

**SPECIAL MEETING – February 14<sup>th</sup>, 2005**

**BE IT REMEMBERED, that on this 14<sup>th</sup> day of February, A.D., 2005, 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:**

<b>HONORABLE SYLVIA HANDY</b>	<b>COMMISSIONER, PRECINCT NO. 1</b>
<b>HONORABLE HECTOR (TITO) PALACIOS</b>	<b>COMMISSIONER, PRECINCT NO. 2</b>
<b>HONORABLE JOE FLORES</b>	<b>COMMISSIONER, PRECINCT NO. 3</b>
<b>HONORABLE OSCAR L. GARZA JR.</b>	<b>COMMISSIONER, PRECINCT NO. 4</b>

**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**

**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 MONDAY, FEBRUARY 14, 2005 at 9:00 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:**

**1. Roll Call**

All Members of the Court were counted present with the exception of Judge Garcia and Commissioner Flores.

**2. Pledge of Allegiance**

Commissioner Handy led the Court and Audience in the Pledge of Allegiance.

**3. Prayer**

Dairen Cedillo led the Court and Audience in Prayer.

**4. Open Forum**

Guadalupe Rivera – Sewer problems on her property on Terry and Rogers Rd. in Edinburg.

Gilbert Garza – On the insurance premiums for retire county employees.

Tony Sandoval – Introduces to the Court the new County Auditor Mr. Eufrazio.

**5. Approval of Consent Agenda**

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

At this time the Court acknowledged Commissioner Flores joining the Court.

**6. J.P. Pct. #2, Pl. 2 – Rosa Trevino: (SEE EXHIBIT G)**

**A. Approval to apply for Texas Department of Public Safety Grant (grant is to electronically submit conviction information to the state**

NO ACTION taken on this item.

7. **Constable Pct. #3 – Larry Gallardo: (SEE EXHIBIT H)**
- A. Approval to create two (2) assistant court coordinators for Pct. #3 J.P.’s (one (1) each)**
  - B. Approval to create two (2) deputy constables (warrants)**

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

**C. Approval to set salaries**

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

8. **J.P. Pct. #4, Pl. 2 – Mary Alice Palacios: (SEE EXHIBIT I)**
- A. Approval of Revised Salary Schedule setting salaries**

NO ACTION taken on this item.

9. **Tax Office – Armando Barrera: (SEE EXHIBIT J)**
- A. Approval to provide auto allowance to the following slots: 7, 68, 111, 56, 49, 64**

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

**B. Approval of line item transfer**

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval in the amount of \$2,600.00

**C. Approval of Revised Salary Schedule**

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

10. **Urban County – Diana Serna: (SEE EXHIBIT K)**
- A. The Urban County Program is requesting authorization for the 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 City of La Villa 2003 & 2004 CDBG Funds.**

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

At this time the Court moved back to Open Forum per Tony Sandoval.

**11. Sheriff Department – Lupe Trevino: (SEE EXHIBIT L)**

- A. Approval to authorize the County Treasurer to process payment of clothing allowance to non-uniform officers in the Sheriff's Office and make payment of same in conjunction with the regular payroll of February 25, 2005**

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

- B. Approval of Interlocal Governmental Agreement Hidalgo County HIDTA Task Force & Hidalgo County Sheriff's Department**

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

**12. Indigent Defense Program – Judge Aida S. Flores: (SEE EXHIBIT M)**

- A. Request approval to accept 2005 Indigent Defense Discretionary Grant**

NO ACTION taken on this item.

At this time Commissioner Flores left the Court.

**13. Discussion, consideration and action regarding the City of Peñitas' intent to create a Tax Increment Reinvestment Zone – Mr. Bill Calderon (SEE EXHIBIT N)**

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

**14. Planning Department – Raul Sesin: (SEE EXHIBIT O)****A. Preliminary Approval:**

- 1. Malibu Subdivision – Pct. 4 (Erik Rivera)**
- 2. Sendero Trails Phase I Subdivision – Pct. 4 (Elio Botello)**
- 3. Sendero Trails Phase II Subdivision – Pct. 4 (Elio Botello)**
- 4. Tierra Colorada Subdivision – Pct. 4 (Jose M. Guerra)**
- 5. Delta Lake Subdivision – Pct. 1 (Arturo Padron)**

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on items 1 thru 5.

**B. Final Approval:**

- 1. Coultas Subdivision – Pct. 1 (Adele Coultas)**

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

**C. Final Approval with a Cash Deposit:**

- 1. Berny Estates Unit No. 2 Subdivision – Pct. 4 (Helen Bentsen)**

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

**2. Moreno Subdivision Phase 2 – Pct. 4 (Esperanza Moreno)**

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

**15. Pct. #1 – Comm. Handy: (SEE EXHIBIT P)**

**A. Approval of Interlocal Agreement between Hidalgo County and Hidalgo and Cameron Counties Irrigation District No. 9 (Mile 2 West utility line relocation)**

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

**16. Pct. #2 – Comm. Palacios: (SEE EXHIBIT Q)**

**A. Authorization to waive recording fee in the amount of \$ 96.00 for subdivision plat regarding North San Juan Park**

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

**17. Pct. #3 – Comm. Flores: (SEE EXHIBIT R)**

**A. Requesting authorization to increase vacant slot #001-003 Heavy Equipment Operator/Mechanic from \$ 16,756.00 to \$ 19,549.00 (Landfill Acct.)**

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

**18. Human Services – Rudy De La Vina: (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.

**19. Buildings & Grounds – Daniel Flores: (SEE EXHIBIT T)**

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

Presentations made by Daniel Flores.

**20. Risk Management//Workers' Comp. – Valde Guerra: (SEE EXHIBIT U)**

**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 \$ 98,844.54 for the period ending January 16-31, 2005**

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

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

- 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>1010</u>	Other Information:	<u>12</u>
Physical Count:	<u>998</u>	Males (in house)	<u>922</u>
Out of County: La Villa	<u>0</u>	Females (in house)	<u>76</u>
Brook’s	<u>          </u>	Federal Prisoners	<u>15</u>
Adj. /Sentenced to TDC	<u>134</u>	Total Paper Ready TDC	<u>87</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 or 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 Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval.

**B. HIDALGO COUNTY PRECINCT NO. 1 –**

- 1. Presentation for consideration, discussion acceptance and approval of Work Authorization # 2 (with a proposed fee of \$81,158.72) with TEDSI Infrastructure Group to provide Hidalgo County Precinct No. 1 with irrigation line relocation design, construction staking, construction management and inspection along Mile 2 West within the proposed project limits**

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

**C. HIDALGO COUNTY PRECINCT NO. 2 –**

- 1. Presentation for discussion, consideration and approval of Change Order No. 2 (increase of \$6,512.00) with S&G Paving (awarded contractor) in connection with the South I Road Improvements Project as submitted by project engineer, R. Gutierrez Engineering Corp. for Precinct No. 2 thus bringing the contract total to \$628,879.60.**

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

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

- 1. Requesting authority to purchase through the Inter local agreement with the Houston-Galveston Area Council (H-GAC) Philpott Motor Co., Port Neches, Texas with specifications attached hereto for:**

<b>“One (1) New Model 2005 Long Bed ½ Ton V6 Regular Cab Pickup Truck”</b>		
<b>U/Price at \$11,749.25</b>	<b>+H-GAC Adm. Fee</b>	<b>\$ 600.00</b>
<b>Total Cost FOB Precinct No. 3</b>		<b>\$ 12,349.25</b>

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. 4-**

- 1. Presentation for consideration and recommendation (By J.E. Saenz. Project Engineer) award of Bid No. CAP-05-001-02-02 Road Construction of Rancho Nuevo, Summerwood Subdivisions Project to the lowest bidder meeting all specifications.**

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

**F. 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.

**22. Budget Office – Valde Guerra: (SEE EXHIBIT W)****A. Approval of 2005 membership dues:**

- 1. Texas Association of Counties - \$ 2,440.00**

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

**B. Intradepartmental transfers:**

1. Sheriff's LEOSE – approval to create obj. 534 & transfer - \$ 5,515.00
2. 139<sup>th</sup> D.C. – approval to create obj. 431 & transfer - \$ 1,000.00
3. Elections Department – approval to create obj.336 & transfer - \$ 3,000.00
4. Buildings & Grounds – approval to create obj. 623 & transfer - \$ 1,500.00
5. Pct. #2 – R & B – approval to create obj. 609 & transfer - \$ 1,000.00
6. Human Resources – approval to create obj. 432 & transfer - \$ 1500.00

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on items 1 thru 6.

**C. Interfund transfers:**

1. Co.Wide Adm./Pct. #4 R & B - \$ 20,000.00

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

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

**23. Closed Session: (SEE EXHIBIT X)**

**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

**24. 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 litigation

**25. Closed Session:**

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

**26. Open Session:**

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

**27. Adjourn**

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



**NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on MONDAY, FEBRUARY 14, 2005 at 9:00 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:**

**NOTICE TO THE PUBLIC  
CONSENT AGENDA**

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

- 1. Approval of check register and payment of claims and bills – County Auditor (SEE EXHIBIT A)**
- 2. Intradepartmental transfers: (SEE EXHIBIT B)**
  - A. Sheriff Department**
  - B. County Court #5**
  - C. 389<sup>th</sup> District Court**
  - D. Civil Service**
  - E. Tax Office**
  - F. Pct. #1 – Adm.**
  - G. Pct. #1 – R & B**
  - H. Planning Department**
  - I. Pct. #2 – R & B**
  - J. 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. Urban County: (SEE EXHIBIT D)**
  - A. Request approval to enter into two (2) “Homebuyer Assistance Program” Contracts under the Home Program. The families will be provided with \$5,000 grant for down-payment/closing cost assistance.**
  - B. The Urban County Program requests cancellation of one contract under the Home Buyer Assistance Program.**
- 5. Monthly Fee Reports – January: (SEE EXHIBIT E)**
  - A. County Clerk - \$ 507,504.54**
  - B. District Clerk - \$ 209,047.73**
  - C. District Attorney - \$ 214,920.11**

**6. Right of Way – Permits: (SEE EXHIBIT F)**

**A. North Alamo Water Supply – Mile 20 North on Sunflower Rd.**

**B. Hidalgo County – Quintanilla, Headley & Associates – west of the east ROW line of Doolittle Rd.**

**C. Leo Rodriguez – Alamo Rd. along Mile 17 ½ Rd.**

**DRAINAGE DISTRICT BOARD OF DIRECTORS  
AGENDA**

**Ramon Garcia  
Chairman**

**Sylvia S. Handy  
Board Member**

**Joe M. Flores  
Board Member**



**Hector "Tito" Palacios  
Board Member**

**NOTICE**

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

**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 MONDAY, FEBRUARY 14, 2005 at 9:00 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:**

(SEE EXHIBIT Y)

**1. Roll Call**

All Members of the Board were counted present with the exception of Judge Garcia and 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. Update on Workers' Compensation claims paid by Tristar Risk Management in the amount of \$ 21,084.54 for the period ending January 16-31, 2005**

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

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

**5. 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**

**6. Open Session:**

**A. Real Estate Acquisition**

**7. Closed Session:**

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

**8. Open Session:**

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

**9. Adjourn**

On motion of Commissioner Palacios, seconded by Commissioner Garza, 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 MONDAY, FEBRUARY 14, 2005 at 9:00 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:**

**NOTICE TO THE PUBLIC  
CONSENT AGENDA**

**The following items are of a routine or administrative nature. The Drainage District #1 Board of Directors has been furnished with background and support on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Board Member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.**

**DRAINAGE DISTRICT**

On motion of Commissioner Palacios, seconded by Commissioner Garza, 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. La Joya ISD – Chapa Elementary**
  - B. Leopolda Garcia – Hacienda Laoszada Subdivision**
  - C. City of Weslaco – Palos Rojoas Subdivision**
- 3. Budget transfers – total of \$ 62,629.69:**
  - A. 006-48900 to 006-43500 - \$ 23,000.00**
  - B. 006-48900 to 006-44420 - \$ 6,000.00**
  - C. 006-47330 to 006-48410 - \$ 33,629.69**

*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 14<sup>th</sup> day of February, 2005

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 February 14, 2005.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2005

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

(Seal)

By: \_\_\_\_\_  
Norma Garza, Deputy