

**THE STATE OF TEXAS  
COUNTY OF ZAPATA  
IN THE COMMISSIONERS COURT OF ZAPATA COUNTY, TEXAS**

Be it remembered, that on this the 13<sup>th</sup> day of May A. D., 2013, the Commissioners Court of Zapata County, Texas, convened in **REGULAR SESSION** of said Court, at the regular meeting place thereof, in the Courthouse of Zapata, Texas, with the following members of said Court, to-wit:

**PRESENT:**

Hon.	Joseph Rathmell	County Judge
	Jose Emilio Vela	Commissioner, Precinct No. 1
	Gabriel Villarreal	Commissioner, Precinct No. 2
	Eddie Martinez	Commissioner, Precinct No. 3
	Norberto Garza	Commissioner, Precinct No. 4
	Saíd Alfonso Figueroa	County Attorney
	Mary Jayne Villarreal-Bonoan	County Clerk

**VISITORS:** Triunfo Gonzalez, Auddy Hernandez, Nellie R. Treviño, Brian J. Martinez, Juan J. Meza, Maria I. Gutierrez, Roger Miller, Mike Chapa, Carlos Treviño, Jr., Joyce Currington, Sean Kamber, Diana C. Villarreal, Luis Lauro Gonzalez, Paco Mendoza, and Jose A. Garcia.

**WHEREUPON**, the following Orders and Proceedings were had by said Court, to-wit:

**MEETING CALLED TO ORDER AT 9:00 A. M.**

**ROLL CALL BY MARY JAYNE VILLARREAL-BONOAN, COUNTY CLERK**

**INVOCATION BY REV. ROGER MILLER**

**PLEDGE OF ALLEGIANCE**

**ORDER APPROVING MINUTES OF APRIL 8, 2013 AND APRIL 22, 2013**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve the Minutes of **April 8, 2013**, and **April 22, 2013**, as presented by Mary Jayne Villarreal-Bonoan, County Clerk.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

### **MONTHLY REPORT OF ZAPATA FAMILY MEDICAL CLINIC**

Mr. Sean Kamber of Laredo Medical Center presented Commissioners Court with the monthly report for April 2013. There was no significant difference in the number of patients seen at the clinic last month. There was a normal drop due to seasonal patients. The clinic is looking into implementing the EMR (Electronic Medical Records) System in the near future. Dr. Cabrera will be leaving on May 31, 2013.

### **AUDDY HERNANDEZ REPORTED ON SWIMMING POOL PROGRESS**

Auddy Hernandez reported that Ramiro Hernandez is getting an assessment for things needed at the Guadalupe and Lilia Martinez Swimming Pool. Commissioner Vela announced that advertisement for the life guards has been made.

### **MONTHLY REPORT BY ZAPATA COUNTY TAX ASSESSOR/COLLECTOR**

Luis Lauro Gonzalez, Zapata County Tax Assessor/Collector, reported Hotel/Motel Tax in the amount of \$23,917.25. A grand total of \$92,799.20 has been collected for the current fiscal year (October - 2012 - April 2013). Taxes collected were \$185,711.18. The current year's tax collections are at 92% average.

### **COMMUNICATIONS**

J.J. Meza, Fire Chief, reported that monies are now coming in electronically to the Treasurer's office. So far \$18,700 have been collected.

Brian Martinez, from the Judge's Office, reported that changes in the ARM have taken place and \$191,000 have been collected as of May 2.

### **ORDER APPROVING INVOICES**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve invoices as presented by Triunfo Gonzalez, County Auditor. Commissioner Vela commented on items listed on page 34, where large amounts were to be paid to Clark, Inc., and TDWB. He also commented on voided request on item on page 61.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

### **ORDER APPROVING CHECKS ISSUED**

Motion was made by Commissioner Martinez, seconded by Commissioner Vela, to approve checks issued as requested by Hon. Romeo Salinas, County Treasurer. Commissioner Vela commented on invoiced checks listed on page 32.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

### **ORDER APPROVING TREASURER'S REPORT**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve Treasurer's Report as presented by Commissioner Vela for Romeo Salinas, County Treasurer. A correction was noted on tab 5, page 19 in reference to \$1,386.00 in revenues collected by the Falcon Center.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

### **STATUS REPORT AND UPDATE BY ZAPATA RISING COMMITTEE ON PLANNED COMMEMORATION OF 60<sup>TH</sup> ANNIVERSARY SINCE 1953 RELOCATION OF ZAPATA COUNTY RESIDENTS**

Mr. Joe Garcia, from Graphitix, gave a status report and update on the planned commemoration of our 60<sup>th</sup> anniversary since the 1953 relocation of Zapata County residents. The date has been set for October 19, 2013. Mr. Garcia met with several groups of people, including Carlos Salinas of KGNS TV, who has offered to take the message to the Today Show. Several interviews have been made and he has been in communication with Gilbert Quezada. Two of the projects that will take place are the placement of a time capsule and also the re-enactment of the dedication. A letter is being prepared to be signed by the County Judge to initiate the process with both Mexican and American Presidents. For more information, the public may visit [www.zapatarising.com](http://www.zapatarising.com).

### **LEGISLATIVE REPORT ON HOUSE BILL 826**

Hector Uribe, Attorney at Law; Amada Gonzalez, Zapata County Chief Appraiser; and Martin Villarreal, Webb County Chief Appraiser, gave a Legislative report of House Bill 826 presented by Representative Patricia Harless. HB826 addresses the definitions of certain terms for purposes of the ad valorem taxation of certain dealer's heavy equipment inventory. There are currently five lawsuits in Webb County at approximately 42 M each. The County could suffer a loss of over 2M in tax revenues. The oil industry has taken compressors and defined them as lease equipment and used subsidiaries to lease the equipment back to themselves. One thing we can do is amend the House Bill. Many counties are suffering with lower valuations and going through similar situations as Zapata. Uribe stated that we are better served by regional organizations than State organizations. There are currently 255 lawsuits throughout the State of Texas.

### **ORDER TO TABLE REQUEST BY COUNTY JUDGE REGARDING TEXAS DEPARTMENT OF TRANSPORTATION'S OFFER REGARDING VELEÑO BRIDGE PROJECT LIFT STATION**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to table the request made by County Judge regarding the Texas Department of Transportation's offer regarding the Veleño Bridge Project Lift Station.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING REPLACEMENT OF 2-WAY STOP WITH 4-WAY STOP AT INTERSECTION OF FLORES AND 1<sup>ST</sup> STREET IN FLORES ADDITION**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve the replacement of a 2-way stop with a 4-way stop at the intersection of Flores and 1<sup>st</sup> Street in Flores Addition as requested by Hon. Jose E. Vela, Commissioner Pct. 1.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER AUTHORIZING ROMEO BENAVIDES AND HECTOR SANCHEZ TO BE MOVED TO HWY 16 DRAINAGE PROJECT**

Motion was made by Commissioner Villarreal, seconded by Commissioner Vela, to authorize Romeo Benavides and Hector Sanchez to be moved to the Hwy 16 Drainage Project for the installation of drainage pipe to alleviate any standing storm water (flooding) between 12<sup>th</sup> and 13<sup>th</sup> Streets as requested by Hon. Norberto Garza, Commissioner Pct. 4.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER DENYING REQUEST BY COUNTY AUDITOR TO PURCHASE 3 APPLE IPADS FOR JUSTICE OF THE PEACE**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to deny request by Triunfo Gonzalez, County Auditor, regarding the purchase of 3 Apple iPads for the Justice of the Peace in Precinct 1, Precinct 2, and Precinct 4 in the amount of \$2,725.42 to be paid from the Technology Fund line item 62-582-392.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER TO MOVE REQUEST BY COUNTY AUDITOR TO EXECUTIVE SESSION**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to move request by Triunfo Gonzalez, County Auditor, regarding payment in the amount of \$2,041.86 to Kearns, Brine & Monaghan to be paid from the Technology Center Fund line item 62-582-392 to executive session.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER TO MOVE REQUEST BY JUAN J. CRUZ, ATTORNEY AT LAW TO EXECUTIVE SESSION**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to move request by Juan J. Cruz, Attorney at Law, to executive session, the request is regarding possible action to engage the law firm of J. Cruz & Associates, LLC for general services and bond counsel with Winstead, P.C.; and in the matter of Zapata County v Satterfield & Pontikes, Cause No. 7,779,

in the District Court of Zapata County, Texas, 49<sup>th</sup> Judicial District and discontinue legal services with any other law firm currently providing legal services on the same matter.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

#### **ORDER APPROVING SPEED HUMPS AND STREET LIGHTS**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve installation of speed humps at the following addresses:

- a. 307 Glenn Street
- b. 12<sup>th</sup> Ave. (between Carls St. And First St.)
- c. 463 Falcon Shores Drive

Petitions have been obtained for a. and b., no humps will be installed without a signed petition as requested by Hon. Jose E. Vela, Commissioner Pct. 1.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve installation of street lights at the following addresses:

- a. 405 Ocampo Ave. in San Ygnacio, TX
- b. 403 Uribe Ave. in San Ygnacio, TX

as requested by Hon. Gabriel Villarreal, Commissioner Pct. 2.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve installation of speed humps at the following addresses:

- a. Entrance of Cardinal Lane
- b. 1807 N. Siesta Lane

as requested by Hon. Eddie Martinez, Commissioner Pct. 3.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve installation of speed humps between 4<sup>th</sup> Street and 7<sup>th</sup> Street as requested by Hon. Norberto Garza, Commissioner Pct. 4.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

#### **ORDER APPROVING LINE ITEM TRANSFERS**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve the following line item transfers in order to meet budget requirements.

From: Juvenile Dept. 10-570-4621 Maintenance \$1,500.00  
To: Juvenile Dept. 10-570-427 Workshop / Travel \$1,500.00  
From Juvenile Dept. 10-570-512 Juvenile Detention \$2,000.00  
To: Juvenile Dept. 10-570-427 Workshop/Travel \$2,000.00

as requested by Sandy Pippin-Gomez, Juvenile Probation.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve the following line item transfers in order to meet budget requirements.

From: Non-Department 10-409-446 Garbage \$2,000.00  
To: Non-Department 10-409-394 Contingencies \$2,000.00

as requested by Hon. Joe Rathmell, County Judge.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve the following line item transfers in order to meet budget requirements.

From: County Clerk 10-403-484 Elections \$1,000.00  
To: County Clerk 10-403-427 Workshop/Travel \$1,000.00

as requested by Mary Jayne Villarreal-Bonoan, County Clerk.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**MOTION WAS MADE BY COMMISSIONER GARZA,  
SECONDED BY COMMISSIONER MARTINEZ,  
TO ENTER INTO EXECUTIVE SESSION**

**MOTION WAS MADE BY COMMISSIONER GARZA,  
SECONDED BY COMMISSIONER MARTINEZ,  
TO RETURN TO REGULAR SESSION**

**ORDER APPROVING PAYMENT TO KEARNS, BRINE, & MONAGHAN FROM  
TECHNOLOGY CENTER FUND**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve payment in the amount of \$2,041.86 to Kearns, Brine & Monaghan to be paid from the Technology Center Fund line item 62-582-392 as requested by Triunfo Gonzalez, County Auditor.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER DENYING REQUEST BY JUAN J. CRUZ, ATTORNEY AT LAW**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to deny request as presented by Juan J. Cruz, Attorney at Law regarding possible action to engage the law firm of J. Cruz & Associates, LLC for general services and bond counsel with Winstead, P.C.; and in the matter of Zapata County v Satterfield & Pontikes, Cause No. 7,779, in the District Court of Zapata County, Texas, 49<sup>th</sup> Judicial District and discontinue legal services with any other law firm currently providing legal services on the same matter. Order was approved to authorize County Attorney, Said A. Figueroa, to negotiate with any law firm regarding said matter.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING NON-WAIVER AGREEMENT BETWEEN ZAPATA COUNTY AND HILCORP ENERGY COMPANY REGARDING JENNINGS ROAD**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve a Non-Waiver agreement between Zapata County and Hilcorp Energy Company regarding Jennings Road as requested by Said A. Figueroa, County Attorney. *Executive Session is requested pursuant to Texas Government Code Title 5, Sub Chapter D, Section 551.072 Real Property and 551.074 (Personnel Matters).*

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING REQUEST BY COMMISSIONER MARTINEZ TO ACQUIRE 20 FEET WIDE PROPERTY CONTAINING .16 ACRES AND LIFT STATION WITH UNDERSTANDING THAT ZAPATA COUNTY WILL MAINTAIN AND OPERATE LIFT STATION**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve request by Commissioner Martinez, to acquire a 20 feet wide property containing .16 acres and a lift station with the understanding that Zapata County will maintain and operate said lift station. The acquisition will be at no cost to Zapata County. *Executive Session is requested pursuant to Texas Government Code Title 5, Sub Chapter D, Section 551.072 Real Property and 551.074 (Personnel Matters).*

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER AUTHORIZING COUNTY JUDGE TO TAKE DISCIPLINARY ACTION AS DISCUSSED IN EXECUTIVE SESSION**

Motion was made by Commissioner Martinez, seconded by Commissioner Villarreal, to authorize County Judge to take disciplinary action as discussed in Executive Session as to whether any Zapata County Employee Manual policies were violated by Zapata County Employees in regards to the misuse of county property. *Executive Session is requested pursuant to Texas Government Code Title 5, Sub Chapter D, Section 551.072 Real Property and 551.074 (Personnel Matters).*

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER TO TABLE REQUEST BY COUNTY JUDGE REGARDING TEXAS  
DEPARTMENT OF TRANSPORTATION'S OFFER REGARDING VELEÑO BRIDGE  
PROJECT LIFT STATION**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to table the request made by County Judge regarding the Texas Department of Transportation's offer regarding the Veleño Bridge Project Lift Station.

*This item was revisited by Commissioners Court at the request of Ramon Jimenez of TxDot. Mr. Jimenez will return to Commissioners Court in two weeks.*

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ADJOURN**

Motion to adjourn was made by Commissioner Garza, seconded by Commissioner Martinez, and being put to a vote, was approved by the affirmative vote of all members of the Court.

There being no further business for disposition at this term, the Court adjourned.

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JOSEPH RATHMELL, COUNTY JUDGE  
ZAPATA COUNTY, TEXAS

ATTEST:

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MARY JAYNE VILLARREAL-BONOAN  
COUNTY CLERK AND EX-OFFICIO CLERK  
OF THE COMMISSIONERS COURT OF  
ZAPATA COUNTY, TEXAS