

SPECIAL MEETING – October 19, 2004

BE IT REMEMBERED, that on this 19th day of October, 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 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:

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

HIDALGO COUNTY
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, OCTOBER 19, 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 Flores.

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

Demse Lance – Open Meetings procedures.

Eddie Olivares – Red Ribbon Week.

Fern McClaugherty – Election Department, Juvenile Justice Court and Health Department.

Nancy Sherry – Executive Session.

Lorie Ochoa – State Senator Juan Chuy Hinojosa on the TxDot Meeting and from the State Comptrollers office on unclaimed money.

5. Approval of Consent Agenda

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

At this time the Court moved to item #21A-13.

- 6. Juvenile Justice Court – Judge Longoria: (SEE EXHIBIT I)**
- A. Request approval to accept the JB-Juvenile Justice Incentive Block Grant JB-03-J20-14800-06 for sixth year funding of the Juvenile Justice Court through the Office of the Governor and the Office of Court Administration**
 - B. Request approval to appropriate grant funding through the Juvenile Justice Incentive Block Grant in the amount of \$ 126,164.00**
 - C. Request to appropriate county cash match for the Juvenile Justice Court for the grant period covering 08/01/04 – 07/31/05 in the amount of \$ 84,110.00**
 - D. Set salaries (no change requested)**

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on items A thru D.

At this time the Court moved to item #8.

- 7. Elections Department – Teresa Navarro: (SEE EXHIBIT J)**
- A. Discussion, approval and possible action on the following, but not limited to:**
 - 1. Delete slot #3, Elections Coordinator (vacant)**
 - 2. Create slot #18, Elections Specialist**
 - 3. Set salary @ \$ 31,028.00**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on items 1 thru 3.

At this time the Court moved to item #21A-5.

- 8. Indigent Defense Program – Judge Salinas-Flores: (SEE EXHIBIT K)**
- A. Request approval to submit the Texas Task Force on Indigent Defense Discretionary Grant application**

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

At this time the Court moved back to item #7.

- 9. Health Department – Eddie Olivarez: (SEE EXHIBIT L)**
- A. Discussion on the availability of flu vaccines in Hidalgo County**

Presentation made by Eddie Olivarez.

- 10. Urban County – Diana Serna: (SEE EXHIBIT M)**
- A. Urban County Program on behalf of Hidalgo County Pct. #1 requests approval to terminate a Subrecipient Agreement with the Girl Scouts Tip of Texas Council in the amount of \$ 4,494.72 from UCP Year 16 (2003)**

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

- B. The Urban County Program is requesting authorization for County Judge to sign the Combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds and Certification for the 2004 HOME funds for the Community Development Corporation of South Texas a Community Housing Development Organization (CHDO) in the amount of \$ 275,000.**

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

At this time Commissioner Palacios steps out of the Court.

11. County Judge's Office – Lorie Ochoa: (SEE EXHIBIT N)

- A. Discussion, consideration and possible action regarding adopting Guidance and Criteria for Granting Tax Abatements**

Presentation made by Lorie Ochoa.

12. Sheriff's Department – Capt. Quintanilha: (SEE EXHIBIT O)

- A. Discussion and possible action to accept the COPS Universal Hiring Grant in the amount of \$1,125,000.00 for fifteen (15) deputy sheriff positions for the period of August 01, 2004 through July 31, 2007**

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

- B. Discussion and action on budgetary impact to Hidalgo County for grant period and authorization for the County Budget Office to appropriate \$ 733,200.00 local cash match prior to December 31, 2004**

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

13. Hidalgo County – Godfrey Garza: (SEE EXHIBIT P)

- A. Approval of invoice #246279 for TEDSI Infrastructure Group on FEMA project, and authorization for Auditor to issue manual check, subject to review and approval**

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

- B. Approval of Work Authorization #2, (environmental) and Work Authorization #9 (H & H Southern Watersheds) for S & B Infrastructure, Ltd., authorization for Auditor to issue manual check, subject to review and approval**

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

At this time Commissioner Palacios returns to the Court.

At this time the Court moved to take a 15 minute break.

C. Approval of Regional Mobility Authority (RMA) Petition, Order and authority to submit same

NO ACTION taken on this item.

At this time Judge Garcia steps out of the Court.

14. D.P.S. Highway Patrol – Capt. Rodriguez: (SEE EXHIBIT Q)

A. Approval to delete vacant slot #110-013-005 (Receptionist) and create slot #110-013-011 (Administrative Tech II) and set salary at \$ 21,038.49

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

15. Human Services – Rudy De La Viña: (SEE EXHIBIT R)

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.

16. Buildings & Grounds – Daniel Flores: (SEE EXHIBIT S)

A. Status of old jail building

NO ACTION taken on this item.

B. Maintenance of county grounds

Presentation made by Daniel Flores.

C. Status of renovation of administration building

NO ACTION taken on this item.

17. Planning Department – Raul Sesin: (SEE EXHIBIT T)

A. Final Approval with a Letter of Credit:

1. Pueblo Del Sol Subdivision Phase 2 – Pct. 1 (Ezequiel Reyna)

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

2. Amended Falcon's Crest Gardens Subdivision – Pct. 4 (Cris Cantu)

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

At this time Judge Garcia returns to the Court.

B. Final Approval with a Cash Deposit:

1. Northfield Acres Subdivision – Pct. 3 (Zar-Mat Properties)

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

2. Amended CSM No. 1 Subdivision – Pct. 4 (Luis Flores, III)

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

C. Discussion and possible action on residential subdivisions located within La Joya Water Supply Corporation CCN Area:

1. Pueblo De Palmas Phase 6 Subdivision – Pct. 3 (J. Gary Frisby, Developer)

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

18. Pct. #2 – Comm. Palacios: (SEE EXHIBIT U)

A. Discussion and possible action to approve Interlocal Agreement between the City of Alamo and the County of Hidalgo for Country Living Estates Subdivision

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

19. Pct. #4 – Comm. Garza: (SEE EXHIBIT V)

A. Request authorization to rename a county dedicated road located within Hidalgo County Pct. #4 as follows: from Austin Avenue to Franchesca Street (approved by LRGVDC - 911)

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

20. Budget Office – Valde Guerra: (SEE EXHIBIT W)

A. Discussion, consideration and action on amended vehicle purchase list

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

At this Commissioner Handy steps out of the Court.

B. Discussion, consideration and action on retroactive payment of employee(s) wage probation – Sheriff's Department

On motion of Commissioner Garza, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval subject to submitting signed document of shortchange by the employee.

C. 92nd District Court:

1. Approval to create obj. 532 & line item transfer - \$ 105.00

D. Pct. #4 - Landfill:

1. Approval to create obj. 748 & line item transfer - \$ 2,000.00

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

E. Intradepartmental transfers (line items):

1. Pct. #3 – Colonia Access Program - \$ 100.00
2. Juvenile Justice Center – Series 2001 - \$ 68,190.25

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

F. Interdepartmental transfers:

1. R & B ROW/Pct. #2 R & B - \$ 200,000.00
2. R & B ROW/Pct. #1 R & B - \$ 11,300.00

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

G. Elections Department:

1. Discussion, consideration and action on revised revenue projection for Acct. #4-1100-334-00-130-000-0-000 in the amount of \$ 73,291.12
2. Discussion, consideration and action to appropriate \$ 73,291.12 into Acct. #4-1100-414-00-130-001-0-121

NO ACTION taken on items 1 & 2.

At this time the Court to moved to Executive Session.

At this time Commissioner Handy returns to the Court.

21. Purchasing Department – Marty Salazar: (SEE EXHIBIT X)

- 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 ARE 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:	<u>1110</u>	Other Information:	<u>12</u>
Physical Count:	<u>1085</u>	Males (in house)	<u>1005</u>
Out of County: La Villa	<u>10</u>	Females (in house)	<u>83</u>
Brook's		Federal Prisoners	<u>10</u>
Adj. /Sentenced to TDC	<u>170</u>	Total Paper Ready TDC	<u>113</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)**
- 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

- a) claims/invoices with authority for Auditor to issue payment for the items detailed in: “Exhibit A” attached hereto.**
- b) claims/invoices from Professional Service Industries in the amount of \$13,824.50 as reimbursements for “Lab Testing Services conducted in connection with various Colonia Roads.**

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

5. Presentations (with questions & answers, if applicable) by the legal firms (confirming and committing to attend) submitting Statements of Qualifications in response to the Hidalgo County’s RFQ/P for “Legal/Consulting Service for Litigation Against Texas Association of Counties for Hidalgo County” project, for the purpose of finalizing evaluation/scoring form and ranking by Hidalgo County Commission’s Court, if approved;

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a vote of approval to rank Harrison & Beress as #1, Bracewell & Patterson as #2, and Hidgon, & Burdyn as #3 and if negotiations cannot be had with #1 rank that we try negotiations with #2.

Judge Garcia – Abstain

6. Authorization for purchasing department to negotiate a legal service engagement/contract with the number one (1) ranked firm for the Hidalgo County’s RFQ/P for “Legal/Consulting Services for Litigation Against Texas Association of Counties for Hidalgo County” project.

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

At this time the Court moved back to item #9.

7. **Requesting authority to purchase vehicles listed on Exhibit "A" (as attached hereto) under the County's participation through the Inter-local Agreement with the Houston-Galveston Area Council (H-GAC) awarded vendor, Philpott Co., Port Neches, Texas, with a total purchase price of \$1,021,642.25 including administration and delivering fees.**

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

8. **Presentation for consideration, discussion and approval (if applicable) of a lease amendments requested by Mujeres Unidas as presented through Lone Star National Bank's legal counsel, the Hon. Eddie Cantu with the law firm of Montalvo & Ramirez; and, if approved;**

NO ACTION taken on this item.

9. **Request by Lone Star National Bank through legal counsel, Hon. Eddie Cantu to file original lease document, including an subsequent amendments/modification (currently archived and held in the Purchasing Dept.) as real estate documents at the Hidalgo County Clerk's Office; or in the alternative,**

NO ACTION taken on this item.

10. **Presentation for discussion, consideration, and action on a mutual termination of the current lease with Mujeres Unidas; and, if approved;**

NO ACTION taken on this item.

11. **Presentation for discussion, consideration and approval to surplus the property described as:**

The west 4.82 acres out of the west 10.0 acres of the south 20.0 acres of Lot 2, Block 12, Steele & Pershing Subdivision, Hidalgo County, Texas for the purpose of disposition;

12. **Pursuant to Tx. Local Gov't. Code, Section 263.007, requesting authority to dispose of the surplus property described and approved in the item above with authority to advertise a sealed bid including obtaining a fair market value appraisal and a survey (if necessary) in order to set a minimum bid amount;**

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval on items 11 & 12.

13. Presentation for discussion, consideration and approval

- a) to surplus the County's interest in the property described as a vacant tract of land known as Edinburg Municipal Airport & City of Edinburg (as per Hidalgo County Appraisal District) and further described as:**
- Tract 1: Being the north twenty (20) acres of Lot 16, Section 277, Texas-Mexican Railway Company's Survey, an addition to the City of Edinburg, Hidalgo County, Texas: (20.0 Acres Gross)**
- Tract 2: Being the east 26.61 acres of the west 46.61 acres of Lot 10, Section 277, Texas-Mexican Railway Company's Survey, an addition to the City of Edinburg, Hidalgo County, Texas: (26.61 Acres Gross)**
- Tract 3: Being the south ten (10) acres of the west twenty (20) acres of Lot 10, Section 277, Texas Mexican Railway Company's Survey, an addition to the City of Edinburg, Hidalgo County, Texas: (10.0 Acres Gross)**
- Tract 4: Being the east ten (10) acres of Lot 10-, Section 277, Texas Mexican Railway Company's Survey, an addition to the City of Edinburg, Hidalgo County, Texas (10.0 Acres Gross)**
- Tract 5: Being the north 23.39 acres of lot 15, Section 277, Texas-Mexican Railway Company's Survey, an addition to the City of Edinburg, Hidalgo County, Texas. (23.39 Acres Gross)**
- Tract 7: Being the west fifteen (15) acres of the south half (½) of Lot 16, Section 277, Texas-Mexican Railway Company's Survey, and addition to the City of Edinburg, Hidalgo County, Texas (15.0 Acres Gross);**
- b) Pursuant to Tx. Local Gov't. Code, Section 272.001, requesting authority to dispose of the surplus property described and approved in item a);**
- c) Requesting approval of an Inter-local Agreement between Hidalgo County and the City of Edinburg in connection with the property described in Item A and approved in item B for disposition;**

On motion of Commissioner Garza, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval to surplus the property, that we are given the authority to dispose of the property and enter into an inter-local agreement with the City of Edinburg to dispose of the property with a minimum sell of 3.5 million dollars and also on the inter-local agreement to be subject to the option period be inserted from October 19, 2004 to September 30, 2005, that exhibit B be added to the agreement which is the form of unimproved earnest money contract and number 3 that the new appraise value be inserted into the inter-local.

At this time the Court moved back to item #6.

14. **Presentation by the Hidalgo County Auditor’s Office, Budget Office and Purchasing Department for discussion, consideration and approval of an “Order” for all General Fund Budgets and any Other applicable budgets:**
- a) **Cut off date for submission of Requisitions by 11-8-04 on goods and/or services that will require sufficient time to order and receive prior to 12-31-04; i.e., major purchases: vehicles, furniture, equipment, etc.**
 - b) **All open Purchase Orders at 12-31-04 for which there is not a proper invoice for physical receipt of goods and/or services, will be charged to 2005 budgets;**

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

At this time Judge Garcia leaves the Court.

B. HIDALGO COUNTY PRECINCT NO 1 –

1. **Requesting exemption from competitive bidding under the Texas Local Government Code 262.024 (a) (4) for professional engineering services with Professional Services Industries, Inc. in connection with the “Construction Materials Testing-Capital Improvement Plan Projects” under Precinct Number One.**
2. **Requesting approval of a professional engineering services contract, subject to legal review, with Professional Service Industries, Inc. in connection with the “Construction Materials Testing-Capital Improvement Plan Projects” under Precinct Number One.**

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

C. HIDALGO COUNTY PRECINCT NO. 3-

1. **Presentation for discussion, consideration, acceptance and approval of request for payment on invoice #15 totaling \$1,000.00 submitted by George A. Garcia, AGADC, for architectural services rendered for the Multi-Service Center in Precinct No 3.**
2. **Presentation for discussion, consideration, acceptance and approval of Certificate for Payment No 9 from Rio Valley Construction for the Multi-Purpose Center in the amount of \$99,610.35 and as certified for payment by project architect, George A. Garcia, AGADC.**

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

D. HIDALGO COUNTY PRECINCT NO. 4 –

1. **Recommending award of bid and approval of contract for “Hidalgo County Precinct No. 4 CRS-4 (Cationic Rapid Setting) Emulsified Asphalt” to the lowest bidder meeting all requirements and/or specifications.**

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

E. HIDALGO COUNTY COLONIA ACCESS PROGRAM PCT NO 1 –

- 1. Requesting exemption from competitive bidding under the Texas Local Government Code 262.024 (a) (4) for professional engineering services with Professional Service Industries, Inc. in connection with the “Construction Materials Testing-Colonia Access Program Projects” under Precinct Number One.**
- 2. Requesting approval of a professional engineering services contract, subject to legal review, with Professional Service Industries, Inc. in connection with the “Construction Materials Testing-Colonia Access Program Projects” under Precinct Number One.**

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

F. HIDALGO COUNTY BUILDING & GROUNDS –

- 1. Approval to correct vendor from Pitney Bowes (as authorized by Commissioner’s Court on 9/28/2004) to Neopost (c/o Office Systems 2000, Inc.) for the purchase of a Mailing System with Equipment under TBPC State Contract 600-A4 in an amount not to exceed \$26,078.00.**

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

- 2. Presentation for discussion, consideration and acceptance and approval of an Invoice for Service No. One (1) submitted by project architect, Alcoser Garcia Associates Desgin Consulting (AGADC), project architect, in the amount of \$1,100.00 in connection with structural analysis of roof structure for communications dish installation under the architectural services agreement with authority for auditor to issue payment.**

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

G. HIDALGO COUNTY I.T. DEPARTMENT-

- 1. Pursuant to Hidalgo County Cellular Telephone Policy, presentation for consideration, acceptance and approval of Cellular Phone Request Forms for the following elected official(s), department head(s), program director(s) and employee(s) with position as indicated and further detailed in “Exhibit A” attached hereto;**

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

H. HIDALGO COUNTY JUVENILE JUSTICE CENTER –

1. **Presentation for discussion, consideration and acceptance and approval of Request for Payment No. Eight (8) submitted by project architect, V-A Architecture in the amount of \$30,045.42 in connection with architectural services rendered for the design and construction of Juvenile Justice Center for Hidalgo County with authority for Auditor Office to issue payment.**

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

I. HIDALGO COUNTY SHERIFF’S DEPARTMENT –

1. **Requesting authority to advertise and approval of draft specifications as attached hereto for “Commissary Services for Jail” project.**

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

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 to adjourn today’s meeting

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

22. 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 litigation**
- D. Civil Action No. M-00-280; Aurelio Aguilar, et.al vs. Henry Escalon, Sheriff of Hidalgo County, et.al**
- E. Pending and/or potential litigation – Perla Amada Castellano vs. Ruben Estrada Espinosa**
- F. Cause No. C-212-04-E; Jose Luis Ramirez et. al vs. Deer & Company, et.al**

23. Open Session:**A. Real Estate Acquisition**

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval to settle on parcel #78 belonging to Jose Luis Martinez and Alicia Martinez in the amount of \$11,300.00.

B. Consultation with Attorney on litigation associated with New Adult Detention Facility & Law Enforcement Center Project**C. Pending and/or potential litigation****D. Civil Action No. M-00-280; Aurelio Aguilar, et.al vs. Henry Escalon, Sheriff of Hidalgo County, et.al****E. Pending and/or potential litigation – Perla Amada Castellano vs. Ruben Estrada Espinosa****F. Cause No. C-212-04-E; Jose Luis Ramirez et. al vs. Deer & Company, et.al**

NO ACTION taken on items B thru F.

24. Closed Session:

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

25. Open Session:

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

At this time the Court moved to go into recess to open up the Drainage District 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, OCTOBER 19, 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 Garza, seconded by Commissioner Handy, 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. Pct. #1 – R & B**
 - B. Pct. #1 – GED**
 - C. Elections Department**
 - D. J.P. Pct. #4, Pl. 1**
 - E. WIC**
 - F. Constable Pct. #1**
 - G. Constable Pct. #3 – Project STOP**
 - H. Tax Office**
 - I. District Clerk**
 - J. Health – Adm.**
 - K. Planning Department**
 - L. Pct. #4 – Landfill**
- 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)

- **Paid (\$ 3.75) - Davis Petroleum: Install a 4” gas line to cross CR 12300 and bore under CR 6302.**
- **Paid (\$ 3.75) North Alamo Water Supply: Install a 2” waterline at Iowa Gardens # 3 Lot 6 (Iowa Road NS/E Tower Road) – Bore – Jose E. Guardiola.**
- **Paid (\$ 3.75) North Alamo Water Supply: Install a 2” waterline at Matt Subdivision Lot 50 (Mile 4 West south Mile 13 ½ West) – Bore – Matias Gutierrez.**
- **Paid (\$ 3.75) North Alamo Water Supply: Install a 2” waterline at Sunrise Hill Lot 1 Block 6 (FM 1015 WS/S Mile 12 North) - Bore – Ramon Mena.**
- **Paid (\$ 3.75) North Alamo Water Supply: Install a 2” waterline beginning 2465’, 2610’, 2755’, 2905’, 3020’, 3140’, 3250’ & 3400’ north of FM 2812, on Alamo Road – J.J. Avila Subdivision.**

5. Urban County: (SEE EXHIBIT E)

- A. Request approval to enter into one (1) “Homebuyer Assistance Program” Contract under the HOME Program – the family will be provided with \$ 5,000.00 grant for down-payment/closing cost assistance**

6. Monthly Fee Report - September: (SEE EXHIBIT F)

- A. County Clerk - \$ 564,695.92**

7. Tax Refunds: (SEE EXHIBIT G)

Taxpayer	Payer	Amount
A. Francisco Torres	Chase Manhattan	\$4,168.40

8. Purchasing Department: (SEE EXHIBIT H)

A. HIDALGO COUNTY HEALTH DEPARTMENT -

- 1. Requesting authority to enter into a 36 month lease agreement for CC35 Copier with Xerox through TBPC Automated State Contract 985-A3 for \$204.01 a month. 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, OCTOBER 19, 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 Flores.

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. Discussion and approval to purchase required equipment for continued operation of Liebherr excavator

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

5. Approval to submit application to Texas Water Development Board (TWDB) for:
A. Flood Protection Planning
B. Regional Facility Planning

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

6. Discussion, consideration and action regarding the approval of a Resolution between Hidalgo County Drainage District #1 and United Farm Workers

On motion of Commissioner Garza, seconded by Commissioner Handy, the Board made a UNANIMOUS vote of approval to provide Rebecca Flores a copy of the letter dated 10/18/04 provide to us by Mr. Crain of Atlas & Hall.

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

7. 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

8. Open Session:

A. Real Estate Acquisition

9. Closed Session:

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

10. Open Session:

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

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

At this time the Board moved back to the Regular Agenda.

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, OCTOBER 19, 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 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**
- 2. Utility Permit:**
 - A. City of Donna – south Donna Drain**
- 3. Discharge Permits:**
 - A. City of Weslaco – Tesoro Estates Phase III**
 - B. City of Edinburg – Jackson Plaza Phase II Subd.**

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 19th day of October, 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 October 19, 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: _____

Seal

