

SPECIAL MEETING – JULY 10, 2012

BE IT REMEMBERED, that on this 10th of July A.D., 2012, there was begun and held a SPECIAL MEETING of the Honorable Commissioners' Court of Hidalgo County, Texas, wherein the following members thereof were present, to-wit:

HONORABLE RAMON GARCIA	HIDALGO COUNTY JUDGE
HONORABLE 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-OFICIO 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
July 10, 2012
9:30 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held at Edinburg Council Chambers, 415 W. University Drive, 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 Judge Garcia and Commissioner Quintanilla. Judge Garcia and Commissioner Quintanilla joined the meeting shortly after commencement.

2. Pledge of Allegiance

Commissioner Hector Palacios led the Court and Audience in reciting the Pledge of Allegiance.

3. Prayer

Monica Badillo led the Court and Audience in Prayer.

4. Approval of Consent Agenda

The Court moved to approve the Consent Agenda at this time.

5. Executive Officer - Valde Guerra: (Exhibit I)

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."

(Audio Tape # 2, Tracking # 36)

On motion of Commissioner Flores, seconded by Commissioner Quintanilla, the Court made a UNANIMOUS vote to approve the exemption as it pertains to AI-33085, Claim of Esperanza G. Garcia.

(Audio Tape # 1, Tracking # 74)

On motion of Commissioner Flores, seconded by Commissioner Quintanilla, the Court made a UNANIMOUS vote to approve the exemption as it pertains to AI-33130, CL-12-1985-D; Beatriz G. Nino v. County of Hidalgo and Hidalgo County Headstart.

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

(Audio Tape # 1, Tracking # 47)

On motion of Commissioner Quintanilla, seconded by Commissioner Hector Palacios, the Court made a UNANIMOUS vote of approval to engage with the firm of Bobby Guerra from the Law Firm of Willette & Guerra as it pertains to AI-33085, Claim of Esperanza G. Garcia.

(Audio Tape # 1, Tracking # 90)

On motion of Commissioner Flores, seconded by Commissioner Quintanilla, the Court made a UNANIMOUS vote of approval to engage with the firm of Preston Henrichson as it pertains to AI-33130, CL-12-1985-D; Beatriz G. Nino v. County of Hidalgo and Hidalgo County Headstart.

B. AI-33136 Head Start: (Audio Tape #2, Tracking # 117)

1. Approval of Compromise Settlement and Mutual Release Agreement (drafted by legal counsel, Atlas-Hall & Rodriguez) with Centennial Contractors Enterprises, Inc. in connection with roof repairs/restoration of Hidalgo County's Head Start Program's Palmview III Center in Palmview, Texas; and, if necessary:

On motion of Commissioner Hector Palacios, seconded by Commissioner Flores, the Court moved to approve the Release in the amount of \$176,683.24.

2. Authorizing Head Start Program to issue Notice to Proceed with awarded proposal for the repairs/restoration of Palmview III to Alpha through document from project engineer (if necessary) and/or Purchase Order.

Steve Crain recommended that if the Court wishes to approve this item that they approve subject to Valde Guerra, Executive Officer, confirming funds have cleared in the depository bank.

Mr. Ray Eufrazio, Auditor, commented that the understanding is that the Headstart Program is going to pay for the engineering and the architectural costs if a call to the contractors does not work.

On motion of Commissioner Quintanilla, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to authorize the Headstart Program to issue the notice to proceed, subject to Valde Guerra confirming the funds have cleared.

C. AI-33131 Texas AgriLife Extension:

1. Requesting permission for Christina L. Perez and Brad Cowan to travel to Brownwood, Texas to attend the 2012 County Camp on July 11-14, 2012 (no expenses - only use of county vehicle/fuel)

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

2. Requesting permission for Christina L. Perez and five (5) employees to travel to

Falfurrias, Texas to attend the 2012 District 12 - 4-H Recordbook Judging on July 12, 2012 (no expenses - only use of county vehicle/fuel)

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

3. Requesting permission for Brad Cowan to travel to Lubbock, Texas to attend the 2012 TCAAA Annual Meeting on July 28, 2012

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

D. AI-33154 Environmental Compliance & Safety Dept. (1100):

Requesting permission/approval of travel request for Martin Ramirez, Armando Guzman & Rene Parrao to attend the Smoke School/Visible Emissions Workshop to be held on July 26 & 27, 2012 in Robstown, TX.

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

E. AI-33153 Approval to process payment of claims from J. Roel Garcia, Attorney at Law totaling \$130.00 in connection with pre-indictment appointment (invoice period June 2008 - July 2008) with authority for County Treasurer to issue payment after review and auditing procedures are completed.

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

The Court proceeded to discuss item #16 at this time.

6. County Judge's Office: (Exhibit J)

(Audio Tape # 1, Tracking # 492)

A. AI-33151 Discussion, consideration, and approval of amendment to Guidelines and Criteria for Granting Tax Abatements in Hidalgo County under Chapter 312 of the Texas Tax Code.

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

B. AI-33158 Discussion, consideration, and approval of Tax Abatement Agreement between Hidalgo County and Cinch Connectors, Inc.

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

7. District Attorney's Office - Roy Cazares: (Exhibit K)

(Audio Tape # 1, Tracking # 836)

A. AI-33134 DA Bad Ck (1222):

1. Approval to create the Following temporary P/T positions not to exceed 6 months and / or 12-31-2012.

Slot. No	Position Title	Grade
T029	Clerk II	3
T030	Clerk II	3

2. Approval to waive posting, hiring and enrollment procedures.

3. Approval of revised salary schedule.

On motion of Commissioner Joseph Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve items 7.A.1, 2 & 3.

8. Sheriff's Office: (Exhibit L)

(Audio Tape # 1, Tracking # 856)

A. AI-33141 1. Authorization and approval to apply for the Local Border Security Program (LBSP) FY12 grant with the Texas Ranger Division, Texas Department of Public Safety.

2. Approval of Resolution.

3. Authorization for County Judge, as authorized official, to sign required documents.

Clarification was made that this is a no match grant in the amount of \$ 102,897.00.

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

B. AI-33144 1. Approval to create the following full-time position:

Slot No.	Position Title	Salary
0370	Chief of Staff (Non-classified)	\$75,000.00

2. Approval to waive Job Posting procedures to fill Chief of Staff position, slot no. 0370.

3. Approval of interdepartmental transfer.

4. Approval of revised salary schedule.

On motion of Commissioner Joseph Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve items 8.B.1, 2, 3 & 4.

9. Health & Human Services Department - Eddie Olivarez (Exhibit M)

(Audio Tape # 1, Tracking # 909)

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

NO ACTION taken on this item.

10. Urban County - Diana Serna: (Exhibit N)

(Audio Tape # 1, Tracking # 920)

A. AI-32993 1. Requesting exemption from competitive bidding requirements under the Texas Local Government Code 262.024 (a)(4) for professional engineering services;

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, 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 Palmview, Urban County Program, and Hidalgo County Purchasing Department, in connection with and funded through Hidalgo County Urban County Program Year 24 (2011) Palmview Street Improvement funds.

Professional Service Firm	Grade	Ranked
SAMES, Inc.	95.34	1
Dos Logistics	90.34	2
Javier Hinojosa Engineering	89.00	3

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

Commissioner Hector Palacios stepped away from the Court.

3. Authority to negotiate a professional engineering service contract with the No. 1 ranked firm of SAMES Inc. for the provision of engineering services for an Urban County Program Year 24 (2011) City of Palmview, Street Improvement project located in J&O Subdivision to include the streets San Cenovio, San Blas, San Efren, San Feliciano, and San Delfino in Palmview, Texas.

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

B. AI-33025 Urban County Program on behalf of Hidalgo County Precinct No. 1 (Monte Alto Volunteer Fire Department), is requesting authority to purchase Fire Station/Equipment (bunker gear). Purchase will be made from Casco Industries, Inc. (contract #363-10) an approved vendor through Hidalgo County's membership and participation with Buyboard.

The total amount for the purchase is \$11,731.74 (quote attached), as requested by the Hidalgo County Precinct No. 1 for the Monte Alto Volunteer Fire Department utilizing UCP FY 18, 21, 23 & 24 (2005, 2008, 2010 & 2011) Pct. 1 Fire Station/Equipment line item.

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

11. Elections Administration - Yvonne Ramon: (Exhibit O)

(Audio Tape # 1, Tracking # 994)

A. Discussion and/or action, including but not limited to Elections updates

NO ACTION taken on this item.

Judge Garcia recommended that voting for school/city and/or general election be held in the same location so that the voters won't have to visit various locations.

12. Right of Way - Joe Pena: (Exhibit P)

(Audio Tape # 1, Tracking # 1023)

A. AI-33156 Discussion and Authorization for County Judge to execute Utility Easement in favor of North Alamo Water Supply Corporation for the Pct. #1 Sheriff's Substation.

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

13. WIC - Norma Longoria: (Exhibit Q)

(Audio Tape # 1, Tracking # 1092)

A. AI-33066 1. DSHS Nutrition Physical Activity and & Obesity Prevention Grant (1292):

a. Approval and acceptance of grant contract #2012-041053 between DSHS and the Hidalgo County Health & Human Services WIC Department for the amount of \$50,000 starting 6/30/2012 thru 6/29/2013.

b. Approval of Certification of Revenues as certified by the County Auditor for the Nutrition Physical Activity & Obesity Prevention Grant.

c. Approval of appropriation of funds for the Nutrition Physical Activity and Obesity Prevention Grant in the amount of \$50,000.

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve items 13.A.1.a, b & c.

2. Obesity Prevention (1292):

a. Approval to amend the 2012 Budget for the Obesity Prevention Grant in the amount of \$8,000.00.

b. Approval of Certification of Revenues as certified by the County Auditor in the amount of \$8,000.00.

c. Approval of appropriation of funds for the 2012 Obesity Prevention Grant in the amount of \$24,000.00.

On motion of Commissioner Joseph Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve items 13.A.2.a, b & c.

14. Planning Department - Raul Sesin: (Exhibit R)

(Audio Tape # 1, Tracking # 1062)

A. AI-33012 1. Preliminary Approval

a. Loma Verde Subdivision No.2 – Pct.4 (Kyle Ruppert)

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

15. Precinct #2 - Comm. H. Palacios: (Exhibit S)

(Audio Tape # 1, Tracking # 1133)

A. AI-33056 Presentation for consideration, discussion, acceptance and approval of following with Asago, LLC dba Asago Construction for South Tower Road - Street & Drainage Improvement Project, as submitted and recommended by project engineer, R. Gutierrez Engineering Corporation:

1. Acceptance and approval of Change Order No.3 increase in the amount of \$826.00 to reflect final quantity adjustments;

With authority for County Judge or Court member to execute document(s).

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve item 15.A1.

16. Budget & Management - Sergio Cruz: (Exhibit T)

(Audio Tape # 1, Tracking # 361)

A. AI-33140 1. Adoption of an Order with Respect to Republic Services, Inc. project approving the refunding of the Mission Economic Development Corporation Solid Waste Disposal Revenue Bonds (Allied Waste North America, Inc. Project) Series 2007A bonds.

2. Authorization for County Judge to Execute Certificates approving the order, public hearing and related items.

On motion of Commissioner Flores, seconded by Commissioner Hector Palacios, the Court made a UNANIMOUS vote to approve items 16.A.1 & 2.

B. Budget Appropriations: (Audio Tape #1, Tracking # 1157)

1. AI-33139 C.O. 2006 - Constable Precinct 1 Building (1336):

a. Approval of 2012 appropriation of funds into C.O. 2006 Constable Precinct 1 - Buildings in the amount of \$49,891.89.

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

b. Approval of 2012 interdepartmental transfer from C.O. 2006 (various departments and programs) into C.O. 2006 Constable Pct. 1 Buildings in the total amount of \$376,191.45.

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

2. AI-33124 Jail (1100):

a. Approval to undesignate the amount of \$3,827,336.23 in the year 2012 for expenditures related to repairs and maintenance of the County Jail in connection to the Landmark Case.

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

b. Approval of 2012 appropriation of funds in the amount of \$3,827,336.23 to fund jail repairs.

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

Judge Garcia for the Record: These are dollars that came in from that lawsuit that we had set aside.

17. Purchasing Department - Marty Salazar: (Exhibit U)

(Audio Tape # 1, Tracking # 1242)

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. Presentation for acceptance and approval of 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 17.A.1, 2 & 3. a, b & c.

- 4. AI-33027 a. Acceptance of the scoring/evaluation grid (from the designated grading committee) for the purpose of CC to declare as "Qualified" the sole response received from "Valley Coca-Cola Bottling Co. Inc." so as to proceed with the next phase of the procurement process-authority to negotiate; and**

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

b. Authority for Purchasing Department to negotiate a contract with Valley Coca-Cola Bottling Co. Inc." for the provision of services as requested in RFP No: 2012-031-04-18-SMA-"Hidalgo County-Vending Machine Services"

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

B. Pct. 2

- 1. AI-33003 a. Requesting authority to surplus approximately 39,000 CY of FILL DIRT (Loose) as calculated by R. Gutierrez Engineering Corporation to be excavated between Minnesota Road and Owassa Road and between Raul Longoria Road and Cesar Chavez Road as identified on attached map; for the purposes of disposition through sealed bids**

(for sale or exchange) in connection with the "Precinct No. 2 Minnesota Drainage Improvements Project" #2012-177-OGG;

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

b. Requesting authority to advertise and approval of procurement packet (i.e. legal notice, specifications and draft requirements agreement) as attached hereto for the: "Sale or Exchange, Removal and Hauling of Top Soil & Fill Dirt to be Excavated" as described in section (A) in connection with the "Precinct No. 2 Drainage Improvements" project #2012-177-OGG.

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

C. Pct. 4

1. AI-33092 Approval of Plans and Specifications for the following construction projects:

Procurement Method	Project No.	Project Name	Plans and Specifications Developed by:
Competitive Sealed Proposals (CSP)	2012-056B-08-01-MSS	HIDALGO COUNTY PRECINCT NO. 4- <u>"Construction of a New Multi-Purpose Facility and Mechanical Shop".</u>	ERO Architects
Request for Sealed Bids (RFB)	2012-056C-08-01-MSS	HIDALGO COUNTY PRECINCT NO. 4- <u>"Construction of a New Multi-Purpose Facility and Mechanical Shop-Civil Site Improvements"</u>	Hidalgo County Planning Department Raul Sesin, P.E.

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

Commissioner Hector Palacios and Commissioner Quintanilla joined the meeting.

D. Constables

1. AI-33091 a. Presentation of correspondence from vendor, Bougambilias Construction, for Commissioner's Court to permit/approve the withdrawal of the bid submitted for the construction of a new Constable, Pct. #1 building/offices; and, if not approved,

Mr. Traver expressed his concerns from which the Court would be getting the funds from to complete this project.

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote of approval and to release the Bond

b. Discussion and action in connection with County's options to possibly retain Bid Bond (5% of vendor's bid amount) from Bougambilias Construction, if applicable and feasible;

NO ACTION taken on this item.

c. Presentation for consideration and action (to award and/or reject) the lowest responsive/responsible bids individually received for the each of the following projects:

	Project No.	Description	Lowest Responsive Responsible Bids	Bid Amount	Recommendation by:
1.	2012-028-05-09-MSS	Hidalgo County - Construction of New Constable Precinct No. 1 Offices	Holchemont, LTD	\$724,000.00	Project Architect: Alcocer Garcia Associates, Inc. Construction Manager: G.A.S. Enterprises, Inc.
2.	2012-028A-05-09-MSS	Hidalgo County - Construction of New Constable Precinct No. 1 Offices-Parking Lot and Off-Site Drainage	FJW Construction	\$431,513.25	Project Engineer: Guzman and Munoz Engineering and Surveying, Inc. Construction Manager: G.A.S. Enterprises, Inc

On motion of Commissioner Joseph Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve item 17.D.1.c.1. as it pertains to Holchemont, LTD.

NO ACTION taken on item 17.D.1.C.2. as it pertains to FJW Construction.

The Court then clarified that Commissioner Joseph Palacios and Commissioner Flores had committed to assisting Pct. #1 on the second phase of this project, with the exception of Curb & Gutter and Valde Guerra was asked to look for funds for the materials.

E. WIC

1. **AI-32799 Recommending award of bid and approval of contract to multiple bidders as attached hereto meeting all specifications and/or requirements as detailed and reflected in documentation attached for Bid No. 2012-053-MEG Hidalgo County WIC Program "Medical Supplies".**

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve the two low bidders, Interboro and QuadMed, Inc.

F. Colonia Access Program Pct. 1

1. **AI-32975 a. Requesting exemption from competitive bidding requirements under the TX Local Gov't. Code, 262.024 (A) (4) a professional (engineering) service;**

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

b. Presentation of scoring grid (for purpose of ranking by CC) of the firms graded and evaluated through the County's approved "pool" of Engineering Services Providers in connection with Pct 1-Round 3-BCAP Projects;

Firm	SAM Engineering & Surveying Inc.	Dannenbaum Engineering Company	Terracon Consultants Inc.
Evaluator 1	99	90	85
Ranking	1	2	3

On motion of Commissioner Quintanilla, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve to approve the scoring grid as presented.

c. Authority for the Purchasing Department to negotiate a professional (Engineering Services) contract with the No. 1 ranked firm of SAM Engineering & Surveying Inc. for the provision of professional engineering services for Pct 1 Round 3 BCAP Projects.

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

2. AI-32976 a. Requesting exemption from competitive bidding requirements under the TX Local Gov't Code, 262.024 (A) (4) a professional (construction material testing) service;

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

b. Presentation of scoring grid (for purpose of ranking by CC) of the firms graded and evaluated through the County's approved "pool" of Construction Material Testing Providers in connection with Pct 1-Round III-B BCAP Projects.

Firm	L & G Engineering Laboratory Inc.	Raba Kistner Consultants	PSI, Inc.
Evaluator 1	99	91	89
RANKING	1	2	3

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

c. Authority for the Purchasing Department to negotiate a professional (Construction Material Testing) contract with the No. 1 ranked firm of L & G Engineering Laboratory Inc. for the provision of construction material testing services for Pct 1 Round III-B BCAP Projects.

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

G. Colonia Access Program Pct. 3

1. AI-32962 Requesting approval of 2GS, LLC as subcontractor for C-CAP-12-090-05-29 La Homa Road South a Pct No. 3 Border Colonia Access Program Round III contract with

GP7 Construction, LLC, as submitted through project engineer Javier Hinojosa Engineering.

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

- 2. AI-33075 a. Submission through and recommendation by project engineer, Javier Hinojosa Engineering for CC discussion and action of Change Order No. 1 with contractor Saenz Utility Contractors, Ltd. for Munoz Subdivision (Contract #C-CAP-12-019-03-31), Pct. No. 3 reflecting an additional 17 calendar days to contract time due to awarded company division thus resulting in delayed start;**

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote of approval, subject to correction of Contract Number to read #CAP-12-019-01-31.

- b. Submission through and recommendation by project engineer, Javier Hinojosa Engineering for CC discussion and action on Change Order No. 1 with contractor Saenz Utility Contractors, Ltd. for Havana Subdivision (Contract #C-CAP-12-020-01-24), Pct. No. 3 reflecting an additional 17 calendar days to contract time due to awarded company division resulting in delayed start.**

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

H. Colonia Access Program Pct. 4

- 1. AI-32726 Requesting approval of Eberle Materials, Inc. as subcontractor for contract #C-CAP-11-123-05-23 "Road & Drainage Construction for Lakeview Subdivision" a Pct No. 4 Border Colonia Access Program Round III contract with Sascon, Inc. as submitted through project engineer, J. E. Saenz & Associates.**

On motion of Commissioner Joseph Palacios, seconded by Commissioner Quintanilla, the Court made a UNANIMOUS vote to approve with Sascon Inc.

Commissioner Flores stepped away.

I. Sheriff's Office

- 1. AI-33090 a. Approval of an "order" granting exemption from competitive bidding requirements under Texas Local Gov't. Code, Chapter 262 Section .024 (a) (7) "an item that can be obtained from only one source;**

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

- b. Approval of a "Sole Source Declaration" with authority to purchase new or used ICx Tactical Platforms and related equipment including maintenance/repairs/support items with said declaration in force until revoked and commencing through requisition #00217667 in the amount of \$71,400.00 (attached hereto).**

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

18. Open Forum

(Audio Tape # 1, Tracking # 2175)

-Commissioner Joseph Palacios recognized Commissioner Todd Staples and Senator Eddie Lucio for visiting the CRC Center in San Carlos and Troy and Jennifer Rawlings, of Houston Copperfield Baptist Church who came down with various volunteers to provide shoes, etc. to the children in the summer program.

-Fern McClaugherty expressed concerns that money to repair the Courthouse is being used to fund/build the Constable Pct. 1 building, informed the Court of calls she received in regards to pot holes and tall brush on Cemetary Road and discussed the renting/ leasing of buildings.

-Frank Traver discussed his appointment to the Regional Board of Directors and provided updates on their meetings.

19. Closed Session: (Exhibit V)

(Audio Tape # 1, Tracking # 2755)

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

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. Pending and/or potential litigation**
- C. AI-33080 Claim of Maria Isabel Tanguma**
- D. AI-33084 Claim of Esperanza G. Garcia**
- E. AI-33097 Claim of Jose L. Esparza**
- F. AI-33127 Civil Action No. 7:12-mc-00238; Edward Avila v. Hidalgo County, Texas**
- G. AI-33129 CL-12-1985-D; Beatriz G. Nino v. County of Hidalgo and Hidalgo County Headstart**
- H. AI-33145 CL #05-1249-E; Jesus Humberto Hernandez, v. Gabriel Aguilar v. Guadalupe "Lupe" Trevino**
- I. AI-33149 C-1903-12; Veronica Falcon v. Wells Fargo Delaware Trust Company NA AS Trustee for Vericrest Opportunity Loan Trust 2010-NPL1**

NO ACTION taken on items 19.A. through I.

20. Open Session: (Exhibit W)

(Audio Tape # 2, Tracking # 06)

Commissioner Joseph Palacios did not return after Closed Session.

A. Real Estate Acquisition and appropriation for same

NO ACTION taken on this item.

Valde Guerra, Executive Officer, stated they would proceed as directed.

B. Pending and/or potential litigation

NO ACTION taken on this item.

C. AI-33082 Claim of Maria Isabel Tanguma

On motion of Commissioner Quintanilla, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve the settlement offer in the amount of \$3,880.61.

D. AI-33085 Claim of Esperanza G. Garcia

Refer to item 5.A.1 & 2.

E. AI-33098 Claim of Jose L. Esparza

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

F. AI-33128 Civil Action No. 7:12-mc-00238; Edward Avila v. Hidalgo County, Texas

Valde Guerra disclosed to the Court that this case would be assigned to Ms. Josephine Ramirez and her office.

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

G. AI-33130 CL-12-1985-D; Beatriz G. Nino v. County of Hidalgo and Hidalgo County Headstart

Refer to item 5.A.1 & 2.

H. AI-33148 CL #05-1249-E; Jesus Humberto Hernandez, v. Gabriel Aguilar v. Guadalupe "Lupe" Trevino

Valde Guerra disclosed to the Court that this case will be assigned to Ms. Josephine Ramirez and her office.

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

I. AI-33146 C-1903-12; Veronica Falcon v. Wells Fargo Delaware Trust Company NA AS Trustee for Vericrest Opportunity Loan Trust 2010-NPL1

Valde Guerra disclosed to the Court that this case will be assigned to Ms. Josephine Ramirez and her office.

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

21. Closed Session:

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

NO ACTION taken on this item.

22. Open Session:

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

NO ACTION taken on this item.

The Court went back to discuss items 5.B.1 & 2. prior to Adjourning.

23. Adjourn

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

**AGENDA
CC CONSENT
HIDALGO COUNTY
COMMISSIONERS COURT MEETING
July 10, 2012
9:30 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held at the Edinburg Council Chambers 415 W. University Drive, 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 # 122)

On motion of Commissioner Hector Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve the Consent Agenda, with the exception of 5.A, 8.C.1 & 2, ad 8.F.

On motion of Commissioner Flores, seconded by Commissioner Hector Palacios, the Court made a UNANIMOUS vote to approve item 5.A, subject to funding and the affidavit being submitted.

NO ACTION taken on items 8.C.1 & 2.

On motion of Commissioner Flores, seconded by Commissioner Hector Palacios, the Court made a UNANIMOUS vote to approve item 8.F, subject to the requisition being submitted.

- 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. 2012 Intradepartmental transfers: (Exhibit B)

- A. AI-33106 2012 - Pct. #1 Sanitation (1100)**
- B. AI-33002 2012 - Pct. #2 R&B (1200)**
- C. AI-33059 2012 – Pct. #2 Road Maintenance (1200)**
- D. AI-33000 2012 - Pct. #2 Parks (1100)**
- E. AI-33043 2012 - Pct. #2 R&B (1200)**
- F. AI-32973 2012 - Pct. #2 Admin. (1200)**
- G. AI-33015 2012 - Fire Marshal (1100)**
- H. AI-32981 2012 - I.T. Department (1100)**
- I. AI-32974 2012 - Planning Dept. (1100)**
- J. AI-33008 2012 - Sheriff's Office (1100)**
- K. AI-33078 2012 - Sheriff's Investigation Fund HB65 (1227)**
- L. AI-32968 2012 - Health & Human Services Dept. (1293)**
- M. AI-32942 2012 - Health & Human Services Dept. (1100)**
- N. AI-33018 2012 - Health & Human Services Dept. (1293)**
- O. AI-33011 2012 - Treasurer's Office (1100)**
- P. AI-32983 2012 - Purchasing (1100)**
- Q. AI-32997 2012 - W.I.C. (1292)**
- R. AI-33110 2012 - 449th District Court (1100)**
- S. AI-32978 2012 - County Court at Law #7 (1100)**
- T. AI-32960 2012 - Justice Crt Tech (1242)**
- U. AI-32967 2012 - Constable Pct. #4 (1100)**

3. 2012 Interdepartmental transfers: (Exhibit C)

- A. AI-33061 Pct. #1 CO's 2010 A & B (1342):**

Approval of 2012 interdepartmental transfer from Pct. 1 Roads, program #041, to Bar Ditches, program #087, and HCCID #9 Drain Channels, program #092, in the amount of \$24,400.00 to fund the Pct. 1 Drainage Improvement labor reimbursements for the month of May 2012 (PP #9 & 10).

B. AI-33004 Pct. #2 CO 2010 A&B (1342):

Approval of 2012 interdepartmental transfer within the certificates of obligation A&B from program 055 to program 058 in the total amount of \$120,000.00

C. AI-33005 Pct. #2 CO2009 (1339):

Approval of 2012 interdepartmental transfer within Certificates of Obligation Series 2009 from program (034) to program (038) in the total amount of \$116,000.00.

D. AI-33006 Pct. #2 R&B (1200):

Approval of 2012 interdepartmental transfer within R&B (1200) from program (034) to program (047) in the total amount of \$36,800.00.

E. AI-33142 C.O. 2006 - Administration Building (1336):

Approval of interdepartmental transfer from program (025) to program (043) in the amount of \$148,377.74.

F. AI-33017 Fire Marshal (1100):

Approval of 2012 interdepartmental transfer from program (890) to Edcouch FD program (005) in the amount of \$10,000.00.

G. AI-33125 Pct. 1-4 Rd Maint (1200):

Approval of 2012 interdepartmental transfer from CW Adm-Contingency to Pct. 1-4 Rd Maint in the amount of \$200,000.00 to fund fuel expenditures.

4. Planning Department: (Exhibit D)

A. AI-33123 1. Certificate of Plat and Utility Status under Texas Local Government Code Section 232.028 (b)

2. Certificate of Water Service Availability under Texas Local Government Code Section 232.029 (c) (2)

5. Membership Dues: (Exhibit E)

A. AI-33048 Approval to pay annual membership dues to TAC in the amount of \$2,440.00 with authority for County Treasurer to issue check after review and auditing procedures are completed

6. Auditor's Office: (Exhibit F)

A. AI-32950 Monthly collection reports for April and May 2012.

OFFICE	FEES & COST	MONTH
The Hon. Guadalupe Trevino, Hidalgo County Sheriff	\$ 86,274.04	April 2012
The Hon. Joel Quintanilla, Comm. Pct. 1, Delta Lake Park	\$ 1,188.00	May 2012
The Hon. Daniel Marichalar, Constable Precinct No. 5	\$ 280.00	May 2012
Ms Angie Chapa, Law Librarian	\$ 1,661.25	May 2012

7. Budget & Management: (Exhibit G)

A. AI-33114 Self-Insured 2202 Workers' Comp.:

Requesting approval of reimbursement of Hidalgo County Workers' Comp. Claims paying account for claims paid by Tristar Risk Management in the amount of \$ 36,662.22 for the period of 06/16-30/2012 and requesting approval of wire transfer.

B. AI-32890 1. Approval of reimbursement in the amount of \$739,161.02 to Blue Cross Blue Shield Insurance Company for claims paid on behalf of Hidalgo County from 06/09/12 to 06/22/12.

06/09-15/12	\$397,484.95
06/16-22/12	\$341,676.07
TOTAL	\$739,161.02

2. Approval of wire transfer to cover claims paid.

C. AI-33133 General Fund Salaries & Fringes Sweep (1100):

1. Approval to transfer lapsed salaries from various departments to the Countywide Administration-Contingency account.

2. Approval to transfer lapsed fringe benefits from various departments to the Countywide Administration-Contingency account.

8. Purchasing Dept: (Exhibit H)

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-33026** Requesting approval of payment for Invoice No. 12054 in the amount of \$34,977.18 (3rd Call, various projects) as submitted by project engineer Javier Hinojosa Engineering.
- B. **AI-33117** 1. Acceptance and approval of Certificate of Completion for the project Hidalgo County Precinct No. 4 -"Light Retrofits to various Precinct No. 4 Buildings" (2012-065C-MSS -PO 673741) as certified by project engineer, Mr. Raul Sesin, P.E., Hidalgo County Planning Department;
2. Requesting approval for Payment Applications No. 664444 in the amount of \$24,716.28 from Facility Solutions Group, awarded contractor for the Hidalgo County Precinct No. 4 "Light Retrofits to various Precinct No. 4 Buildings" an Energy Efficiency and Conservation Block Grant (EECBG) project (2012-065C-MSS -PO No. 673741) as certified for payment by project engineer, Mr. Raul Sesin, P.E., Hidalgo County Planning Department with authority for County Treasurer to issue check after review, audit, and processing procedures are completed by County Auditor.
- C. **AI-33029** 1. Presentation for discussion, consideration, acceptance, and approval of payment of Invoice No. 13 in the amount of \$39,000.00 from Alcocer Garcia Associates, Inc., contracted architect for the, "Remodel of Existing Old Administration Building (1st & 2nd floors)". C-08-131-08-07
2. Presentation for discussion, consideration, acceptance, and approval of payment of Invoice No. 1 (Reimbursable) in the amount of \$2,884.03 from Alcocer Garcia Associates, Inc., contracted architect for the, "Remodel of Existing Old Administration Building (1st and 2nd floors)." C-08-131-08-07
- D. **AI-33028** Cooperative Agreements:
- 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, 2012.
- E. **AI-33014** Presentation and recommendation by project engineer, R. Gutierrez Engineering Corp. (C-CAP-12-048-03-20) for Consideration, acceptance and approval of the following items requested by contractor Asago LLC, dba, Asago Construction, for South Side Village Subdivision:
1. Application for payment No. 1 in the amount of \$59,790.60;
2. Change Order No. 1 reflecting changes in final quality adjustments and addition of safety markers resulting in a decrease of \$1,876.00.

- F. AI-33009 Acceptance and approval of final construction contract (award by CC 05-29-12) for C-CAP-12-090-05-29 La Homa Road South Subdivision between Hidalgo County and GP7 Construction, LLC in the amount of \$163,402.20.**
- G. AI-32987 Acceptance and approval of request for payment of Invoice Four in the amount of \$2,369.77 for the "Design and Construction Of A New Constable Building" for professional architectural services with Alcocer Garcia Associates, Inc. in Hidalgo County Precinct One in connection with the AIA Contract #C-10-320-02-08--PO#660264 (approved-CC-02/08/11) with authority for County Treasurer to issue check after County Auditor's review and procedures are completed.**
- H. AI-32986 Approval for Comdata Corporation Services, Inc. to add additional fuel card(s) and/or driver(s) for:**
 - 1. Adult Probation - Fuel Card User**
 - 2. Juvenile Probation - Fuel Card User**
 - 3. District Attorney - Fuel Card User and Fuel Card for Vehicle**
- I. AI-32878 Requesting authority to advertise and approval of procurement packet (i.e. specifications-requirements, legal notice, draft contract etc.) as attached hereto for: "Hidalgo County WIC Program-Lease of Office Space-Las Milpas" Bid No. 2012-124-00-00-MEG including the re-advertising of project in the event no bids received and/or rejection of responses received and project is still required.**

**AGENDA
DRAINAGE DISTRICT
BOARD OF DIRECTORS
July 10, 2012
9:00 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Drainage District #1 Board of Directors will be held at the Edinburg Council Chambers, 415 W. University Drive, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:

(Exhibit X)

(Audio Tape #1, Tracking # 9)

1. Roll Call

All members of the Board were counted present, with the exception of Judge Garcia and Commissioner Quintanilla.

2. Open Forum

No presentations made under Open Forum.

3. Approval of Consent Agenda

The Board moved to approve the Drainage District Consent Agenda.

4. Closed Session:

(Audio Tape # 1, Tracking # 40)

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 4.A & B.

5. Open Session:

A. Real Estate Acquisition

B. Pending and/or Potential Litigation

NO ACTION taken on items 5.A & B.

6. Closed Session:

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

NO ACTION taken on this item.

7. Open Session:

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

NO ACTION taken on this item.

8. Adjourn

On motion of Commissioner Joseph 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
July 10, 2012
9:00 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Drainage District #1 Board of Directors will be held at the Edinburg Council Chambers 415 W. University Drive, 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.

(Audio Tape # 1, Tracking # 33)

(Exhibit Y)

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, 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 10th day of July, 2012

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 July 10, 2012.

Signed this 13 day of July 2012

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

(Seal)

By: _____
Priscilla Torres, Deputy