

**SPECIAL MEETING – February 3rd, 2004**

BE IT REMEMBERED, that on this 3<sup>rd</sup> day of February, A.D., 2004, 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-OFFICIO CLERK OF THE COMMISSIONERS' COURT** of Hidalgo County, Texas, wherein the following proceedings were had, to-wit:

**County Judge**

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

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



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

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

**COMMISSIONERS' COURT  
AGENDA**

**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, FEBRUARY 03, 2004 at 9:30 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:**

**1. Roll Call**

All members of the Court were counted present with the exception of Commissioner Garza.

**2. Pledge of Allegiance**

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

**3. Prayer**

Commissioner Handy led the Court and Audience in Prayer.

**4. Open Forum**

Fermin Olivarez reminded the court about the Letter of Content.

Rick Loreda commented about using cell phones during work hours.

State Representative Roberto Gutierrez commented on Proposition 13.

**5. Approval of Consent Agenda**

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

Commissioner Flores stepped away from the Court and did not return to the meeting.

**6. Urban County – Diana Serna: (See Exhibit G)**

**A. Approval to participate in the Constable contract with DM Roth, Inc. for Pct. #2 Street Improvements Project using UCP Year 13 (2000), Year 15 (2002) and Year 16 (2003)**

NO ACTION taken on this item due to typographical error.

**B. Approval of a Subrecipient Agreement with the Mid Valley Youth Soccer Club (Youth Services) and the Urban County Program on behalf of the City of Weslaco – UCP Year 16 (2003)**

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

**C. Approval of a budget and program amendment – City of Edcouch – UCP Year 15 (2002) & Year 16 (2003)**

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

**D. Award of construction contract to ACM (Al Cardenas Masonry) – City of Palmview – Parks & Recreational Facilities – UCP Years 12, 13, 14 & 15 (1999-2002)**

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

**7. Planning Department – Raul Sesin: (See Exhibit H)**

**A. Final Approval:**

**1. La Villita Meadows Phase II Subdivision – Pct. #1**

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

**8. Right of Way – Godfrey Garza: (See Exhibit I)**

**A. Approval of FM 2220 Roadway Reconstruction, from SH 495 to Exy.83 (TxDot Project CSJ:2094-01-026)**

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

At this time, the Court moved to clarify item 6.G-1 on the Consent Agenda.

**9. Health Department – Eddie Olivarez: (See Exhibit J)**

**A. Requesting authorization and approval for contract amendment requested by the Texas Department of Health – TDH Department No. 7460007176 – 2005 Contract Change Notice No. 2**

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

**10. Elections Department: (See Exhibit K)**

**A. Approval to add Valley Association for Independent Living as a mobile voting site for the March 2004 Primary**

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

**11. Discussion, consideration and action related to personnel issues concerning the Hidalgo County Sheriff's Department (See Exhibit L)**

NO ACTION taken on this item.

**12. Budget Office: (See Exhibit M)**

**A. Pct. #3 – CIP Line item transfer**

**B. Human Services:**

**1. Approval to create obj. 604, 608 & 529 & line item transfer**

**C. Constable Pct. #5:**

**1. Approval to create obj. 890 & line item transfer**

**D. Insect Eradication:**

**1. Approval to create obj. #671 & line item transfer**

**E. Health Department:**

**1. Authorization and approval to unappropriate \$ 16,000.00 from acct. #4-1100-429-00-110-017-0-334 & appropriate same into acct. #4-1100-441-00-340-001-0-741**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote to approve item 12.E.

**F. Elections Department:**

**1. Approval to create obj. 741 & line item transfer**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval on items 12.A, B, C, D, & F.

**G. Buildings & Grounds:**

**1. Approval to unappropriate \$ 20,000.00 from Acct. #4-1100-419-40-220-001-0-334 and appropriate same into acct. #4-1100-429-00-110-017-0-334**

NO ACTION taken on this item due to error on posting.

**13. County Judge – Lorie Ochoa: (See Exhibit N)**

**A. Discussion regarding the tentative plans of the City of Edinburg to update and renovate the Edinburg Square**

Presentation made by Dr. Lori Ochoa of the Hidalgo County Judge's Office.

**B. Discussion consideration and approval to apply for an Extension Application for the TXDOT Texas Traffic Safety Program Grant Agreement in the amount of \$ 50,000.00 for the Hidalgo County Sheriff's Department (funds will be used to support overtime during the 4<sup>th</sup> of July Holiday)**

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

**14. Risk/Emergency Management – Adan Perez: (See Exhibit O)****A. Discussion and possible action regarding Lower Rio Grande Valley Development Council Regional Mitigation Action Plan**

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

**B. Discussion regarding Annex P, Hidalgo County Disaster Plan**

Presentation made by Charlie Montgomery.

NO ACTION taken on this item.

**C. Establish Mitigation Planning Team and explanations of timeline**

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval to appoint Commissioner Flores as part of the Mitigation Planning Team.

**D. Discussion regarding COG progress with regional planning for disaster response (grants):**

- 1. Homeland Security Equipment Grant, 2003**
- 2. Department of Justice 2003 Communications Grant**
- 3. State of Texas Division of Emergency Management Mitigation Grant**
- 4. Local Emergency Management Planning/Master Mutual Aid**

Presentation made by Charlie Montgomery and Ms. Ramirez.

**E. Training Efforts:**

- 1. Participation in Weslaco WMD Tabletop, January 2004**
- 2. Agroterrorism Terrorism Workshop, February 2004**
- 3. Conferences/Training Classes at Conference (including Mitigation)**
- 4. Debris Management Class, December 2003**

Presentation made by Charlie Montgomery.

**F. American Red Cross Master Agreement – CPR/First Aid/AED**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval to create a Hidalgo County Master Agreement.

**15. Pct. #3 – Comm. Flores: (See Exhibit P)****A. Requesting approval to remove 1984 Ford Pickup (stolen) from inventory and insurance rolls**

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

**B. Requesting approval to remove Johnson mobile unit (radio), Lift Pump & a 1989 shredder from inventory list**



**19. Purchasing Department:** (See Exhibit T)

**A. HIDALGO COUNTY –**

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

1. **New Hidalgo County Jail:** Total inmate population: 1100 Other Information:  
     Physical Count: 1094 Males 1027  
     Out of County: La Villa 4 Females 67  
                                     Brooks                                      Federal 12

2. **Current inter-local(s) and/or contract(s) for the “Housing of Inmates”**

Marty Salazar stated there was nothing to report.

3. **New Adult Detention Facility and Law Enforcement Center Project:**

a) **Detention Facility Law Enforcement Center Design- Build Contract Action (if necessary)**

Marty Salazar stated there was nothing to report.

b) **County Auditor’s Report on Detention Facility Law Enforcement Center Project paid and pending payment request approval;**

Marty Salazar stated there was nothing to report from the Auditor’s Department.

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 status of a request for qualification for architectural services pending clarifications on ownership of architectural documents;**

Presentation made by Marty Salazar.

4. **Presentation for discussion, consideration & action of a request by a participating vendor (Pueblo Tires) to withdraw the bid submitted for “Tires- Hidalgo County” a copy of request attached hereto: If approved, copy of request attached hereto:**

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

5. **Recommending award of bid and approval of contracts’ for: Tires – Hidalgo County, to multiple bidders’ (with lowest bids) meeting all specifications and /or requirements. Fully executed copies of the contract will be forwarded to both Hidalgo County Auditor’s and Budget Offices.**

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

6. **Requesting authority to advertise for RFB- “Gasoline – On & Off Highway Diesel”.**

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

7. **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: “Exhibit A” attached hereto.**

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

8. **Requesting authority to remove from the County’s inventory all the items listed on “Exhibit 1” and attached hereto:**

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

#### **B. HIDALGO COUNTY PRECINCT NO. 2-**

1. **Requesting authority to re-advertise for RFB –“One New Unused 2004 Industrial Material Handling Brush Loader” due to no bids received.**

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

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

1. **Requesting authority to purchase through the Inter Local Agreement with Houston-Galveston Area Council (H-GAC)- Dallas Mack Sales, L.P., Dallas, Texas with specifications (attached hereto) and as requested by the Precinct for:**
  - a) **“One (1) New Model 2004 fully Hydraulic Pintle Hitch Roll-Off Hoist” with a total price of \$24,967.00;**
  - b) **“One (1) New Model 2004 with Air Brake Attachment Cab & Chassis” with a total price of \$74,618.00:**
  - c) **Total amount for A and B including delivery and administration fees: \$100,585.00.**

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote to approve items 19.C 1.a-c.

#### **D. HIDALGO COUNTY BUILDINGS AND GROUNDS-**

1. **Requesting authority to purchase with York International a State vendor on the CMBL through the Texas Building and Procurement Commission, as per specifications, attached hereto and as requested by B&G department for: “Turnkey Replacement of a 160-Ton Chiller”. Chiller cost in the amount of \$87,500.00: entire, unit warranty cost for 2<sup>nd</sup> through 5<sup>th</sup> year, including refrigerant, in the amount of \$6,800.00. Total turnkey cost amount for this unit is \$ 94,300.00.**

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

2. **Requesting approval to reject all bids received for: “Chillers Service and Repairs”**

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

3. **Requesting authority to purchase service with York International a State vendor on the CMBL through the Texas Building and Procurement Commission that meet all requirements and specifications attached hereto for: “HVAC, chillers service and repairs”. Fully executed copies of the contract will be forwarded to the Hidalgo County Auditor’s and Budget Offices.**

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

#### **E. HIDALGO COUNTY JUVENILE JUSTICE COURT-**

1. **Requesting authority to advertise for RFB-“Lease of Office Space- City of Edinburg”.**

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

#### **F. HIDALGO COUNTY WIC CLINIC PROGRAM –**

1. **Requesting authority to advertise and approval of specifications attached hereto for: “Lease of Office Space- WIC Clinic in the City of Pharr” RFB.**

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

#### **G. HIDALGO COUNTY COLONIA ACCESS PROGRAM –**

1. **Presentation for purpose of (informing the Court the ratification) of the inclusion of the Colonia Access Program as a participant in the Bid for: “Flex Base Material (Caliche)” for Hidalgo County.**

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

#### **20. Buildings & Grounds: (See Exhibit U)**

- A. **Status of old jail building**
- B. **Maintenance of county grounds**
- C. **Status of renovation of administration building**

Presentation made by Marty Salazar and Daniel Flores.

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

#### **21. Closed Session: (See Exhibit V)**

**Commissioners’ Court may go into Closed Session pursuant to Chapter 551, Texas Government Code, Sections 551.071, 551.072 & 551.074 to discuss the following:**

- A. **Real Estate Acquisition**

- B. Consultation with Attorney on litigation associated with New Adult Detention Facility & Law Enforcement Center Project**
- C. CL-43,436-A; Rosalena Reyes, Maria Berlanga vs. La Joya I.S.D. and Hidalgo County**
- D. Personnel issues concerning the Hidalgo County Sheriff's Department**

NO ACTION taken on items 21. A-D.

No discussion was held for item 21.D.

**22. Open Session:** (See Exhibit V)

- A. Real Estate Acquisition**
- B. Consultation with Attorney on litigation associated with New Adult Detention Facility & Law Enforcement Center Project**
- C. CL-43,436-A; Rosalena Reyes, Maria Berlanga vs. La Joya I.S.D. and Hidalgo County**
- D. Personnel issues concerning the Hidalgo County Sheriff's Department**

NO ACTION taken on these items.

**23. Closed Session:**

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

**24. Open Session:**

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

On motion of Commissioner Handy, seconded by Commissioner Palacios, 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, FEBRUARY 03, 2004, at 9:30 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:**

**NOTICE TO THE PUBLIC  
CONSENT AGENDA**

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

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval with the exception of items 2.B, T, U, 6.C1, 6.D2, 6.G1.

- 1. Approval of check register and payment of claims and bills - County Auditor (See Exhibit A)**
- 2. Line item transfers: (See Exhibit B)**
  - A. J.P. Pct. #1, Pl. 1**
  - B. J.P. Pct. #4, Pl. 1**

NO ACTION taken on this item.

- C. County Clerk**
- D. DPS – H/P**
- E. Tax Office**
- F. Buildings & Grounds**
- G. Child Welfare**
- H. Pct. #1 – Sanitation**
- I. Sheriff Department**
- J. Constable Pct. #5**
- K. Risk Management-WC Program**
- L. Insurance – Govt. Bldg.**
- M. Pct. #2 – R & B**
- N. Pct. #1 – Parks**
- O. Pct. #1 – R & B**
- P. R & B – Adm.**
- Q. Pct. #3 – R & B**
- R. U.S. Dept. Justice COPS More 2002**
- S. Health – Bioterrorism Grant**
- T. Health – TB Elimination**
- U. Health – Immunization**

NO ACTION taken on these items 2.T & 2.U.

## V. WIC

### 3. Planning Department: (See Exhibit C)

#### A. Approval of the following Certificates:

- Certificates of Plat & Utility Status under Local Government Code Section 232.028(b)
- Certificates of Residence Construction under Local Government Code Section 232.029 (c)(1)
- Certificates of Water Service Availability under Local Government Code Section (c)(2)

### 4. County Clerk: (See Exhibit D)

A. Court Cost and Fee Annual Report – 2003                      \$ 6,159,526.29

### 5. Tax Refunds: (See Exhibit E)

A. McAllen Main Place, LTD	ITHACA Investment:
	\$19,244.88
	7,462.63
	5,419.04
	348.66

### 6. Purchasing Department: (See Exhibit F)

#### A. HIDALGO COUNTY PRECINCT NO. 3-

1. Requesting approval to enter into a service agreement with ABC Waste Collection for: "Pavilions Solid Waste Collection Services" a total amount for a one year term is \$3,420.00 Agreement will be from February, 2004 through February, 2005. Fully executed copies of the contract will be forwarded to both Hidalgo County Auditor's and Budget Offices.

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

1. Requesting authority to purchase computer software from a CISV vendor, CDW-Government, through the State of Texas Building and Procurement Catalogue Purchasing Program in the amount of \$504.99.

#### C. HIDALGO COUNTY J.P. PCT. 1 PL 1-

1. Requesting authority to enter into a 48-month lease agreement with Xerox for a CC35 copier through the State of Texas Building and Procurement State Contract 985-A-3 for \$158.29 a month. Effective upon approval.

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

#### D. HIDALGO COUNTY DISTRICT CLERK-

1. Requesting authority to enter into a service agreement with Judicial Systems, Inc. for Unlimited Telephone Technical Support for the Jury 2000 Plus System in the amount of \$2,388.00 for one year. Effective January 1, 2004 through December 31, 2004.
2. Requesting authority to enter into a service agreement with Advance Business Equipment for the check signer in the amount of \$395.00 for one year. Effective January 1, 2004 through December 31, 2004.

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

At this time the Court moved on to Item 6.

**E. HIDALGO COUNTY DISTRICT ATTORNEY-**

1. Requesting authority to enter into a maintenance agreement with Xerox for nine (9) copiers and three (3) fax machines in the amount of \$8,927.00 for one year. Effective upon approval.

**F. HIDALGO COUNTY INDIGENT DEFENSE-**

1. Requesting authority to purchase computer equipment, software, and peripherals from CISV vendors through the State of Texas Building and Procurement Catalogue Purchasing Program for the following; a) Req # 43347 for CDW-Government in the amount of \$2,675.00 and b) Req # 43419 for S.J.S. Computers in the amount of \$530.00

**G. HIDALGO COUNTY INFORMATION TECHNOLOGY-**

1. Requesting authority to purchase computer software and equipment from CISV vendors through the State of Texas Building and Procurement Catalogue Purchasing Program for the following ; a) Req #43448 for S.J.S. Computers in the amount of \$19.00, b) Req # 43910 for Telemate. Net Software in the amount of \$1,708.00 and c) Req # 43930 for Dell marketing ion the amount of \$1,274.15.

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

**H. HIDALGO COUNTY TAX OFFICE –**

1. Requesting authority to purchase computer equipment from a CISV vendor, CDW-Government, through the State of Texas Building and Procurement Catalogue Purchasing Program in the amount of \$ 500.75.

**I. HIDALGO COUNTY WIC PROGRAM-**

1. Requesting authority to enter into maintenance agreement with Copy Graphics for 23 copiers at \$ 16.67 a month per machine. Effective January 1, 2004 through December 31, 2004.

**J. HIDALGO COUNTY RISK/LOSS MGMT-**

1. Requesting authority to enter a service agreement with Metrocall for three (3) alpha pagers for \$4.77 a month per pager. Effective upon approval.

**DRAINAGE DISTRICT BOARD OF DIRECTORS  
AGENDA**

**Ramon Garcia  
Chairman**

**Sylvia S. Handy  
Board Member**

**Joe M. Flores  
Board Member**



**Hector "Tito" Palacios  
Board Member**

**Oscar L. Garza, Jr.  
Board Member**

**NOTICE**

**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, FEBRUARY 03, 2004 at 9:30 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 W)**

**1. Roll Call**

All members of the Court were present with the exception of Commissioner Flores.

**2. Open Forum**

No presentations were made under this item.

**3. Approval of Consent Agenda**

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

**4. Risk Management:**

**A. Approval of reimbursement to the Hidalgo County's Workers Compensation Claims Paying Account for: workers compensation claims paid by Tristar Risk Management in the amount of: \$ \_\_\_\_\_ for the period ending \_\_\_\_\_**

NO ACTION taken on this item.

**5. Purchasing Department:**

**A. Presentation for discussion, consideration and action to accept the proposed estimated schedule fee and issue authorization to proceed to Hicks, Thomas and Lilienstern L.L.P., in connection with legal services for Tracts A and/or B.**

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

- B. Requesting authority to purchase through the Resolution with the State of Texas; Texas Building and Procurement Commission for Roundup (Monsanto) Herbicide and Rodeo (Monsanto) Herbicide with state vendor awardee (UAP-Timberland-LLC) for term thru April 30,2004.**

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

- C. Requesting authority to exercise the sixty (60) day grace period under the current contract for: “Hauling Services-Gravel/Sand and/or Crushed Caliche”, so as to have no lapse in service while bid process is on going.**

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

- D. Requesting approval to advertise and approval of draft specifications as attached hereto for: “ Hauling Services- Gravel/Sand and or/Crushed Caliche”**

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

- E. Pursuant to Texas Water Code, Title 4 (General Law Districts), Chapter 49, Section 226 (Sale or Exchange of Surplus Land or Personal Property), requesting consideration, discussion and approval of, but not limited to the following:**

- a) **Declaration of a “Finding of Surplus” by the “Board” of Hidalgo County Drainage District No. 1 for the property described as “Tract I & Tract II” , and being more particularly describe as Tract I “A 1.134 acre tract out of the easterly portion of Hidalgo County Drainage District No. 1, 60.0 foot Drainage easement out of Lots 51 through 59, inclusive, and 50.0 foot Wichita Avenue (Private) Cardona At Bentsen Lake, Phase 1, City of McAllen, According to plat record in volume 41, page 98, Map records, and out of lots 44 through 50, inclusive, Cardona at Bentsen Lakes, Phase II, City of McAllen, According to Plat Recorded in Volume 41, Page 99, Map Records, Hidalgo County, Texas and Tract II “A 0.518 acre triangular shaped tract of land out of Lot 157, J.H. Shary Subdivision, of Porciones 58, 59, and 60., Hidalgo County, Texas. According to plat recorded in Volume 1, page 17, Map records, Hidalgo County, Texas., and as previously approved by “District’s Board” agenda of 12-02-03, a copy attached hereto;**

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

- b) **Requesting approval of the “Order” by the “Board” authorizing the disposition of the surplus property described above by;**
- 1 Private or public sale;**
  - 2 Exchange for other land, interest in land or personal property needed by the district**

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

UNANIMOUS vote to approve a public sale.

**c) Approval of the minimum bid amount as per the “fair market value” appraisal (already obtain and on file by district) as required by the “code” of \$40,887.00.**

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

**6. 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.

**7. Open Session:**

**A. Real Estate Acquisition**

NO ACTION taken on this item.

**8. Closed Session:**

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

**9. Open Session:**

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

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote to approve 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, FEBRUARY 03, 2004 at 9:30 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**

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote to approve all items on the Drainage District Consent Agenda.

- 1. Approval of check register and payment of claims and bills - County Treasurer (See Exhibit A)**
- 2. Purchasing Department: (See Exhibit X)**
  - A. Requesting authority to enter into a 60 month lease with Xerox for a copier through the Interlocal Agreement with Cooperative Purchasing Network (Region IV) Contract # 071601403 in the amount of \$ 486.55 a month. Effective upon approval.**

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 3rd day of February, 2004

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

By: \_\_\_\_\_  
Ruby Guerra, Deputy

**I, JUAN D. SALINAS, III, County Clerk attest that this is an accurate accounting of a proceeding of the Commissioners' Court held on February 3rd 2004.**

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

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

(Seal) By: \_\_\_\_\_  
Ruby Guerra, Deputy