

**SPECIAL MEETING – DECEMBER 30, 2003**

BE IT REMEMBERED, that on this 30<sup>th</sup> day of December, A.D., 2003, there was begun and held a SPECIAL MEETING of the Honorable Commissioners' Court of Hidalgo County, Texas, wherein the following members thereof were present, to-wit:

HONORABLE RAMON GARCIA	HIDALGO COUNTY JUDGE
HONORABLE SYLVIA HANDY	COMMISSIONER, PRECINCT NO. 1
HONORABLE HECTOR (TITO) PALACIOS	COMMISSIONER, PRECINCT NO. 2
HONORABLE JOSE FLORES	COMMISSIONER, PRECINCT NO. 3
HONORABLE OSCAR L. GARZA JR.	COMMISSIONER, PRECINCT NO. 4

and **J.D. SALINAS, COUNTY CLERK & EX-OFICIO CLERK OF THE COMMISSIONERS' COURT** of Hidalgo County, Texas, wherein the following proceedings were had, to-wit:

**STATE OF TEXAS           §**

**COUNTY OF HIDALGO   §**

**COMMISSIONERS' COURT**

**NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, DECEMBER 30, 2003 at 9:00 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:**

**1. Roll Call**

All members of the Court were counted present.

**2. Pledge of Allegiance**

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

**3. Prayer**

Judge Garcia called on Commissioner Handy to lead the Court and Audience in Prayer.

**4. Open Forum**

- Commissioner Palacios informed the Court and audience that the County Offices would be open all day Wednesday, December 31, 2003.
- Hector Garza commented on the use of Jesus Maria Road.
- Steven Sanchez also discussed the use and maintenance of Jesus Maria Road.
- Virginia Townsend discussed common sense.
- Fern McClaugherty also commented on Jesus Maria Road and Risk Management issues.

**5. Approval of Consent Agenda**

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

**6. Urban County: (SEE EXHIBIT E)**

**A. Approval of Budget & Program Amendment – Pct. #2 – UCP Years 13, 15 & 16 (2000, 2002, 2003)**

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

At this time, the Court proceeded with item #8.

**7. Budget Office: (SEE EXHIBIT F)****A. Approval to unappropriate funds from various accounts and appropriate same – Gen. Fund**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to appropriate 420,692.20, 4,376.53, and 15,760.00.

**B. Approval to pay back longevity pay for two (2) Fraud Investigators & approval of budget amendment:**

- Employee #010545
- Employee #087416

NO ACTION taken on this item. Will be discussed next week.

**C. Approval of budget amendment - \$ 30,000.00 and authority for County Auditor to issue manual check for \$ 30,000.00 to Estrada, Hinojosa & Company for professional services rendered as financial advisor (for annual retainer fee)**

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

**8. County Judge: (SEE EXHIBIT G)****A. Discussion, consideration and action on establishing a County Policy regarding maintenance of private roads, county roads and roads located in adjoining counties with public funds**

Discussion/presentation made by Judge Garcia.

NO ACTION taken on this item.

**B. Discussion, consideration and action to reconsider the action taken by Commissioners' Court authorizing Hidalgo County to enter into an Interlocal Agreement with Willacy County and Kennedy County to maintain G.I. Road, Jesus Maria Road and County Line Road**

Discussion held by Godfrey Garza and the Court.

NO ACTION taken on this item.

**C. Discussion, consideration and action to reconsider the action taken by Commissioners' Court declaring G.I. Road and Jesus Maria Road as public roads**

-Humberto Garza, County Judge's Office, clarified some issues for the Court.

-Paul Genoa, Vice President/General Manager for the King Ranch voiced his concerns regarding Jesus Maria Road.

-Dr. Philip Hunke also voiced his concerns about Jesus Maria Road and the possibilities of fires due to people trespassing on his property.

-Romeo Villareal clarified some issues to the Court regarding maintenance of Jesus Maria Road.

Discussion continued on next page.

Commissioner Palacios stated for the Record: There have been some strong statements by members of the Court and the general public that have been at the podium. I want to assure you that the vote that was taken by Court was done based on information presented to the Court, upon legal advise, and was done in good faith.

-Campell Patton, Ranch Broker in South Texas, compared Hidalgo County to Duval County, and also discussed Jesus Maria Road and political associations.

Judge Garcia informed the Court that action would be deferring any action until legal counsel or the attorney general reviews the statute passed by the legislature applies to the action of this County's Commissioners' Court.

NO ACTION taken on this item.

Regarding action/discussion of the public/private roads, Jesus Maria Road, etc., Commissioner Palacios stated for the record: The Court acted in good faith based on legal advise.

Commissioner Garza went on to state for the Record that he "didn't want to get arrested."

Commissioner Flores stepped away from the Court.

**9. Purchasing Department: (SEE EXHIBIT H)**

**A. HIDALGO COUNTY –**

**Discussion and/or action, including, but not limited to the following items:**

1. **New Hidalgo County Jail: Total inmate population: 1098 Other Information: 7**

<b>Physical Count:</b>		<b>Males</b>	<u>995</u>
<b>Out of County:</b>	<b>La Villa</b>	<u>25</u>	<b>Females</b>
	<b>Brooks</b>		<b>Federal</b>
		<u>11</u>	
2. **Current inter-local(s) and/or contract(s) for the "Housing of Inmates"**
3. **New Adult Detention Facility and Law Enforcement Center Project:**
  - a) **Detention Facility Law Enforcement Center Design- Build Contract Action (if necessary)**
    1. **authorization to file claim against bonding companies;**
    2. **authorization to engage independent construction investigator;**
  - b) **County Auditor's Report on Detention Facility Law Enforcement Center Project paid and pending payment request approval;**
  - c) **Discussion and possible action on-site projects on site of the New Adult Detention Facility and Law Enforcement Center including, but not limited to, structures (i.e. Shooting Range Facility, Jogging Track, Driver Training Track, Parking Lot(s) and Utility Extensions, under or anticipated construction on site and preliminary information and request for clarification and direction on the possible construction options for additional pod(s) with staffing and maintenance and operations analysis and impacts including the status of the old facility.**

No action taken for items 9.A.2, and 3.a, b, and c.

Commissioner Garza was away from the Court.

4. **Requesting authority to approve the following Request ions that were submitted after the November 7, 2003 deadline, as ordered by CC on 10/03/03, process and issue purchase orders, for the items listed and detailed on “Exhibit A” attached hereto.**

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

5. **Presentation for discussion, consideration, acceptance and approval of claims/invoices with authority for Auditor to issue payment after review, audit and processing procedures completed for the following:**

Hidalgo County JP Pct. 1 Pl. 1	Reimbursement to Judge Gilberto Saenz	\$ 140.02	3-1100-412-00-061-001-0-671
Hidalgo County District Attorney	Reimbursement to James R. Wade	\$ 10.78	3-1223-412-00-080-007-0-601
Hidalgo County District Attorney	Reimbursement to Amy Alaniz	\$ 20.00	3-1223-412-00-080-007-0-831
Hidalgo County District Attorney	Reimbursement to Amy Alaniz	\$ 5.34	3-1222-412-00-080-006-0-535
Hidalgo County Judge’s Office	Reimbursement to Mona Parras	\$ 75.75	3-1100-413-00-110-006-0-661
Hidalgo County Judge’s Office	Reimbursement to Lorie Ochoa	\$ 42.06	3-1100-413-00-110-006-0-550
Hidalgo County Precinct 2	Office Depot, Inc	\$ 14.99	3-1200-413-00-110-034-0-601
Hidalgo County Precinct 2	Broadway Hardware	\$ 69.98	3-1100-446-00-122-018-0-748
Hidalgo County Precinct 1	Blue Starr Chemical Co. Inc.	\$ 317.55	3-1211-452-00-121-013-0-607
Hidalgo County Precinct 1	Blue Starr Chemical Co. Inc.	\$ 257.40	3-1100-432-00-121-001-0-607

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

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

1. **Requesting authority to advertise for Precinct office space.**

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

Commissioners’ Garza and Flores joined the meeting.

2. **Requesting authority to advertise for RFB- New and Used Guard Rail Beam Materials and Installation” project and approval of specifications as attached hereto:**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approve B2 “countywide on as a needed bases”.

**C. HIDALGO COUNTY PRECINCT NO. 3-**

1. **Presentation for consideration, acceptance and approval of claims/invoices totally \$15,170.00 (as necessitated by flood disaster emergency) from CAM Vacuum Oilfield Service LLC, with authority for Auditor to issue payment after review audit and processing procedure completed (Services acquired through solicited quotes by precinct at time of flooding) Notes:**

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

**D. HIDALGO COUNTY COLONIA ACCESS PROGRAM PRECINCT NO.4-**

1. **Requesting correction of the Professional Engineering Services contract with Millennium Engineers Group, Inc. (Colonia Access Program ) as approved by Commissioner's Court on 01-07-03 to reflect the term of two years period and not as shown on current document for a one (1) year period. (Draft Contract erroneously approved with incorrect dates).**

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

**E. HIDALGO COUNTY DISTRICT ATTORNEY'S DEPT. FOR D.P.S.-**

1. **Requesting approval to purchase thirteen (13) cellular phones and enter into a service agreement with Nextel, a CISV vendor through the Resolution with State of Texas, Texas Building and Procurement Commission's Catalogue Purchasing Program and as directed by DPS /Austin source. Agreement effective upon approval.**
  - a) **10 Cellular Phones I305 @ 74.99 ea.---\$ 749.90**  
**3 Cellular Phone I530 @ 99.99 ea. -----\$ 299.97**
  - b) **Service agreement per month for 13 Cellular Phones @ 39.99 ea. ----- \$ 519.87**  
**Caller ID/Voicemail per month for 13 Cellular Phones @ \$ 2.00 ea. -----\$ 26.00**

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made UNANIMOUS vote of approval to purchase and activate items E.1.a & b.

**F. HIDALGO COUNTY PURCHASING DEPARTMENT-**

1. **Presentation for discussion, consideration and approval of vendor's request, (Larry Dittburner, awarded bidder for the DPS substation lease building in Weslaco) for compliance date for construction of building to commence as of 12-29-03 for the reasons stated in correspondence attached hereto.**

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

**10. Human Services: (SEE EXHIBIT I)****A. Discussion and/or action, including, but not limited to the following items:**

1. **Authorization to pay 2003 claims: \$53,058.34**
2. **Indigent Health Care expenditures**

Rudy de la Vina informed the Court that the total is \$1,346,049.57 since September 1, 2003. Current fund balance in 03 monies is \$3,788,262.00.

NO ACTION taken on this item. This was approved through consent agenda.

At this time the court went back to discuss and approve item #7.

**11. Closed Session: (SEE EXHIBIT J)**

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval to go into executive 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**

This subject was not discussed in executive session.

**B. Pending and/or potential litigation – Consultation with Attorney on contemplated litigation associated with New Adult Detention Facility & Law Enforcement Center Project**

NO ACTION taken during executive session.

**12. Open Session: (SEE EXHIBIT J)**

**A. Real Estate Acquisition**

NO ACTION taken on this item. This item was not discussed during executive session.

**B. Pending and/or potential litigation – Consultation with Attorney on contemplated litigation associated with New Adult Detention Facility & Law Enforcement Center Project**

NO ACTION taken on this item.

**13. Closed Session:**

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

NO ACTION taken on this item.

**14. Open Session:**

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

NO ACTION taken on this item.

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

**NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, DECEMBER 30, 2003, at 9:00 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:**

**NOTICE TO THE PUBLIC  
CONSENT AGENDA**

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

No concerns were voiced by Tony Sandoval, County Auditor.

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

- 1. Approval of check register and payment of claims and bills - County Auditor (SEE EXHIBIT A)**
- 2. Planning Department: (SEE EXHIBIT B)**
  - A. Approval of the following Certificates:**
    - **Certificates of Plat & Utility Status under Local Government Code Section 232.028(b)**
    - **Certificates of Residence Construction under Local Government Code Section 232.029 (c)(1)**
    - **Certificates of Water Service Availability under Local Government Code Section (c)(2)**
- 3. Line item transfers: (SEE EXHIBIT C)**
  - A. J.P. Pct. #5, Pl. 1**
  - B. Pct. #2 – Parks**
- 4. Tax Refunds: (SEE EXHIBIT D)**
  - A. Bold Eagle Enterprises, LLC                      Oscar Moya                      \$ 4,500.00**

**DRAINAGE DISTRICT BOARD OF DIRECTORS**

**NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, DECEMBER 30, 2003 at 9:00 A.M., in the Commissioners Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:**

**DRAINAGE DISTRICT  
(SEE EXHIBIT K)**

**1. Roll Call**

All members of the Court were counted present.

**2. Open Forum**

NO ACTION taken on this item.

**3. Approval of Consent Agenda**

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

**4. Closed Session:**

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

**A. Real Estate Acquisition**

NO ACTION taken on this item.

**5. Open Session:**

**A. Real Estate Acquisition**

NO ACTION taken on this item.

**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.

On motion of Commissioner Garza, seconded by Commissioners' Handy and Flores, the Court made a UNANIMOUS vote of approval to Adjourn this day's meeting.

**NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, DECEMBER 30, 2003 at 9:00 A.M., in the Commissioners Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:**

**NOTICE TO THE PUBLIC  
CONSENT AGENDA**

**The following items are of a routine or administrative nature. The Drainage District #1 Board of Directors has been furnished with background and support on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a 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.**

**DRAINAGE DISTRICT  
(SEE EXHIBIT L)**

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

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

Godfrey Garza informed the Court that all bills have been reviewed by Ms. Norma Garcia, County Treasurer. Ms. Garcia informed the Court that the bills have in fact been reviewed, and that they are still being assisted by the Auditor's Office.

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 30<sup>th</sup> day of December, 2003

JUAN D. SALINAS, III, County Clerk  
Hidalgo County, Texas

By: \_\_\_\_\_  
Priscilla Torres, Deputy

I, JUAN D. SALINAS, III, County Clerk attest that this is an accurate accounting of a proceeding of the Commissioners' Court held on December 30, 2003.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2004.

ATTEST:  
JUAN D. SALINAS, III  
County Clerk and Ex-Officio Clerk  
Of the Commissioners' Court of  
Hidalgo County

By: \_\_\_\_\_  
Priscilla Torres, Deputy

(Seal)