

SPECIAL MEETING –AUGUST 24, 2004

BE IT REMEMBERED, that on this 24th day of August, 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-OFICIO CLERK OF THE COMMISSIONERS' COURT of Hidalgo County, Texas, wherein the following proceedings were had, to-wit:

Ramon Garcia
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, AUGUST 24, 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.

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

Virginia Townsend – Raymondville Drain

5. Approval of Consent Agenda

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

6. Juvenile Justice Court – Judge Longoria: (SEE EXHIBIT G)

A. Discussion, consideration and action on Juvenile Justice Accountability Project Contract between Office of Court Administration and County of Hidalgo – JB-02-J20-14800-05 (6th year funding)

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

At this time the Court moved to item #17A.

7. Urban County – Diana Serna: (SEE EXHIBIT H)

- A. Requesting authorization for County Judge to sign the Notice to Public on Finding of No Significant Impact on The Environment and Notice to Public of Request for Release of Funds (RROF) for Hidalgo County Pct. #2 Sidewalks Project under UC Year 14 (2001), Year 15 (2002) and Year 16 (2003)**

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

- B. Approval to award a Construction Contract to Guerra Construction for demolition and removal of debris of 15 concrete driveways on Mile 5 North between Mile 4 ½ West to Mile 3 ½ West using UCP Year 16 (2003) Pct. #1 Street Improvements funding in the amount of \$ 8,800.00**

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

8. County Judge – Humberto Garza: (SEE EXHIBIT I)

- A. Pursuant to legislative mandate 76(R) S.B. 1615 Subchapter C Section 281-041 (c); Reappointment by County Judge of two (2) Board Members for the Health Services District – Dr. Linda Villarreal and Dr. Paul Villas**

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

9. Head Start – Teresa Flores: (SEE EXHIBIT J)

- A. Discussion /approval of bid award and contract to multiple vendors meeting all specifications for:
 - 1. Classroom supplies**
 - 2. Janitorial supplies****

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

10. Health Department – Eddie Olivarez: (SEE EXHIBIT K)

- A. Requesting authorization to accept the Certificate of Substantial Completion Document G707-2000 for the renovation office space for Bio-Terrorism Team**

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

B. Authorization and approval to accept the following Texas Department of Health Contracts as follows:

Contract	Amount	Contract #	Term
1. SDI Fee for Service	655,799.00	7460007176A2005	9/1/04-8/31/05
2. TB Control	67,665.00	74600071762005 ch4	9/1/04-8/31/05
3. OPHP-Local Public Health Syst.	138,516.00	74600071762005 ch5	9/1/04-8/31-05

- C. Approval of Salary Schedule for denoted grants**
- D. Approval to appropriate grant funds for denoted grants**

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

11. District Attorney – Roy Cazares: (SEE EXHIBIT L)

- A. Requesting approval and authorization to extend payment of the salary and fringe benefits for the Crime Victim Coordinator until notice of the grant from the State Attorney General is received**

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

- B. Requesting approval and authorization to extend the payment of the salary and fringe benefits for the employee budgeted under the D.A. State Supplement until official notice of funding is received**

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

12. Sheriff Department – Roy Quintanilla: (SEE EXHIBIT M)

- A. Request approval and authorization to extend the payment of salaries and fringe benefits for employees (fourteen) assigned to the COPS in School grant, until receipt of grant extension authorization**
- B. Request approval and authorization to extend the payment of salaries and fringe benefits for employee assigned to the Crime Victim Assistance Grant, until receipt of new grant award notification**

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on items 12-A&B.

At this time the Court moved to item #14.

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

- A. Preliminary Approval:**
 - 1. H.V.M. Alamo II Subdivision – Pct. 2 (John Hoover, President)**
 - 2. Buen Gusto Subdivision – Pct. 1 (Pablo Munoz, Developer)**
 - 3. Cabo Heights Subdivision – Pct. 3 (John S. Larson, Developer)**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval on items A-1,2 & 3.

B. Final Approval:**1. La Joya I.S.D. No. 16 – Pct. 3 (Filomena Leo, Superintendent)**

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

2. Promesa Estates Subdivision – Pct. 2 (Jose Villarreal, Developer)

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

At this time Judge Garcia steps out of the Court.

C. Release of Letter of Credit:**1. Campo Alegre Subdivision – Pct. 3 (Dennis Holbrook)**

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

D. Appointment of Members for the Hidalgo County Subdivision Advisory Board:**1. Christina Walker – Pct. 1****2. Richard Ruppert – Pct. 3****3. Leonel Garza III – Pct. 4**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval and appoint Leonel Garza, III as Chairman.

At this time Judge Garcia returns to the Court.

At this time the Court moved to item 22E-1.

14. Pct. #1 – Comm. Handy: (SEE EXHIBIT O)**A. Request approval to name two (2) unnamed roads in Campana Subdivision Phase II:****1. Campana Lane East****2. Campana Lane West**

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

15. Pct. #2 – Comm. Palacios: (SEE EXHIBIT P)**A. Discussion and approval to submit Texas Antiquities Permit Application for an Archaeological and Historical Survey for Four Road Segments Near Pharr, Hidalgo County, Texas**

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

B. Approval to declare surplus a piece of roadway that is part of the Old Las Milpas Road on which Convention Center Drive was built

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

16. Pct. #3 – Comm. Flores: (SEE EXHIBIT Q)

A. Requesting authorization to accept the cost-share funds from Rio Queens Citrus, Inc. in the amount of \$ 8,250.00 for overlaying E. Goodwin Rd.

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

B. Requesting authorization to appropriate cost-share funds from Rio Queens Citrus, Inc. into Pct. #3 expense acct. #4-1203-431-00-123-005-0-673

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

C. Approval to transfer available debt service funds in the amount of \$ 16,784.96 from Road District #5 to Pct. #3 R & B Fund

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

D. Discussion, acceptance and approval to contribute funds for the following advance funding agreements:

- 1. SH 495 underpass from 0.35 Mile North of US 83 South to US 83**
- 2. US Business 83 Project from 0.64 Mile West of FM 1427 to US 83 (East Side) of Inspiration Rd. (Phase I)**
- 3. US Business 83 Project from 0.345 Miles of Showers Rd. to 0.064 Miles West of FM 1427 (Phase II)**
- 4. US Business 83 Project from US 83 West Side of Penitas to 0.345 Miles West of Showers Road (Phase III)**
- 5. FM 1924 Project (Phase II) widening FM 1924 (3 Mile Line Road) to a 4 lane divided Urban County Road from SH 107 (Conway Ave.) to FM 492**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval on items D-1 thru D-5.

17. Pct. #4 – Comm. Garza: (SEE EXHIBIT R)

A. Discussion and action on a proposed road known as Thompson Rd. (located east of I Rd. between Alberta & Owassa)

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

B. Approval to transfer available debt service funds in the amount of \$ 1,946.48 from Road District #15 to Pct. #4 R & B Fund

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

18. Human Services – Rudy De La Viña: (SEE EXHIBIT S)

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

1. Authorization to pay claims: 2004 _____
2. Indigent Health Care expenditures

NO ACTION taken on this item.

At this time the Court moved to item #20.

19. Risk/Emergency Management: (SEE EXHIBIT T)

A. Approval of reimbursement to the Hidalgo County Workers' Compensation claims paying account for: Workers' Compensation claims paid by Tristar Risk Management in the amount of \$ 76,522.61 for the period ending July 31, 2004 (07-16-04 through 07-31-04)

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

B. Approval of reimbursement to the Hidalgo County Workers' Compensation claims paying account for: Workers' Compensation claims paid by Tristar Risk Management in the amount of \$ 48,217.67 for the period ending August 15, 2004 (08-01-04 through 08-15-04)

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

At this time the Court moved to item #23.

20. Buildings & Grounds – Daniel Flores: (SEE EXHIBIT U)

A. Status of old jail building

Presentation made by Martha Salazar.

B. Maintenance of county grounds

Presentation made by Daniel Flores.

C. Status of renovation of administration building

Presentation made by Martha Salazar.

At this time Commissioner Flores steps out of the Court.

At this time Commissioner Palacios steps out of the Court.

21. Elections Department – Teresa Navarro: (SEE EXHIBIT V)**A. Appointment of Presiding and Alternate Election Judges for the August 1, 2004 to July 31, 2005 term**

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

22. Purchasing Department – Marty Salazar: (SEE EXHIBIT W)

- NOTES: 1. FOR ANY CONTRACT(S) AWARDED AND APPROVED UNDER THIS AGENDA, EXECUTED COPIES OF THE CONTRACT(S) WILL BE FORWARDED TO HIDALGO COUNTY AUDITOR’S OFFICE.**
- 2. ANY/ALL REQUESTS FOR ACCEPTANCE AND APPROVAL OF CLAIMS/INVOICES UNDER THIS AGENDA WILL INCLUDE AUTHORITY FOR AUDITOR TO ISSUE PAYMENT AFTER REVIEW, AUDIT AND PROCESSING PROCEDURES COMPLETED**
- a) The Purchasing Department does not participate in the acquisition or purchase of the good/services presented under this caption. The Purchasing Department merely facilitates the placement of such items since they deal with procurement related issues.**
- b) Departments/Programs and Vendors are all advised that acquisition of goods and/or services must be done in accordance with applicable laws/statutes and Hidalgo County Purchasing Policies & Procedures.**

A. HIDALGO COUNTY –

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

1. New Hidalgo County Jail:

Total inmate population:	1112	Other Information:	12
Physical Count:	1079	Males (in house)	1008
Out of County: La Villa	19	Females (in house)	71
Brook’s		Federal Prisoners	8
Adj. /Sentenced to TDC	132	Total Paper Ready TDC	106

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)**
- B. Presentation for discussion, consideration and action (if necessary) regarding Landmark final Certificate & Application for Payment, punch list and retainage;**
- C. County Auditor’s Report on Detention Facility Law Enforcement Center Project paid and pending payment request approval;**

Nothing to report on items 2, 3-A,B & C.

4. Presentation for discussion, consideration, acceptance and approval of claims/invoices with authority for Auditor to issue payment for the items detailed in: “Exhibit A” attached hereto.

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

5. Requesting approval of specifications for: Hidalgo County- “Indoor Air Quality Testing Services”

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

6. Presentation for discussion, consideration, acceptance, and approval of notice of termination effective immediately for “Industrial Chemical and Janitorial Supplies” with Villaco Janitorial Supply.

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

7. Requesting authority to purchase “Industrial Chemical and Janitorial Supplies” from multiple awarded vendors (CC Distributors; Gulf Coast Paper; and Zep Manufacturing) through the Inter-Local with TASB Buyboard for Hidalgo County.

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

8. Presentation for discussion, consideration and action of recommendation by Hidalgo County Auditor in connection with correspondence from Attorney General’s Office requesting the annual audit of the asset forfeitures for District Attorney and Hidalgo County Sheriff’s Office (required by Code of Criminal Procedures (CCP) § 59.06 (g)), approval of an amendment to the current Letter of Engagement with the firm of Burton, McCumber & Cortez to render the required audit services.

NO ACTION taken on this item.

B. HIDALGO COUNTY PRECINCT NO.2-

1. Requesting approval of amendment to existing contract with Abel Cisneros d/b/a/ Connect Infrastructure & Dev. for “Installation of potable water lines at the North San Juan Park” for the augmentation of paragraph 17.

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

2. Presentation for discussion, consideration, acceptance, and approval of request for payment of First Payment in the amount of \$700.00 due to Texas Department of Transportation “Reconstruction of I Rd from SH495 to 0.25 miles North of FM 3561 (Nolana)”

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

- 3. **Presentation for discussion, consideration, acceptance, and approval of request for payment in the amount of \$4,300.00 due to Texas Department of Transportation “Reconstruction of I Road from SH495 to 0.25 miles North of FM 3561 (Nolana)” agreed and approved (Commissioner’s Court on April 6, 2004) in a Interlocal Agreement with the City of Pharr,**

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

C. HIDALGO COUNTY PRECINCT NO. 3-

- 1. **Requesting authority to purchase from Crafcu Texas, Inc., San Antonio, Texas an awarded vendor through TASB BuyBoard with specifications attached hereto and as requested by Pct # 3**

“One (1) New 4,000 Gal. Emulsion Storage Tank” ...Unit Price at \$ 26,010.00	
Additional Equipment.....	\$ 4,933.70
Transportation, unloading & setting on pad	\$ <u>2,000.00</u>
TOTAL COST	\$ 32,943.70

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

- 2. **Requesting authority to purchase through the Texas Building and Procurement Commission under Contract TX MAS 3-23V040 from John Deere Co., Lenexa, KS with specifications attached hereto and as requested by Pct # 3**

A. “Two (2) New Model 5420 Utility 65HP Tractor”	Unit Price	\$ 29,220.75
	Total Cost	\$ 58,441.50
B. “Two (2) New Model MX6 Rotary Cutter:	Unit Price	\$ 1,831.50
	Total Cost	<u>\$ 3,663.00</u>
Total cost for A&B FOB Precinct No. 3		\$ 62,104.50

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

At this time Commissioner Flores returns to the Court.

D. HIDALGO COUNTY DISTRICT ATTORNEY’S OFFICE-

- 1. **Requesting ministerial approval of a short-term contract for consulting/programming services in an amount not to exceed \$ 3,000.00 with Visions Data Solutions Corporation for the Hidalgo County District Attorney’s Office.**

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

At this time Commissioner Garza steps out of the Court.

At this time Commissioner Palacios returns to the Court.

E. HIDALGO COUNTY BUILDINGS & GROUNDS –

- 1. Requesting approval of Change Order No. 1 (increase) in connection with “Atrium Roof Renovations- Hidalgo County Administration Building” in the amount of \$24,000.00 and an extension of additional days (21) to complete the project with Mar-Vel Construction Co., LLC, and as certified by George Garcia, Project Architect for AGADC.**

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

At this time Court moved to item #G-1 & 2

F. HIDALGO COUNTY I.T. DEPARTMENT –

- 1. Requesting authority to purchase computer equipment from a CISV vendor Trillion Partners, Inc., through TBPC Catalogue Purchasing Program for Req # 56012 in the total amount of \$6,288.00.**

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

G. HIDALGO COUNTY RISK MANAGEMENT DEPARTMENT–

- 1. Pursuant to an inquiry from Texas Association of Counties (after review of the Proposal Acceptance Forms received from Hidalgo County on 8-04-04) presenting for discussion, consideration and action on acceptance of a proposed contribution quote of \$10,947.00 for an Endorsement limit of \$1M to include the District Clerk as part of the Public Officials Liability (Claims Made From); or in the alternative,**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval with the one million dollar coverage.

At this time Court moved to item 19.

- 2. Consideration, discussion and approval to acceptance and approval an Endorsement limit of \$500,000.00 (same as County Clerk) in an amount of \$5,474.00**

NO ACTION taken on this item.

At this time Commissioner Handy steps out of the Court.

H. HIDALGO COUNTY TAX ASSESSOR COLLECTOR–

- 1. Requesting authority to advertise and approval of specifications as attached hereto for: RFB “Bond Coverage for Hidalgo County, State of Texas, Drainage District and Crime Policy”**

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

At this time Commissioner Garza returns to the Court.

I. HIDALGO COUNTY RIGHT OF WAY DEPARTMENT-

1. **Presentation for discussion, consideration and acceptance of the sole bid (nomination) received from EOG Resources, Inc., in the amount of \$225.00 per acre for a maximum of three (3) years Paid-Up lease for “Lease of Land for Mineral Development” Project, if approved;**

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

2. **Authority to negotiate lease agreement (subject to legal review) with EOG Resources Inc., for the following described parcel of land; the property owned by Hidalgo County which parcels are listed and more particularly described in nomination/proposal packets (Exhibit A) and as listed as follows:**
 - **“11.35 Acres, more or less, consisting of a fractional part of Lot or Block number 78-B also known as a Farm Tract number 7116, situated in the Capisallo District, in the Llano Grande Subdivision@;**
 - **“1.00 Acre, more or less, out of 17.40 acre tract, said acreage being Lot 148 of the South Campacuas Addition Subdivision@;**
 - **“116.6 Acres, more or less, out of a subdivision of what is known as Llano Grande Subdivision@;**
 - **“79.69 Acres comprised of several tracts of property being out of the West Tract Subdivision, Campacuas Addition Subdivision, South Campacuas Addition Subdivision, Adams Tract Subdivision, and North Capisallo District Subdivision all out of the Llano Grande and/or La Feria Land Grants@;**
 - **“5.71 acres, more or less, being more particularly described in that certain General Warranty Deed dated September 3, 1926 from the American Rio Grande Land & Irrigation Company to A.W. Cameron, County Judge of Hidalgo County, and to his successors in Office the County of Hidalgo, State of Texas as Grantee, recorded in Volume 271, Page 194, Deed records of Hidalgo County, Texas”**

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

At this time Commissioner Handy returns to the Court.

J. HIDALGO COUNTY –

1. **Requesting authority to obtain, including, but not limited to, the following applicable items necessary in anticipation of real property/estate acquisition(s), fair market value appraisals, inspections, surveys, all phases-environmental assessments, title reports or title policies.**

NO ACTION taken on this item.

At this time the Court moved back to item #13.

At this time Valde Guerra request to move to item B.

23. Budget Office – Valde Guerra: (SEE EXHIBIT X)

- A. Consider and approve an order authorizing issuance, sale and delivery of \$32,700,000 Hidalgo County, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2004; payable from the levy of a direct and continuing annual ad valorem tax within the limits prescribed by law and a limited pledge (never to exceed \$1000) from the surplus net revenues from the operation of the county’s parks as authorized pursuant to chapter 320, local government code; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; authorizing the use of an official statement to be used in connection with the sale of the certificates; and making other provisions regarding such certificates and matters incident thereto.**

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval with UBS Financial Services.

- B. Discussion, consideration and action on charges for service – Hidalgo County local and/or long distance phone service charges/bills with authority for County Auditor to process payment of invoices from May – July 2004 after review, audit and processing procedures are completed**

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

- C. Approval to appropriate the de-obligated funds from the Criminal Justice Planning Grant (Fund 421) into Contingency Account - \$ 91,000.00**

NO ACTION taken on this item.

D. Interdepartmental transfers:

- 1. Court Reporter Fund - \$ 47,000.00**
- 2. Lunacy Trials – \$ 37,000.00**
- 3. Constable Pct. #4 - \$ 9,750.00**

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

E. Line item transfers:

- 1. Pct. #4 – CO – 2001 - \$ 6,074.54**
- 2. Pct. #2 – CO – 2001 - \$ 10,000.00**
- 3. COPS Mercedes ISD - \$ 479.00**
- 4. 398th District Court - \$ 6,648.00**

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

- F. Constable Pct. #3 – Approval to create obj. 661 & line item transfer - \$ 443.31**
- G. Pct. #4 - Adm. – Approval to create obj. 747 & line item transfer - \$ 500.00**
- H. County Court #4 – Approval to create obj. 631 & line item transfer - \$ 50.00**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval on items F, G & H.

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

24. Closed Session: (SEE EXHIBIT Y)

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

- A. Real Estate Acquisition**
- B. Consultation with Attorney on litigation associated with New Adult Detention Facility & Law Enforcement Center Project**
- C. Pending and/or potential claim; Robert Garate vs. Hidalgo County Head Start Program**
- D. C-502-03-G; Cottonfields, Ltd. vs. Hidalgo County and City of Weslaco**
- E. Civil Action; M-03-032; Ricardo Garza vs. Sergeant Palomo, et.al**
- F. C-1674-04-I; Juan Abrego vs. Hidalgo County et.al**

25. Open Session:

- A. Real Estate Acquisition**
- B. Consultation with Attorney on litigation associated with New Adult Detention Facility & Law Enforcement Center Project**
- C. Pending and/or potential claim; Robert Garate vs. Hidalgo County Head Start Program**
- D. C-502-03-G; Cottonfields, Ltd. vs. Hidalgo County and City of Weslaco**
- E. Civil Action; M-03-032; Ricardo Garza vs. Sergeant Palomo, et.al**
- F. C-1674-04-I; Juan Abrego vs. Hidalgo County et.al**

NO ACTION taken on items 25-A thru 25-F.

26. Closed Session:

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

27. 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 Garza, the Court made a UNANIMOUS vote of approval to recess till 1:30 P.M.

After the recess the Court reconvene with all Members of the Court present with the exception of Commissioner Garza and Commissioner Handy to discuss item #23-A.

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, AUGUST 24, 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 Flores, the Court made a UNANIMOUS vote to approve the Consent Agenda.

- 1. Approval of check register and payment of claims and bills - County Auditor (SEE EXHIBIT A)**
- 2. Line item transfers: (SEE EXHIBIT B)**
 - A. Constable Pct. #5**
 - B. Computer Department**
 - C. District Clerk**
 - D. Constable Pct. 3 – Project STOP**
 - E. Constable Pct. #1**
 - F. WIC**
 - G. Health – Bioterrorism**
 - H. Co. Records Mgmt.**
 - I. Pct. #1 – Landfill**
 - J. Pct. #1 – R & B**
 - K. Pct. #2 – County Wide Shop**
 - L. Pct. #2 – Parks**
 - M. Pct. #2 – Adm.**
 - N. Pct. #3 – Landfill**
 - O. Pct. #3 – Parks (2)**
 - P. 332nd District Court**
 - Q. Juvenile Justice Court**
 - R. 398th District Court (5)**
 - S. J.P. Pct. #2, Pl. 2**
 - T. Tax Office**
 - U. Law Library**
 - V. D.A. – Grand Jury**
 - W. 92nd District Court**
 - X. Budget Office**

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. Right of Way – Permits: (SEE EXHIBIT D)

A. Smith Production (\$7.50 pd.) – Garza Rd . & Old Military Rd.

B. North Alamo Water Supply (\$ 15.00 pd.) :

- I Rd. on Pueblo St.
- Texas Rd. on Doolittle Rd.
- Mile 12 North on Mile 4 West
- ¼ Mile north of Nolana on I Rd.

C. Quintanilla, Headley & Assoc. (\$3.75 pd.) – Ricky Durbin of Ricky Durbin Trucking – Bentsen Palm Dr. north of La Mancha Dr.

5. Monthly Fee Report – July: (SEE EXHIBIT E)

A. District Clerk - \$ 244,666.80

6. Purchasing Department: (SEE EXHIBIT F)

A. HIDALGO COUNTY -

1. Requesting authority to purchase computer equipment and software from CISV vendors through TBPC Catalogue Purchasing Program for the following;

Req	Departments	Vendors	Amount	Account
56114	Elections	ES&S	\$2,350.00	4-1100-414-00-130-001-0-350
55711	WIC Program	Argus Security	\$ 713.00	4-1292-441-00-350-001-4-413
55984	Human Resource	CDW-Government	\$ 149.33	4-1100-415-50-190-002-0-661
55895	I.T. Dept	Trillion Partners	\$ 611.00	4-1100-415-00-200-001-0-350
55890	JP Pct 2 Pl 2	S.J.S. Computers	\$1,030.00	4-1100-412-00-064-001-0-743
55866	I.T. Dept	S.J.S. Computers	\$ 375.00	4-1100-415-00-200-001-0-432
55739	District Attorney	CDW Government	\$ 487.88	4-1223-412-00-080-004-0-664
55685	I.T. Dept.	CDW Government	\$ 92.49	4-1100-415-00-200-001-0-664
55386	Elections	CDW Government	\$ 385.98	4-1100-414-00-130-001-0-601
55371	Elections	CDW Government	\$ 889.96	4-1100-414-00-130-001-0-743
55229	District Attorney	CDW Government	\$ 280.26	4-1223-412-00-080-007-0-601
55094	District Attorney	CDW Government	\$ 493.34	4-1223-412-00-080-007-0-747
56013	Budget Office	SIRSI Corporation	\$2,200.00	4-1100-455-00-110-023-0-341

B. HIDALGO COUNTY WIC DEPARTMENT –

1. Requesting authority to purchase installation of security system and enter into a monitoring service agreement for Argus Security for Req #55711 in the total amount of \$713.00, 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, AUGUST 24, 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 Z)**

1. Roll Call

All Members of the Board were counted present with the exception of Commissioner Palacios.

2. Open Forum

No presentations made under Open Forum.

3. Approval of Consent Agenda

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

4. Approval of Work Authorization #3 to TEDSI Infrastructure Group for bridge widening on Mile 2 West

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

At this time Commissioner Palacios returns to the Court.

5. Approval to accept check from Stephens Production Company in the amount of \$ 292,024.88

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

6. Approval to accept returned contribution checks from TAC in the amounts of \$ 3,271.00 for Gen. Liability coverage and \$ 4,923.00 for Public Official coverage

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

7. Approval of Interlocal Agreement between City of Mission and Hidalgo County Drainage District #1 (Rerouting of the Mission Inlet drain between Bryan Rd. & Shary Rd.)

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

At this time Commissioner Flores steps out of the Court.

8. Update on Workers' Compensation claims paid by TriStar Risk Management in the amount of \$21,409.50 for the period ending July 31, 2004 (07-16-04 through 07-31-04)

9. Update on Workers' Compensation claims paid by TriStar Risk Management in the amount of \$15,696.01 for the period ending August 15, 2004 (08-01-04 through 08-15-04)

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Board made a UNANIMOUS vote of approval on items 8 & 9.

At this time the Board requested not to go into Executive Session.

10. 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

11. Open Session:

A. Real Estate Acquisition

12. Closed Session:

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

13. Open Session:

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

At this time Commissioner Handy leaves the Court.

14. Purchasing Department – Marty Salazar:

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

- 1. Presentation for discussion, consideration and acceptance of the sole bid (nomination) received from EOG Resources, Inc., in the amount of \$225.00 per acre for maximum of three (3) years Paid-Up lease for "Lease of Land for Mineral Development" Project, if approved;**

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

- 2. Authority to negotiate lease agreement (subject to legal review) with EOG Resources Inc., for the following described parcel of land; the property owned by Hidalgo County Drainage District No.1 and described as:**

"10.71 acres (more or less) situated in Lot Sixteen (16), Block One-Thundered Twelve (112), Campacuas Addition of the Capisallo District, in the Llano Grande Grant Hidalgo County, as shown in Vol. 719, Page 381 deed records of Hidalgo County, Texas";

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

- 3. Recommending to reject bid received for: Bid No. 04-027-08-18- Lubricants (Grease, Oil, Hydraulic Fluids) and Anti- freeze Products, due to lack of participation of vendors.**

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

- 4. Requesting authority to exercise the sixty (60) day grace period under the current contract for: Lubricants (Grease, Oil, Hydraulic Fluids) and Anti-Freeze Products, so as to have no lapse in service while bid process is on going.**

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

- 5. Requesting authority to re-advertise for: Lubricants (Grease, Oil, Hydraulic Fluids) and Anti-Freeze Products.**

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

At this time Commissioner Flores returns to the Court.

6. Pursuant to action taken at Drainage District No. 1 Board meeting on 8-10-04, clarification as to intent of Board on presentation for discussion, consideration and action on District's current contract with the Law Firm of Hick's Thomas & Lilienstern, LLP including, but not limited to the following:

a) Pursuant to a directive by Board at meeting of 7-29-04, report from Purchasing Dept. on the legal services rendered to date by firm;

NO ACTION taken on this item.

b) Provisions under current agreement regarding termination options

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

On motion of Commissioner Garza, seconded by Commissioner Flores, the Board made a UNANIMOUS vote of approval to adjourn today's meeting.

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, AUGUST 24, 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 Garza, seconded by Commissioner Handy, the Board made a UNANIMOUS vote to approve the Drainage District Consent Agenda.

- 1. Approval of check register and payment of claims and bills - County Treasurer**
- 2. Discharge Permits:**
 - A. City of Edinburg – Castle Ridge Estates**
 - B. City of Edinburg – Tower Trails #2 Subdivision**
 - C. City of Weslaco – JR Subdivision**
 - D. Hidalgo Mortgage – Las Flores Del Valle Subdivision**
 - E. Chester Pflugard – Cornerstone Meadows Estates Phase 2 (located a & b)**
 - F. City of McAllen – La Cantera Estates**
- 3. Line item transfer - \$ 30,000.00**

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 24th day of August, 2004

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

By: _____
Norma Garza, Deputy

I, JUAN D. SALINAS, III, County Clerk attest that this is an accurate accounting of a proceeding of the Commissioners' Court held on August 24, 2004.

Signed this ____ day of _____ 2004.

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

By: _____
Norma Garza,

(Seal)