

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

Be it remembered, that on this the 11th day of June, A. D., 2012, 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
		<i>(Not present for roll call, was present for part of the meeting. However, Commissioner Garza excused himself due to illness.)</i>
	Saíd Alfonso Figueroa	County Attorney
	Mary Jayne Villarreal-Bonoan	County Clerk

VISITORS: Romeo Salinas, Triunfo Gonzalez, Mario Gonzalez-Davis, Auddy Hernandez, Nellie R. Treviño, Brian J. Martinez, J.J. Meza, Luis L. Gonzalez, Delia Mendoza, Jose F. Mendoza, Maria I. Gutierrez, Paco Mendoza, Fortunato Paredes, Peggy U. Moffett, Manuel Gonzalez, Patrick Hawthorne, Lilonee Garza, David M. Brown, Ramiro Hernandez, Carlos Treviño, Jr., Justin Brandon, Rachel Amaya, Daniella Soto, Juan M. Martinez, Stephanie Briseño, Angela Darnell, Judith Gracia, Cecilia Romero, Alyssa Lopez, Maria Montalvo, David Amaya, Rosa Ramirez, Cristina Velasquez, Xavier Delgado, David Hernandez, Sofia Regalado, Janette Campos, Collin Moffett, Rudy Bustamante, Derli Trejo, Jerome Cabugos, Ruben Gutierrez, Alexis Hernandez, Kristina Villarreal, and Noely Zavala.

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, KING'S WAY CHURCH

PLEDGE OF ALLEGIANCE

ORDER APPROVING MINUTES OF MAY 14, 2012 AND JUNE 6, 2012

Motion was made by Commissioner Martinez, seconded by Commissioner Villarreal, to approve the Minutes of May 14, 2012 and June 6, 2012 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.

COMMUNICATIONS

Brian Martinez announced that the surplus auction that was scheduled for May has been rescheduled for July 21, 2012. The auction will consist of surplus equipment including vehicles and junk vehicles and trash trucks.

Commissioner Vela questioned Mr. Luis Lauro Gonzalez, Voter Registrar / Tax Collector regarding the statements of residence that had to be filled out by voters in the Primary Elections. Mr. Gonzalez explained that said statements of residence are required in order to make corrections to erroneous voter addresses who did not have physical addresses on registration information. These corrections will be made and should be in effect for the July 31 run-off election.

DEPARTMENTAL REPORTS

Luis Lauro Gonzalez, Zapata County Tax Assessor/Collector, reported that the tax office collected \$22,753.14 in Hotel Motel Tax fees for a total of \$153,144.76 year to date total and \$100,076.12 in tax collections for the month of April bringing the county to 94% collections. An amount of \$77,600 are non-collectable due to the 20 year collection statute of limitations.

REPORTS / PRESENTATIONS / PUBLIC PARTICIPATION

REPORT BY DR. DAVID BROWN, DEAN ZTAC

Dr. Brown introduced the Government 23.05 class. He stated that ZTAC is now offering several college courses. A total of 203 students are currently enrolled. ZTAC will soon be affiliated with TAMIU, this will open more opportunities for students. A website which includes a marketing device which uses the google search engine will also be available soon. Dr. Brown further stated that ZTAC is looking into expanding and offering technical training.

ORDER APPROVING INVOICES

Motion was made by Commissioner Martinez, seconded by Commissioner Villarreal, to approve invoices as presented by Triunfo Gonzalez, County Auditor. Commissioner Vela questioned invoices listed on page 40 made payable to J.D. Net, LLC.

The above motion, being put to a vote, was approved by the affirmative vote of Commissioner Martinez and Commissioner Villarreal. Commissioner Vela voted against. Motion carried.

ORDER APPROVING TREASURER'S REPORT

Motion was made by Commissioner Villarreal, seconded by Commissioner Martinez, to approve Treasurer's Report as presented by Hon. Romeo Salinas, County Treasurer.

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

ZAPATA COUNTY MEDICAL CLINIC MONTHLY REPORT

Dr. Ed Romero reported 914 patient encounters in May for a year to date total of 4,751 patients. Dr. Romero reported that the ultra sound and bone density equipment is now in place. The clinic is working closely with Dr. Oscar Benavides. Dr. Romero also addressed the issue of a letter by Dr. Cabrera regarding the need for certain supplies and/or equipment, however, this is not an urgent care clinic due to current licensing.

9:45 A.M. - COMMISSIONER GARZA, PRESENT FOR COMMISSIONERS COURT

LITTLE LEAGUE FINANCIAL REPORT

Mr. Ramiro Hernandez gave the Little League Financial Report. The current total balance in the checking account is \$7,311.25 with zero liabilities. (Report attached for the record.)

STATUS REPORT ON CRIMINAL JUSTICE COMPLIANCE REPORT

Judge Rathmell stressed the importance of complying with this report. If reporting requirements are not met, the County may not be eligible to receive grants. Ms. Dora Martinez, District Clerk, reported that her office is pending the ORI number. Mr. Figueroa, County Attorney, stated that departments involved are working together in order to meet compliance. Mary Jayne Villarreal-Bonoan, County Clerk, reported that 397 cases have been reported by courts. Currently the county is at 25% compliance.

PRESENTATION OF COPSYNC SYSTEM

Mr. Patrick Hawthorne of CopSync System gave a power point presentation on the CopSync System for J.P.'s. A defendant's drivers license can be swiped and defendant's funds are automatically withdrawn from bank account and warrant will be closed. Depending on extradition clause, defendant may or may not be arrested if defendant is not able to pay on site. J.P.'s must input warrant information and information is then synced into the CopSync system installed in the sheriff's office vehicle. Currently only one J.P. is inputting warrant information into the current system (Hill Country).

The system would cost a one time fee of \$32,000.00, with an additional \$4,400 per court per year for a total of \$17,600.00 payable annually.

ORDER TO TABLE REQUEST BY JUSTICES OF THE PEACE REGARDING PURCHASE OF COPSYNC SYSTEM

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to table request by Justices of the Peace for Precinct One, Two, Three and Four regarding the purchase of the CopSync System for all the Justices of the Peace.

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

ORDER APPROVING RESIGNATION OF JUAN CARLOS SOLIS, JR. AND FILL POSITION WITH JOSE HOMERO GONZALEZ

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve the resignation from Juan Carlos Solis, Jr., and fill the position with Jose Homero Gonzalez in Slot #1 from the Special Road and Bridge Department, Precinct 1 at \$8.25 per hour as requested by Hon. Jose E. Vela, Commissioner Precinct 1.

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 COMMISSIONER VELA REGARDING PROPOSAL TO CONSTRUCT AND OPERATE A RENAL DIALYSIS CLINIC

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to table request by Commissioner Vela regarding proposal to construct and operate a Renal Dialysis Clinic under a mutual agreement between Zapata County and DaVita Corporation allowing the availability of special health services, and assisting our local dialysis patients as requested by Hon. Jose E. Vela, Commissioner Precinct 1.

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

ORDER APPROVING DEVELOPMENT OF POLICY AND PROCEDURES FOR ZAPATA COUNTY WATER DEPARTMENT TO ASSIST WITH SECURING AND EXPEDITIOUSLY COLLECTING EXTREMELY HIGH DELINQUENT WATER PLANT ACCOUNTS

Motion was made by Commissioner Martinez, seconded by Commissioner Villarreal, to approve the development of policy and procedures for the Zapata County Water Department to assist with securing and expeditiously collecting those extremely high delinquent water plant accounts as requested by Hon. Jose E. Vela, Commissioner Precinct 1.

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

COMMISSIONER GARZA WAS EXCUSED FROM COMMISSIONERS COURT DUE TO ILLNESS

ORDER APPROVING ADDITIONAL FUNDING TO COVER PRIMARY ELECTION AND RUN-OFF ELECTION EXPENSES IN AN AMOUNT OF \$20,000

Motion was made by Commissioner Villarreal, seconded by Commissioner Martinez, to approve additional funding to cover primary and run-off election expenses in the amount of \$20,000.00.

The above motion, being put to a vote, was approved by the affirmative vote of Commissioner Villarreal and Commissioner Martinez. Commissioner Vela voted against. Motion carried.

**ORDER APPROVING RESIGNATION OF FERNANDO ARAMBULA FROM
ZAPATA COUNTY WATERWORKS**

Motion was made by Commissioner Martinez, seconded by Commissioner Villarreal, to approve the resignation of Fernando Arambula from Zapata County Waterworks effective June 5, 2012.

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

ORDER APPROVING PAY INCREASE FOR RIGOBERTO CANTU

Motion was made by Commissioner Villarreal, seconded by Commissioner Vela, to approve a pay increase for Rigoberto Cantu from \$11.91 to \$13.04. Mr. Cantu has fulfilled all academic TCEQ requirements and has obtained a Class C Water Plant Operators license. Funding to be obtained from line item 80-600-227 License Stipends as requested by Carlos Treviño, Jr., Water Plant Director.

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

**ORDER APPROVING TO HIRE MARCELO RAMIREZ, JR. FOR POSITION OF
METER READER FOR ZAPATA COUNTY WATERWORKS**

Motion was made by Commissioner Villarreal, seconded by Commissioner Martinez, to approve hiring of Marcelo Ramirez, Jr., for the position of meter reader for Zapata County Waterworks. Mr. Ramirez will be occupying slot #18 at a starting pay of \$9.23 as requested by Carlos Treviño, Jr., Water Plant Director.

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

**ORDER APPROVING PAYMENT OF \$15,875 FOR TIRE RECYCLING
PROGRAM FOR ZAPATA COUNTY WASTEWATER PLANT AND
ZAPATA COUNTY LANDFILL**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve payment of \$15,875.00 for the tire recycling program for Zapata County Wastewater Plant and Zapata County Landfill. Respectively the sums are \$11,075.00 for the Wastewater Plant and \$4,800.00 for the Zapata County Landfill as requested by Nellie R. Treviño, Personnel Director.

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

**ORDER APPROVING ENGINEERS RECOMMENDATION TO AWARD
CONSTRUCTION CONTRACT TO GUZMAN JUAREZ BACKHOE SERVICE**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve the engineers recommendation to award the construction contract to Guzman Juarez Backhoe Service, with a bid of \$141,350, for installation of sewer improvements for the Flores Addition II

Project Contract Number CDBC Colonia 711325 as requested by Mario Gonzalez-Davis, Project Manager.

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

ORDER APPROVING FEMA FLOOD DAMAGE PREVENTION ORDINANCE

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to adopt the FEMA Flood Damage Prevention Ordinance as requested by Mario Gonzalez-Davis, Project Manager.

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

ORDER APPROVING COUNTY BASEBALL FACILITIES APPLICATION

Motion was made by Commissioner Martinez, seconded by Commissioner Vela, to approve the County Baseball Facilities Application, deposit will be at Commissioners' discretion, as requested by Ramiro Hernandez, Safety Officer, Little League.

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

ORDER APPROVING PERMISSION TO USE SOFTBALL FIELDS FOR SOFTBALL TOURNAMENT (BATTLE OF THE CLASSES)

Motion was made by Commissioner Martinez, seconded by Commissioner Villarreal, to approve permission to use softball fields for softball tournament July 7th and to use fields for practice prior to tournament as requested by Martha Montes, Battle of the Classes.

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

ORDER APPROVING CHANGE ORDER NO. 3 FOR WATER DEVELOPMENT BOARD 24" RAW WATER LINE AND 16" RAW WATER LINE PROJECT NO. 61275

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve Change Order No. 3 for Water Development Board 24" Raw Water Line and 16" Raw Water Line Project No. 61275. Change order to include rewiring of pump #1 and #3 and install new industrial quality interior temperature control unit for a cost of \$6,290.00 to be paid from remaining balance on existing project as requested by Manuel Gonzalez, Premier Engineering, and Carlos Treviño, Jr., Water Plant Manager.

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

ORDER APPROVING FUNDING FOR ZAPATA COUNTY MUSEUM OF HISTORY LANDSCAPING RENOVATION

Motion was made by Commissioner Martinez, seconded by Commissioner Villarreal, to approve funding for Zapata County Museum of History landscaping renovation. Stage 1 total cost is \$17,000.00. The County will contribute only \$8,500 to be paid as follows: \$6,500 from Hotel

Motel Tax Fund and \$2,000 from Precinct #2 Caliche account. Item was requested by Dr. H. Flores, Zapata County Museum of History.

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

ORDER AWARDING REQUEST FOR QUALIFICATION NUMBER 2012-002 FOR MOLD REMEDIATION CONTRACTOR TO SERVE PRO AS BEST QUALIFIED RESPONDENT

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to award Request for Qualification Number 2012-002 for a Mold Remediation Contractor to Serve Pro, the best qualified respondent as determined by the Zapata County Commissioners Court and to authorize the Zapata County Judge to negotiate and enter into a contract with said respondent as requested by Fortunato Paredes, Escamilla, Poneck, Poneck & Cruz, LLP Attorney at Law.

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

ORDER APPROVING ARCHITECTURAL CONTRACT WITH WALLACE GROUP FOR DESIGN TO RE-ROOF ZAPATA COUNTY COURTHOUSE DOME AND AUTHORIZE ZAPATA COUNTY JUDGE TO EXECUTE ALL RELEVANT DOCUMENTS

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve and enter into an Architectural Contract with the Wallace Group for design to re-roof the Zapata County Courthouse dome and to authorize the Zapata County Judge to execute all relevant documents as requested by Fortunato Paredes, Escamilla, Poneck & Cruz, LLP Attorney at Law.

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

ORDER DIRECTING ZAPATA COUNTY AUDITOR TO SOLICIT REQUEST FOR QUALIFICATIONS FOR A BUILD-BACK INTERIORS CONTRACTOR ON MATTERS RELATING TO ZAPATA COUNTY COURTHOUSE AND MATTERS INCIDENT THERETO

Motion was made by Commissioner Martinez, seconded by Commissioner Villarreal, to direct the Zapata County Auditor to solicit request for qualification for a build-back interiors contractor on matters relating to the Zapata County Courthouse and any matters incident thereto as requested by Fortunato Paredes, Escamilla Poneck and Cruz, LLP Attorney at Law.

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

LINE ITEM TRANSFERS

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve the following line item transfer, to meet budget requirements.

From:	49 th District Court	10-435-311	Postal Rental	\$200.00
To:	49 th District Court	10-435-311	Postage	\$200.00

as requested by Jose A. Lopez, 49th District 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 Vela, seconded by Commissioner Martinez, to meet budget requirements.

From: County Shop	10-621-427	Work Shop & Travel	\$2,449.61
To: County Shop	10-621-205	Uniforms	\$2,449.61

as requested by Francisco Mendoza, County Shop Supervisor.

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 Vela, seconded by Commissioner Villarreal, to approve the following line item transfers, to meet budget requirements:

From: Library	10-650-427	Travel	\$800.00
To: Library	10-650-462	Repairs & Maintenance	\$800.00

as requested by Aida Garcia, Library Director.

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

ORDER APPROVING RESOLUTION AUTHORIZING DELEGATION OF SIGNATURE APPROVAL AUTHORITY FOR SECTION 5310 TRANSPORTATION GRANT TO NUTRITION PROGRAM DIRECTOR

Motion was made by Commissioner Martinez, seconded by Commissioner Vela, to approve a resolution authorizing delegation of signature approval authority for Section 5310 Transportation Grant to Nutrition Program Director as requested by Rosalinda Gonzalez, Nutrition Director.

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 VILLARREAL, TO ENTER INTO EXECUTIVE SESSION

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

ORDER ACCEPTING SETTLEMENT IN THE MATTER OF CAUSE NO. 7929, ZAPATA COUNTY VS. REIM CONSTRUCTION, INC, 49TH JUDICIAL DISTRICT COURT, ZAPATA COUNTY TEXAS

Motion was made by Commissioner Martinez, seconded by Commissioner Vela, to approve and accept proposed settlement in the matter of Cause No. 7929, Zapata County vs. REIM Construction, Inc.; In the 49th Judicial District Court, Zapata County, Texas, as discussed in

executive session and pending cost of remediation. [Executive Session in requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)] Item requested by Fortunato Paredes, Attorney at Law, Escamilla, Poneck, and Cruz, LLP.

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 Vela, seconded by Commissioner Villarreal, 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.

JOSEPH RATHMELL, COUNTY JUDGE
ZAPATA COUNTY, TEXAS

ATTEST:

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