garcia asked for the bond amount. Ms. Ramon stated that it was for \$20,000.00.

B. AI-28753 1. Discussion and approval of Appointment of Democratic Presiding Election Judges and Alternate Election Judges for the August 1, 2011 through the July 31, 2012 term.

2. Discussion and approval of Appointment of Republican Presiding Election Judges and Alternate Election Judges for the August 1, 2011 through the July 31, 2012 term.

On motion of Commissioner Quintanilla, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve items 14.B.1 & 2.

15. Head Start Program - Teresa Flores: (Exhibit W)

(Audio Tape #3, Tracking # 762)

A. AI-28668 Discussion/Approval of the Training and Technical Assistance (T/TA) Budget

On motion of Commissioner Quintanilla, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval in the amount of \$273,000.00.

B. AI-28674 Discussion/Approval and Appointment of One (1) Community Representative by Each Member of the Commissioners' Court, to Serve on the HCHSP Policy Council, for a One (1) Year Term According to 45 CFR Chapter XIII, 1304.50(b)(1)-(b)(7) Beginning October 2011

Judge Garcia – Jesse Vela, Alamo

Commissioner Quintanilla – Will advise next month

Commissioner Flores – Lupe Gonzalez

Commissioner Joseph Palacios – Will advise at a later date

Commissioner Hector Palacios – was away from the Court

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

C. AI-28671 Presentation for Discussion, Consideration and Approval of an Inter-local Agreement between the McAllen Independent School District and Hidalgo County Head Start Program

Ms. Flores reported to the Court that the District has agreed to allow the Head Start to use the McAllen Facility at \$1.00 per month. In addition, McAllen II will also be placed at this location.

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

D. AI-28670 Discussion/Approval of Final Negotiated Contract for Professional Educational Services with Jose Salinas to Provide Training/Staff Development to Policy Council/Grantee Board Members, Authorized by Commissioners' Court on 08.22.11, AI-28060

On motion of Commissioner Joseph Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval in the amount of \$1,570.00.

E. AI-28669 Discussion/Approval of Final Negotiated Contract for Professional Educational Services with Ann Awalt to Provide Training/Staff Development to Executive Team Members to Improve Management/Communication Skills, Authorized by Commissioners' Court on 08.22.11, AI-28059

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

16. WIC - Norma Longoria: (Exhibit X)

(Audio Tape #3, Tracking # 960)

A. AI-28779 1. WIC Adm. (1292):

a. Requesting authorization to continue the provision of WIC Services for FY 2012 commencing October 1, 2011-September 30, 2012 pending contract.

b. Approval of Certification of Revenues as certified by the County Auditor for FY 2012 WIC Admin Grant.

c. Approval of appropriation of funds for the FY 2012 WIC Admin. Grant.

d. Approval of the following personnel actions:

| Action | Slot No. | Position Title | Grade |
|--------|----------|--------------------------------|-------|
| Delete | 0072 | Administrative Assistant II | 6 |
| Delete | 0230 | Mobile Clinic Coordinator | 6 |
| Create | 0241 | WIC Certification Specialist I | 5 |
| Create | 0242 | Nutritionist II | 13 |

e. Approval of FY 2012 WIC Admin. grant salary schedule.

On motion of Commissioner Joseph Palacios, seconded by Commissioner Quintanilla, the Court made a UNANIMOUS vote to approve items 16.A.1.a, b, c, d & e.

2. WIC BF (1292):

a. Requesting authorization to continue the provision of the B/F Peer Counselor Program for FY 2012 commencing October 1, 2011 - September 30, 2012.

b. Approval of Certification of Revenues as certified by the County Auditor for the FY 2012 B/F Peer Counselor Grant.

c. Approval of appropriation of funds for the FY 2012 B/F Peer Counselor grant budget.

d. Approval of the following personnel actions:

| Action | Slot No. | Position Title | Grade |
|--------|----------|------------------|-------|
| Delete | 0002 | Peer Counselor I | 2 |
| Delete | 0006 | Peer Counselor I | 2 |

e. Approval of FY 2012 BF grant salary schedule.

On motion of Commissioner Quintanilla, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve items 16.A.2.a, b, c, d & e.

3. Registered Dietician (1292):

a. Requesting authorization to continue the provision of the Registered Dietician program for FY 2012 commencing October 1, 2011- September 30, 2012.

b. Approval of Certification of Revenues as certified by County Auditor for FY 2012 Registered Dietician Grant.

c. Approval of appropriation of funds for the FY 2012 Registered Dietician grant budget.

d. Approval of FY 2012 Registered Dietician grant salary schedule.

On motion of Commissioner Quintanilla, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve items 16.A.3.a, b, c, d & e.

4. Lactation Services (1292):

a. Requesting authorization to continue the provision of the Lactation Services program for the FY 2012 commencing October 1, 2011- September 30, 2012.

b. Approval of Certification of Revenues as certified by the County Auditor for the FY 2012 Lactation Services grant.

c. Approval of appropriation of funds for the FY 2012 Lactation Services grant budget.

d. Approval of FY 2012 Lactation Services grant salary schedule.

On motion of Commissioner Quintanilla, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve items 16.A.4.a, b, c, d & e.

17. Planning Department - Raul Sesin: (Exhibit Y)

(Audio Tape #3, Tracking # 1044)

A. AI-28745 1. Preliminary Approval with Variance Request:

a. Lopez Heights Subdivision- Pct. 4 (Leon Lopez)

Raul Sesin, Planning Administrator, informed the Court that a variance is being requested to fifty and that the Sub. Advisory Board is recommending approval.

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

2. Preliminary Approval:

a. Los Ramirez Subdivision – Pct. 3 (Santos Ramirez)

Refer to item 17.A.2.f.

b. James C Swint Sr Subdivision – Pct. 1 (Julita Rosa Gutierrez)

Refer to item 17.A.2.f.

c. Mandalay Bay Phase I Subdivision – Pct.4 (Richard Garza)

Refer to item 17.A.2.f.

d. Los Feliz Phase I Subdivision – Pct. 4 (Oscar Garza)

e. Vaquero Estates Phase II Subdivision – Pct. 1 (Norberto Salinas)

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

Commissioner Flores Abstained.

f. Las Estrellas No. 1 Subdivision – Pct. 3 (Oscar Garza, Jr.)

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve items 17.A.2.a, b, c, d and f.

18. Precinct #2 - Comm. H. Palacios: (Exhibit Z)

(Audio Tape # 3, Tracking #1108)

A. AI-28756 Countywide Mechanic Shop (1200):

1. Approval of the following personnel actions:

| Action | Slot No. | Position Title | Budgeted Salary |
|--------|----------|------------------|-----------------|
| Delete | 0005 | Truck Driver III | \$29,352.00 |
| Create | 0007 | Mechanic III | \$31,195.00 |

2. Approval of intradepartmental transfer.

3. Approval of revised salary schedule.

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve items 18.A.1, 2 & 3.

19. Budget & Management - Sergio Cruz: (Exhibit AA)

(Audio Tape # 1, Tracking #2230)

A. AI-28630 1. Public hearing on the 2012 Proposed Budget as per Texas Local Government Code 111.067.

Sergio Cruz, Budget Officer, provided the Court a summary on the 2012 Proposed Budget. Mr. Cruz did state that the budget had been filed with the County Clerks’ Office and is based on tax rate of \$0.59 – which is the same as last year. The budget does not include cost of living to employees or the step increase to the law enforcement.

Judge Garcia then Opened the Public Hearing.

-Fern McLaugherty questioned if the county departments had given up 3% of their budget and commented that the tax payers are also suffering economically and cannot afford to pay more taxes.

-Ms. Shan Rankin asked that the funding for the Museum Restoration be kept at the same level as the past few years.

-Jimmy Henderson requested that the Court reconsider the cuts being proposed to the Historical Museum.

Discussion was held reference to the Justice of the Peace salaries and the Grievance Committee voting to pay the salary increase. Valde Guerra made a clarification to the Court stating that ...if the committee votes 9 in favor, the Statute reads the Commissioners' Court shall include the salary. Judge Garcia then asked Valde Guerra to set aside \$30,000.00 to look into the possibility of giving all of the JP's a raise.

Judge Garcia commented that next year they cannot allow what happened this year to happen next year. "The Elected Officials are suppose to be the members of the Grievance Committee because we are the ones who understand and know what the expenses are that the County is facing. When we allow the public that may not have a clear understanding of dollars involved in running the County sometimes things like this can happen". Judge Garcia asked that this be brought back to Court next year.

-Dr. Oscar Cortez discussed the rental of the MediPlex.

-Virginia Townsend – asked that the Court utilize property owned by the County to stay away from renting properties.

Judge Garcia then Closed the Public Hearing.

2. Acceptance of recommendation by salary grievance committee setting compensation and personal expenses for: (Audio Tape # 2, Tracking #323)

J.P. Gilbert Saenz

J.P. Jesus Morales

J.P. Rosa Trevino

J.P. Ismael Ochoa

J.P. Charlie Espinoza

J.P. E. Jackson

Sergio Cruz, Budget Officer, informed the Court that the Grievance Committee had met and recommended a salary of \$80,000.00 and an auto allowance of \$10,000.00 per J.P, which comes to an increase of \$5,000.00 in salary and \$2,000.00 in auto allowance.

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote of approval to approve the committee's recommendation as listed on item 19.A.2.

3. Discussion, consideration, and action on changes and corrections to the 2012 Proposed Budget.

(Audio Cassette # 2, Tracking # 408)

Sergio Cruz requested the Court approve the changes as included in the Salary Schedule (2 pages attached 2012 Budget Changes...Proposed vs. Adopted as of September 27, 2011), plus the setting aside the funds for the \$5,000.00 increase in salary for the 3 JP's plus \$2,000.00 in auto allowance, and restoring the funding to the outside agencies, being Project VIDA, Edinburg and Donna Museums, in the amount of \$162,500.00.

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote of approval. Commissioner Quintanilla was not present for this vote.

4. Approval to set salaries, allowances, and other compensation for Fiscal Year 2012.

Mr. Cruz asked to set the greater of actual salary or step and grade salary as outlined in the salary schedule, and to include setting the salary of the Justice of the Peace's at \$80,000.00 and the auto allowance for the at \$10,000.00 each.

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote of approval. Commissioner Quintanilla was not present for this vote.

5. Adoption of the 2012 Annual Budget.

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

Mr. Cruz clarified to the Court that the adopted budget is adopted at the departmental level, for budgetary reasons.

6. Adoption of the 2011 Hidalgo County Ad Valorem Tax Rate.

On motion of Commissioner Flores, seconded by Commissioner Quintanilla, the Court made a UNANIMOUS vote to approve the adoption of the Tax Rate of 0.5900 per \$100 value, which consists of an M&O rate of 0.5225 and a debt service of 0.0675.

Votes were as follow:

AYE: Commissioners' Quintanilla, Flores, Joseph Palacios, and Judge Garcia

NAY: None

NOT PRESENT: Commissioner Hector Palacios

Steve Crain, Legal Counsel for the Record: There were four Commissioners' and Judge present for the adoption of that Tax Rate.

Commissioner Hector Palacios joined the meeting.

Commissioner Hector Palacios joined the meeting immediately after the Court adopted the Tax Rate. He wanted to be on record as voting for the Tax Rate – No Change.

B. AI-28790 Discussion, consideration and action on Juror Daily Rate Assessment.

(Audio Tape # 3, Tracking #1348)

Mr. Cruz informed the Court that the State Comptroller's Office reimbursement for juror pay would be reduced from \$34 to \$28 per day, after the second day, causing the County to be short \$86,000.00 for fiscal year. The Court recommended keeping the Juror Daily Rate of \$40.00.

NO ACTION taken on this item.

C. AI-28712 DBM - Workers' Comp. Division: (Audio Tape # 3, Tracking #1444)

Requesting approval to reimburse employee Ricardo Olivarez #007234 for the purchase of fuel for the 2006 Ford Taurus Unit #8 (County Vehicle) Vin#1FAFP3256A242632, LP 217-507 in the amount of \$56.19.

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

20. Purchasing Department - Marty Salazar: (Exhibit BB)

(Audio Tape # 3, Tracking #1458)

Notes:

A. FOR ANY CONTRACT(S) AWARDED AND APPROVED UNDER THIS AGENDA, EXECUTED COPIES OF THE CONTRACT(S) WILL BE AVAILABLE ON THE COUNTY INTRA-NET WEBSITE AND WILL BE FOWARDED VIA E-MAIL, FAX OR HAND DELIVERED TO HIDALGO COUNTY AUDITOR'S OFFICE.

B. ANY AND ALL REQUESTS FOR PAYMENT(S) APPROVED WILL BE SUBJECT TO COUNTY AUDITORS PROCESSING PROCEDURES INCLUDING AUTHORITY FOR COUNTY TREASURER TO ISSUE PAYMENT(S)/CHECK(S).

A. Hidalgo County

1. Current inter-local(s) and/or contract(s) for the "Housing of Inmates"

2. Presentation for discussion, consideration and action

Including, but not limited to, the following items in connection with New Adult Detention Center:

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 pods**
- 3. Presentation for discussion, consideration and action (if necessary) including, but not limited to the following:**
 - a) **Renovations of administration building**
 - b) **Other ongoing county owned building construction, renovation repair projects**
 - c) **Emergency situations occurring since last agenda meeting**

NO ACTION taken on items 20.A.1, 2 & 3. a, b & c.

4. AI-28775 Pursuant to previous approval (08/22/11) of award and contract (C-11-186-08-22)with Texas Land Reclamation, a request by awarded vendor to permit the subcontracting of UTW Transportation in connection to "Hidalgo County-Tire Disposal" project inasmuch as UTW Transportation provides the transporting of the tires for Texas Land Reclamation to the facility.

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

B. Pct. 1

1. AI-28627 Presentation of bids received as detailed and attached herein for the purpose of award and approval of contract document with the lowest vendor meeting all specifications and/or requirements as attached hereto for: Hidalgo County Precinct 1 Purchase of Reclaimed Asphalt Pavement (RAP) Material - RFB No. 2011-177-08-03-YZV.

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve with Roy's Hauling.

2. AI-28762 Approval of request for Work Authorizations as follows with Guzman & Munoz Engineering & Surveying, Inc. for professional engineering services through Contract #C-11-111-04-19 as further detailed:

a. Work Authorization No. 004-\$77,837.00 for "Paving and Drainage Improvements to Mile 17 North Road, From FM 3071 (Mile 4 West), west 2,720 Feet and From FM 1015 (Mile 3 West), east 400 Feet".

b. Work Authorization No. 005-\$36,695.22 for "Drainage Improvements to Colonia Adams & Black (Mile 10.5 North and Mile 3 West)".

c. Work Authorization No. 006-\$56,920.80 for "Colonia Lucero Del Norte Drainage Improvements At Mile 11 North And Mile 2 West.

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve items 20.B.2.a, b & c with Guzman & Munoz.

3. AI-28672 Acceptance and approval of Supplemental Agreement No. 1 to Work Authorization No. 001 of an increase amount of \$141,615.04 to be combined with previous approved amount of \$63,900.00 thus resulting with a grand total not to exceed the amount of \$205,515.04 in connection to Contract #C-11-111-04-19 with Guzman & Munoz Engineering and Surveying, Inc. for professional engineering services for "Paving and Drainage Improvements to Mile 17 North Road from FM 3071 (Mile 4 West) to FM 1015 (Mile 3 West).

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

C. Pct. 2

1. AI-28615 Approval to purchase Three (3) New 2012 Chevrolet 1500 Silverado SWB Extended Cab in the amount of \$61,395.00 and Two (2) New Chevrolet 2012 1500 Silverado SWB Crewcab in the amount of \$45,962.00 through the County's membership/participation with HGAC (Houston-Galveston) awarded vendor, Caldwell Country Chevrolet (Contract #VE03-06) to include but not limited to a one time \$600.00 HGAC administration fee and delivery for a combined total of \$107,957.00. (Project #2011-255-OGG).

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

D. Pct. 3

1. AI-28766 a. Acceptance and approval of Work Authorization No. 2 (with an estimated cost of \$28,959.00) as submitted by project engineer, Javier Hinojosa Engineering for engineering services for "Construction Plans and Specifications for the off-site drainage improvements for La Suena Subdivision located at 4 1/4 mile north Moorefield Road" within Hidalgo County Pct. No. 3 through Contract #C-11-166-06-14.

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

b. Acceptance and approval of Work Authorization No. 4 (with an estimated cost of \$17,544.00) as submitted by project engineer, Javier Hinojosa Engineering for engineering services for "Paving Improvements of Mile 4 North from Tom Gill Road to Liberty Road" within Hidalgo County Pct. No. 3 through Contract #C-11-166-06-14.

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

2. AI-28768 Acceptance and approval of request for payment on invoice No. 11076 in the amount of \$9,674.93 submitted by Javier Hinojosa Engineering, contracted project engineer for "Iowa Road (Mile 10 to Mile 14)".

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

Commissioner Quintanilla excused himself from the remainder of the meeting. ...1617...Judge Garcia advised Commissioner Quintanilla that they will be voting on the Redistricting Plan. Commissioner Quintanilla stated, "I'm o.k. with what they presented last".

E. Pct. 4

1. AI-28767 Authority to purchase heavy machinery and/or equipment detailed herein from John Deere awarded vendor through Hidalgo County's participation/membership with TASB Buyboard Contract #373-11 for Project #2011-259-OGG:

a. One (1) JD 4105 Tractor with Loader amount not to exceed -----\$22,192.36;

b. One (1) JD 997 Commercial L.C. amount not to exceed----- \$13,382.90;

**c. One (1) JD Select Series X300 Tractor amount not to exceed -----\$ 2,787.18
pricing includes, delivery, TASB fees & warrant warranties**

Combined Total \$ 38,362.44

NO ACTION taken on items 20.E.1.a, b & c.

2. AI-28720 Recommending award of bid and approval of contract to sole bidder meeting specifications and/or requirements as detailed and attached hereto for: Hidalgo County "Lease of Land within Pct# 4 (appr. 300 acres) for the purpose of farming" - RFB No. 2011-224-09-14-MEG.

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve Mr. Matias Pena.

F. District Courts: (Audio Tape, Tracking # 1680)

1. AI-28735 a. Requesting exemption from competitive bidding requirements under the Texas Local Government Code, Section 262.024 (A) (4) a professional service;

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

b. Presentation of scoring grid (for the purpose of ranking by CC) of the firms graded and evaluated through the County’s approved “pool” of professional consultants to seek funding and assistance through Federal, State, Private Sector(s) and other Sources in connection with the following crimes: Human Trafficking and Violence Against Women;

Consultants

| Evaluators | Vazaldua and Associates | Arnold Mata Leadership Resources | Dos Legislative Services |
|---------------------|--------------------------------|---|---------------------------------|
| Evaluator 1 | 100 | 80 | 75 |
| Evaluator 2 | 84 | 72 | 78 |
| Total Scores | 184 | 152 | 153 |
| Average | 92 | 76 | 76.5 |

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve in the order of their ranks.

c. Authority for the Purchasing Department to negotiate a professional consultants services contract to seek Funding and Assistance through Federal, State, Private Sectors(s) and other Sources in connection with Human Trafficking and Violence Against Women initiative and/or program and thus assisting the Court in addressing those types of crimes more efficiently.

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve Vazaldua & Associates.

G. HIDTA

1. AI-28763 Requesting approval of the final lease (previously approved by CC meeting of 8-9-11), after modifications requested by the awarded vendor, RGV Towers LLC, and accepted and

approved as to form by Assistant District Attorney for the "Lease of Tower Space for HIDTA Task Force", project. (RFB No.: 2011-192-07-27-CGA).

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

H. WIC

1. AI-28769 Acceptance and approval to award the best valued proposal received from job order contractor, Alpha Building Corp. (awarded JOC through HCDE-Choice Facility Partners) in the amount of \$26,094.20 which includes the alternate with a \$1,500.00 contingency fee for repairs and renovations to WIC Clinic located at South FM 1015, Progresso, TX Project #2011-098-09-01-OGG.

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

21. Closed Session: (Exhibit CC)

(Audio Tape #3, Tracking # 1771)

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

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

A. Real Estate Acquisition

B. Cause No. C-3123-03-I; Hidalgo County, Texas v. Landmark Organization, L.P. et al

C. Pending and/or potential litigation

D. AI-28705 Claim of Hector Zamora

E. AI-28708 Claim of Jessica Bubert

22. Open Session: (Exhibit DD)

(Audio Tape #3, Tracking # 1785)

A. Real Estate Acquisition and appropriation for same

NO ACTION taken on this item.

B. Cause No. C-3123-03-I; Hidalgo County, Texas v. Landmark Organization, L.P. et al

NO ACTION taken on this item.

C. Pending and/or potential litigation

NO ACTION taken on this item.

D. AI-28706 Claim of Hector Zamora

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve the settlement offer in the amount of \$200.00.

E. AI-28710 Claim of Jessica Bubert

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve the offer in the amount of \$631.29.

23. Closed Session:

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

NO ACTION taken on this item.

24. Open Session:

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

NO ACTION taken on this item.

(Audio Tape #3, Tracking # 1818)

The Court went back to continue to discuss item 7.I.1.a.

25. Adjourn

(Audio Tape #3, Tracking # 2074)

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

**AGENDA
CC CONSENT
HIDALGO COUNTY
COMMISSIONERS COURT MEETING
September 27, 2011
9:30 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Commissioners' Court will be held in the Commissioners' Courtroom of the Administration Building, 100 E. Cano, 1st floor, 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.

(Audio Tape # 1, Tracking # 1022)

On motion of Commissioner Quintanilla, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve all items on the Consent Agenda, with the exception of item 13.O.

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve item 13.O, subject to Insurances.

- 1. Approval of check register and payment of claims and bills - (Payments from Juvenile Probation, Adult Probation, LEOSE Fund, DA Motor Vehicle Theft Fund, DA Bad Check Processing Fund, DA Forfeiture Fund, Sheriff Forfeiture Funds, Constable Forfeiture Funds, HIDTA Forfeiture Funds and VIT Interest Fund are presented for recording purposes only.) (Exhibit A)**
- 2. 2011 Intradepartmental Transfers: (Exhibit B)**
 - A. AI-28782 2011 - Emergency Management (1100)**
 - B. AI-28633 2011 - Tax Office (1100)**

- C. AI-28724 2011 - 389th District Court (1100)
- D. AI-28726 2011 - 398th District Court (1100)
- E. AI-28778 2011 - 430th D.C. (1100)
- F. AI-28748 2011 - J.P. 4/1 (1100)
- G. AI-28732 2011 - District Attorney (1223)
- H. AI-28734 2011 - District Attorney's (1222)
- I. AI-28736 2011 - District Attorney (1281)
- J. AI-28738 2011 - District Attorney (1281)
- K. AI-28742 2011 - HIDTA (1254)
- L. AI-28741 2011 - HIDTA (1251)
- M. AI-28709 2011 - WIC (1292)
- N. AI-28653 2011 - WIC (1292)
- O. AI-28772 2011 - Planning Dept. (1100)
- P. AI-28684 2011 - Fire Marshal's Office (1100)
- Q. AI-28773 2011 - I. T. Department (1100)
- R. AI-28743 2011 - Justice Court Tech (1242)
- S. AI-28600 2011 - Purchasing (1100)
- T. AI-28603 2011 - Elections Department (1100)
- U. AI-28638 2011 - Health & Human Services Dept. (1293)
- V. AI-28650 2011 - Sheriff's Office (1100)
- W. AI-28675 2011 - Sheriff's Office (1284)
- X. AI-28676 2011 - Sheriff's Office (1284)
- Y. AI-28677 2011 - Sheriff's Office (1284)
- Z. AI-28687 2011 - Sheriff's Office (1100)
- AA. AI-28719 2011 - District Clerk (1100)
- BB. AI-28728 2011 - DPS - H/P (1100)
- CC. AI-28651 2011 - DBM Employee Benefits (2201)
- DD. AI-28764 2011 - Constable Pct. #1 (1100)
- EE. AI-28661 2011 - Constable Pct. #5 (1100)
- FF. AI-28761 2011 - Pct. #1 Parks (1100)
- GG. AI-28758 2011 - Pct. #1 R&B (1200)
- HH. AI-28771 2011 - Pct. #1 BCAP (1312)

- II. AI-28721 2011 - Pct. #3 Parks (1100)
- JJ. AI-28750 2011 - Pct. #4 Adm. (1200)
- KK. AI-28751 2011 - Pct. #4 Rd. Maint. (1200)
- LL. AI-28754 2011 - Pct. #4 Parks (1100)

3. 2011 Interdepartmental transfers: (Exhibit C)

A. AI-28783 Constable Pct. #3 (1100):

Approval of 2011 interdepartmental transfer from County Wide Administration- Contingency to Constable Precinct No. 3 in the amount of \$15,819.52 for fuel expenditures.

B. AI-28784 Constable Pct. #4 (1100):

Approval of 2011 interdepartmental transfer from County Wide Administration- Contingency to Constable Precinct No. 4 in the amount of \$11,946.02 for fuel expenditures.

C. AI-28717 Fire Marshal (1100):

Approval of 2011 interdepartmental transfer from IT Countywide to Fire Marshal in the amount of \$37,335.00 to fund purchase of ticket writers and related accessories.

D. AI-28749 Sheriff Office (1100):

Approval of 2011 interdepartmental transfer from Co. Wide Adm. (1100) into Sheriff Office (1100) in the amount of \$36,126.44.

E. AI-28685 Criminal DA (1100):

Approval of 2011 interdepartmental transfer from Co. Wide Adm - Contingency to Criminal DA in the amount of \$22,000.00.

F. AI-28679 Pct. #1 BCAP (1312):

Approval of 2011 interdepartmental transfer from BCAP L & P Subdivision to BCAP Balli Estates Subdivision in the total amount of \$13,095.76.

G. AI-28680 Pct. #1 BCAP III (1312):

Approval of 2011 interdepartmental transfer within Pct.1 BCAP Round III Revenue account from various programs (232, 362, 895, and 932) to various programs (181, 185, 387, 461, and 804) in the total amount of \$39,598.37

H. AI-28682 Pct. #2 BCAP (1312) :

Approval of 2011 interdepartmental transfer from program (596) Rancho Escondido revenues to program (890) Los Encinos and program (940) Sundowners Rtmnt Ctr revenues to adjust the BCAP Round III revenues with expenditures.

I. AI-28631 Pct. #3 R&B (1200):

Approval of 2011 interdepartmental transfer form Precinct #3 Road & Bridge to Precinct #3 Golf View Estates Phase I & II in the amount of \$1,830.85.

J. AI-28683 Pct. #3 BCAP (1312):

Approval of 2011 interdepartmental transfer from Pct. #3 BCAP III Basham #14 Revenue, Pct. #3 BCAP III Basham #18 Revenue and Pct. #3 BCAP III Hilda S/D #2 Revenue to Pct. #3 BCAP III Ariel Hinojosa S/D Revenue and Pct. #3 BCAP III La Suena S/D Revenue to adjust the BCAP Round III revenues with expenditures.

K. AI-28652 Pct. #4 C.O. 2010 A&B Series (1342):

Approval of 2011 interdepartmental transfer within Certificate of Obligations Series 2010A&B - Precinct #4 Drainage Improvement Project from various programs (038, 039, 040, 041, 042, 043, 050, 051, 052, 053, 054, 056, 067, 068, 072, 073, and 074) to (program 036 - \$181,961.80) and to Dickerson Pond (program 048 - \$53,206.44) in the total amount of \$235,168.24

4. Planning Department: (Exhibit D)

A. AI-28727 1. Certificate of Plat and Utility Status under Texas Local Government Code Section 232.028 (b)

5. Monthly Fee Reports: (Exhibit E)

A. AI-28647 District Attorney:

Approval of July 2011 Checks Processing Fee Report.

B. AI-28648 District Attorney:

Approval of August 2011 Checks Processing Fee Report.

6. Right of Way - Permits: (Exhibit F)

A. AI-28700 North Alamo Water Supply:

Approximately 500' going east from Mile 6W on the south side of Mile 16N- Bore- Maria Rodriguez-3/4" service connection

Homero Alvarez d/b/a Alvarez Construction:

Proposed 72 inch storm line shall be installed east to west approximately 35 feet south of the Ridge Road centerline crossing Cesar Chavez Road 50 foot right-of-way.

B. AI-28776 Transtelco, Inc.:

From the northwest corner of the intersection of FM 494 and 5494 Wing Road west approximately 1200' we will attach new aerial cable to existing poles. From that point, we will bury 1-1.9" SDR 11 HDPE duct west another 113' to intercept an existing Transtelco Handhole as shown in the attached drawings.

7. Tax Refunds: (Exhibit G)**A. AI-28645**

| Acct# | Payer | Amt |
|-----------------------------|------------------------------------|------------------|
| P6190.00.000.0035.00 | David Crook Attorney At Law | \$2641.32 |
| Q7010.02.000.0034.00 | Maritza Pena | \$5000.00 |

8. Membership Dues: (Exhibit H)**A. AI-28723 Fire Marshal's Office:**

Discussion, consideration, and approval of the annual membership and annual dues to the International Association of Arson Investigators (IAAI) for the Fire Marshal, Juan Martinez and the Chief Deputy Fire Marshal, Wesley Bradley in the total amount of \$220.00.

9. Headstart: (Exhibit I)

- A. AI-28660 Approval of Program Financial Report: August 2011**
- B. AI-28666 Approval of Program Information Report (PIR)**
- C. AI-28665 Approval of Hidalgo County Head Start Program 2011-2012 Area Distribution**
- D. AI-28664 Approval of Special Services Report: August 2011**
- E. AI-28663 Approval of Texas Department of Agriculture Meals/Snacks Served: August 2011**
- F. AI-28662 Approval of Children's Applications for 2011-2012**

10. Urban County: (Exhibit J)

- A. AI-28693 Request for approval of two (2) applicants in the City of Edcouch area under the HOME Owner-Occupied Housing Rehabilitation Program.**

11. Auditor's Office: (Exhibit K)

- A. AI-28641 Monthly collection reports for July and August 2011.**

| <u>OFFICE</u> | <u>FEES & COST</u> | <u>MONTH</u> |
|--|-------------------------------|---------------------|
| The Hon. Bobby Contreras, Justice of the Peace | \$ 75,117.96 | July 2011 |
| The Hon. Charlie Espinoza, Justice of the Peace | \$ 125,247.60 | July 2011 |
| The Hon. Joel Quintanilla, Comm. Pct.1, Delta Lake Park | \$ 1,316.00 | July 2011 |
| The Hon. Celestino Avila Jr., Constable Precinct No. 1 | \$ 240.00 | July 2011 |

| | | |
|--|-----------------|-------------|
| The Hon. Larry Gallardo, Constable Precinct No. 3 | \$ 1,870.00 | July 2011 |
| Mr. Juan Martinez, Fire Marshal | \$ 6,335.50 | July 2011 |
| Ms. Angie Chapa, Law Librarian | \$ 1,345.50 | July 2011 |
| The Hon. Armando Barrera Jr., Tax Assessor/Collector | \$ 2,403,950.02 | July 2011 |
| The Hon. Hector Palacios, Comm. Pct. 2, Swimming Pool | \$ 399.50 | July 2011 |
| The Hon. Hector Palacios, Comm. Pct. 2, Swimming Pool | \$ 56.50 | August 2011 |
| The Hon. Jose M. Flores, Comm. Pct. 3, Anzaldua's Park | \$ 612.00 | August 2011 |
| The Hon. Eddie Guerra, Constable Precinct No. 4 | \$ 420.00 | August 2011 |
| Chief Deputy Constable, Daniel Marichalar Pct. No. 5 | \$ 560.00 | August 2011 |

B. AI-28673 Approval of the monthly financial statements for the month of August 2011.

12. Budget & Management: (Exhibit L)

A. AI-28722 Self-Insured Workers' Comp. (2202):

Requesting approval of reimbursement of Hidalgo County Workers' Comp. Claims paying account for claims paid by Tristar Risk Management in the amount of \$ 51,679.17 for the period of 09/01-15/2011 and requesting approval of wire transfer.

B. AI-28681 1. Approval to transfer \$441,470.93 to the Hidalgo County Claims Bank Account for Blue Cross Blue Shield Insurance Claims paid for period 09/03/2011 to 09/16/2011.

| | |
|---------------|---------------------|
| 09/03-09/2011 | \$188,744.18 |
| 09/10-16/2011 | \$252,726.75 |
| TOTAL | \$441,470.93 |

2. Approval of wire transfer to cover claims paid.

13. Purchasing Dept: (Exhibit M)

Notes:

A. FOR ANY CONTRACTS(S) AWARDED AND APPROVED UNDER THIS AGENDA, EXECUTED COPIES OF THE CONTRACT(S) WILL BE AVAILABLE ON THE COUNTY INTRA-NET WEBSITE AND WILL BE FOWARDED VIA E-MAIL, FAX OR HAND DELIVERED TO HIDALGO COUNTY AUDITOR'S OFFICE.

B. ANY AND ALL REQUESTS FOR PAYMENT(S) APPROVED WILL BE SUBJECT TO COUNTY AUDITORS PROCESSING PROCEDURES INCLUDING AUTHORITY FOR COUNTY TREASURER TO ISSUE PAYMENT(S)/CHECK(S).

A. AI-28606 Elections Department:

Acceptance and approval to pay Invoice #15216 (PO #660949) as submitted by Separation Systems Consultants, Inc. (SSCI) awarded vendor with TCPN Contract #R5068 in connection with asbestos abatement and monitoring services for the Elections Department main office located at 101 S. 10th ave. in Edinburg in the amount of \$9,844.01 with authority for County Treasurer to issue check after County Auditor's review and processing procedures are completed.

B. AI-28759 Acceptance and approval of payment for the JP Morgan Travel Card Program in the total amount of \$1224.72.

C. AI-28757 Requesting authority to enter into a 12-month software renewal maintenance agreement with (ESRI) Environmental Systems Research Institution awarded vendor through our membership/participation with (DIR) Department of Information Resource contract #DIR-SDD-1637 for the Information Technology Department through the following requisition #202836 for the following services. Effective dates below: (1-1100-415-00-200-002-0-336)

| Software Maintenance | Effective Date | Price |
|---|-------------------------|------------|
| ArcInfo Concurrent Use Primary Maintenance | 10/04/2011 - 10/03/2012 | \$2,985.00 |
| ArcInfo Concurrent Use Secondary Maintenance | 10/04/2011 - 10/03/2012 | \$1,194.00 |
| ArcView Single Use Primary Maintenance | 10/04/2011 - 10/03/2012 | \$398.00 |
| ArcView Single Use Secondary Maintenance | 10/04/2011 - 10/03/2012 | \$299.00 |
| ArcView Single Use Secondary Maintenance | 10/04/2011 - 10/03/2012 | \$299.00 |
| ArcView Single Use Secondary Maintenance | 10/04/2011 - 10/03/2012 | \$299.00 |
| ArcGIS Server Advanced Enterprise Up to Four Cores Maintenance | 10/04/2011 - 10/03/2012 | \$9,950.00 |
| ArcGIS Server Standard Enterprise up to Four Cores Staging Server Maintenance | 06/01/2012 - 10/03/2012 | \$849.73 |

D. AI-28785 Pct. #1:

Requesting approval to enter into a 12-month license support center/remote support subscriber agreement with bigWebApps for the Precinct 1 Department in the amount of \$2,094.40/month through the following requisition #201073 effective: upon approval (1-1200-431-00-121-004-0-336).

E. AI-28744 Acceptance and approval of payment for Invoice #4692 in the amount of \$6,975.00 amid Work Authorization No. 002-PO#657600 for Mile 12½ North Road, from FM 88, East To Mile 4

West Road and Invoice #4693 amid Work Authorization No. 003-PO#657599 for Mile 6 North & Anastasia Road in the amount of \$4,905.00 with Guzman & Munoz Engineering And Surveying, Inc.-Contract #C-11-111-04-19 with authority for County Treasurer to issue payment after County Auditor's review and processing procedures are completed.

F. AI-28730 Cooperative Agreements:

1. Approval to utilize the following cooperative purchasing vendors (as listed in detailed revised Exhibit(s) attached) for purchases on an "AS NEEDED BASIS" through our membership/participation with Texas Procurement and Support Services (TPASS), (DIR) Department of Information Resources, (TCPN) The Cooperative Purchasing Network, (HGAC), US Communities, (GSA) General Service Administration, (TASB-Buy Board) Texas Association of School Board, (TIPS) The Interlocal Purchasing System, (HCDE) Harris County Department of Education/Choice Facility Partners, (NJPA) National Joint Powers Alliance awarded pricing including, but not limited to, Precincts, Department, Programs, Agencies, etc. with term of authority to purchase from contract detailed herein commencing upon approval and expiring December 31, 2011.:

2. Ratification for approval to utilize Facility Solutions Group (FSG) through TASB Buy Board contract #368-10 for Solar / LED Lights.

G. AI-28598 1. Requesting authority to exercise the additional One (1) Year option to extend as provided in the current contract for: "PIT RUN CALICHE" (on an as needed basis) for Hidalgo County Precinct No. 4, under the same rates, terms and conditions with: ROY'S HAULING SERVICES - effective 11/18/11 - 11/17/12.

2. Requesting approval of a "clarification/correction" to WA#1 and Attachment C-Work Schedule with L&G Engineering Laboratory, LLC., reflecting incorrect Contract #C-11-026-04-12 (approved by CC on 07/05/11), to reflect the correct Contract #C-11-062-04-12 in connection to the "On-Call" Professional Laboratory Services Agreement for Hidalgo County Pct. #4. for Project: (Rogers Rd & Mile 11)

3. Requesting approval of payment for Inv.#7636 (Final) in the amount of \$1,500.00 submitted by Quintanilla, Headley & Associates, Inc. in connection with contract #C-10-072a-03-30 (WA#1) (PO #640553) in connection to "on-call" Paved/Unpaved Projects within Hidalgo County Precinct #4 - Project: "Mile 25 North Rd from US 281 East", with authority for County Auditor to review and complete processing procedures and for County Treasurer to issue payment.

H. AI-28711 Seeking approval of Change Order No. 1 with contractor Asago Construction for Balli Estates Subdivision, Pct. No. 1 reflecting an increase in the amount of \$75,700.75 due to relocation of existing ACP/FB, treating of subgrade, and return of ACP/FB networking due to testing showing subgrade with PI greater than 20 as submitted through project engineer TEDSI Infrastructure Group (C-CAP-11-127-05-23).

I. AI-28765 Acceptance and approval of Invoice # 11323886 in the amount of \$6,982.68, from L & G Consulting Engineers, Inc. contracted engineer for "On Call Services for MPO and HCRMA Representation," C-11-054-04-12.

J. AI-28740 Requesting approval to exercise the County's option to renew the one (1) year extension as provided in the current contract for "Cabling-Installation-Time-Materials-Other Services-

Hidalgo County", under the same rates, terms and conditions with Starr Telecommunications to be effective as of November 1, 2011 thru October 31, 2012.

K. AI-28716 Pct. 2:

Requesting approval of R. Gutierrez Engineering Corporation (Contract #C-10-376-12-14) on the following:

| Project Description | Invoice # | PO # |
|------------------------------------|-----------|--------|
| El Gato Road Project | 3042 | 659626 |
| McCull Road II-Offsite Drain Ditch | 3047 | 663158 |

subject to Auditor’s review and processing procedures completed and authority for County Treasurer to issue payment.

L. AI-28698 Requesting authority to enter into a 48-month new copier (capital) lease agreement through our membership participation with (TASB) Texas Association School Board Buy Board awarded vendor IKON Office Solutions, Inc. contract #379-11 through requisition #201709 in the amount of \$98.00/month (lease) plus \$47.50/month (maintenance) for JP PCT 4, PL 1. effective upon approval; (1-1242-412-00-060-001-0-780 and 1-1100-412-00-067-001-0-432).

M. AI-28697 Pct. #2:

Requesting approval of Construction Change Order No.1 increase in the amount of \$9,476.40 with Mission Paving Company, Inc. (Contracted vendor for "El Dora Road Street & Drainage Improvements") reflecting change due to contractor awarded drainage portion of project and needs to provide traffic control for the work being performed, with authority for County Judge to execute document.

N. AI-28654 Requesting approval to exercise the County’s option to utilize the first of two (2) one (1) year renewals in the current contract/agreement under the same rates, terms and conditions for “Hidalgo County- Quality Claims Administrator Services For Workers Compensation with TriStar Management.

O. AI-28696 Human Resources / Civil Service Department:

Requesting authority to enter into a 12-month premium plus maintenance agreement for estudio520 with Office Communications Systems/Toshiba Business Solutions through requisition #202992 in the total amount of \$910.00/year-effective: 9/1/2011 - 8/31/2012 (1-1100-415-50-190-002-0-432):

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve item 13.O, subject to Insurances.

P. AI-28688 Requesting authority to advertise and approval of procurement packet (i.e., specifications, legal notice etc.) as attached hereto for Hidalgo County Juvenile Probation Department for:

“Chief Physician Services” RFQ# 12-14-00-00-YSI &;

“Licensed Professional Psychologist” RFP# 12-15-00-00-YSI.

- Q. AI-28694 Requesting approval to enter into a 12-month license support center/remote support subscriber agreement with Cisco Webex, LLC for the (I. T.) Information Technology Department for the amount of \$150.00/month through requisition #202601 effective: 9/1/2011 - 8/31/2012 (1-1100-415-00-200-002-0-336):**
- R. AI-28655 Requesting approval of payment for Inv.#7597(Final) in the amount of \$5,200.00 submitted by Quintanilla, Headley & Associates, Inc. in connection with contract #C-08-380-11-04(PO #617432)- for the (Subdividing of Land) "Primary Care and Substance Abuse Facility" with authority for County Auditor to review and complete processing procedures and for County Treasurer to issue payment.**
- S. AI-28649 Elections Department:**

Requesting approval & authority to enter into (3) years of commercial alarm monitoring services for (Burglar, Panic, Low Batt) and execute required commercial alarm monitoring agreement with Superior Alarms for the Elections Department located at 101 10th St. in Edinburg Texas through the requisition #199493 in the amount of \$180.00/yr.
- T. AI-28597 Requesting authority to exercise the Second (2nd) & Final Year of the additional two (2) one (1) year periods as provided in the current contract for: "Repairs, Removal & Installation of Mobile Radios, Computers and Other Emergency Miscellaneous Equipment" (on an as needed basis) for Hidalgo County, under the same rates, terms and conditions with: VIDEO SOUNDS & LIGHT, INC. - effective 09/28/11 - 09/27/12.**

**AGENDA
DRAINAGE DISTRICT
BOARD OF DIRECTORS
September 27, 2011
9:30 A.M.**

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 in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:

(Exhibit EE)

1. Roll Call

All members of the Board were counted present.

2. Open Forum

No presentations were made under Open Forum.

3. Approval of Consent Agenda

(Audio Tape # 1, Tracking # 730)

The Court took up the Drainage District Agenda at this time.

4. A. Public Hearing on the 2012 proposed budget.

(Audio Tape # 1, Tracking # 730)

Judge Garcia opened the Public Hearing.

There being no one come forward with concerns or questions, Judge Garcia closed the Public Hearing.

B. Discussion, consideration and action or changes, "if any", and the Adoption of the 2012 Annual Budget.

On motion of Commissioner Quintanilla, seconded by Commissioner Joseph Palacios, the Board made a UNANIMOUS vote to approve the 2012 Annual Budget.

C. Approval to set salaries for District Employees and Travel Allowances for Board Members.

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

D. Adoption of the 2011 Tax Rate.

Paul Villareal made a presentation in which he stated the effective tax rate is .0733 and the rollback rate is at .0782.

On motion of Commissioner Flores, seconded by Commissioner Quintanilla, the Board made a UNANIMOUS vote to approve the effective tax rate at .0733.

- 5. A. Requesting approval to exercise the District's option to renew RFQ No. 09-010-09-14 "Title Company Services Pool" for sixty (60) days so as to have no lapse in service during the RFQ process.**

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

B. Requesting approval to advertise for the following:

- 1. RFQ No. 11-012-10-26 "Title Company Services Pool".**

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Board made a UNANIMOUS vote to approve with Edward's Abstract.

- 6. Request approval of Interlocal Cooperation Agreement between Hidalgo County (Pct. 4) and Hidalgo County Drainage District No. 1 to cooperate in the improvements of City of Edinburg's Wastewater Treatment Plant Effluent Line and the upgrading of several crossings.**

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

7. Closed Session:

(Audio Tape # 1, Tracking # 975)

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 taken on items 7.A & B.

8. Open Session:

A. Real Estate Acquisition

B. Pending and/or Potential Litigation

NO ACTION taken on items 8.A & B.

9. Closed Session:

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

NO ACTION taken on this item.

10. Open Session:

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

NO ACTION taken on this item.

11. Adjourn

On motion of Commissioner Hector Palacios, seconded by Commissioner Flores, the Board made a UNANIMOUS vote of approval to Adjourn the Drainage District Agenda.

**AGENDA
DRAINAGE DISTRICT- CONSENT
BOARD OF DIRECTORS
September 27, 2011
9:00 A.M.**

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 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 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.

(Exhibit FF)

(Audio Tape #1, Tracking # 18)

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

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

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

Dated this the 27th day of September, 2011

ARTURO GUAJARDO, JR., County Clerk
Hidalgo County, Texas

By: _____
Priscilla Torres, Deputy

I, ARTURO GUAJARDO, JR., County Clerk attest that this is an accurate accounting of a proceeding of the Commissioners' Court held on September 20, 2011.

Signed this 6 day of October 2011

ATTEST:
ARTURO GUAJARDO, JR.
County Clerk and Ex-Officio Clerk
Of the Commissioners' Court of
Hidalgo County

(Seal)

By: _____
Priscilla Torres, Deputy