

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

Be it remembered, that on this the 10th day of August, A. D., 2009, 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. Rosalva Guerra	County Judge
Jose Emilio Vela	Commissioner, Precinct No. 1
Gabriel Villarreal	Commissioner, Precinct No. 2
Joseph Rathmell	Commissioner, Precinct No. 3
Norberto Garza	Commissioner, Precinct No. 4
Saíd Alfonso Figueroa	County Attorney
Romeo Salinas	County Treasurer
Mary Jayne Villarreal-Bonoan	County Clerk

VISITORS: Romeo Salinas, Doroteo N. Garza, Mario Gonzalez-Davis, Nellie Treviño, Hector Uribe, Omelia Zapata, Jose F. Mendoza, Paco Mendoza, Elvia Mendoza, Sandra M. Falcon, Veronica Sanchez, Manuel Uribe, Dorothy Pizaña, Rudy Bravo, Efrain Morales, Rick Sramek, Delia Mendoza, Luis L. Gonzalez, Alicia C. Villarreal, Patricia V. Garcia, Irma Garza, Rebecca Pichardo, Melissa G. Peña, Maria D. Guzman, Olivia Gutierrez, Guillermo Saenz, Laura Garza, and Antonio Mendoza.

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

PLEDGE OF ALLEGIANCE

PRAYER

ORDER APPROVING MINUTES FOR MEETING OF JULY 13TH AND JULY 21ST, 2009

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the Minutes of **July 13, 2009 and July 21, 2009**, with correction on page 7, 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

Judge Guerra communicated that Diana Cecil from Texas Association of Counties will be in Zapata on August 18, 2009 at 9:30 a.m. to conduct a human resources workshop for County Officials and Appointed Officials.

PUBLIC COMMENT

Veronica Sanchez, representing Pastor Alfonso Salinas, addressed Commissioners' Court and asked for permission to use a public park on August 21, 22 and 23, 2009 for a church revival. She stated that they would sign any paperwork necessary assuming liability.

DEPARTMENTAL REPORTS

Luis Lauro Gonzalez, Zapata County Tax Assessor/Collector, presented Commissioners Court with the July report. He reported that the tax office collected \$17,634.68 in hotel/motel taxes and \$108,274.57 county collections at a 98% collection rate.

Romeo Salinas, Zapata County Treasurer, presented Commissioners' Court with a written Treasure's Report, attached for the record.

ORDER APPROVING INVOICES

Motion was made by Commissioner Villarreal, seconded by Commissioner Vela, to approve invoices as presented by Doroteo N. Garza, County Auditor.

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

DISCUSSION AND APPROVAL TO KEEP TAX RATE AT .736096 PER ONE HUNDRED DOLLAR VALUATION FOR FISCAL YEAR 2009-2010

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve to keep tax rate at the rate of .736096 per one hundred dollar valuation, the same rate as last year. However, the tax rate will be published and approved at a later date as requested by Doroteo N. Garza, County Auditor.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court. All Commissioners voted in favor.

ORDER APPROVING REVERSE PAYMENT FOR PRELIMINARY STUDY FOR LAS PALMAS SEWER PROJECT

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve the reverse payment in the amount of \$77,576.20, for the preliminary study for the Las Palmas Sewer Project as approved by Commissioners Court earlier this fiscal year. To be paid from Royalty Funds line item #10-370-901 as requested by Doroteo N. Garza, County Auditor and Gabriel Villarreal, County Commissioner, Pct. 2.

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

ORDER APPROVING ADOPTION OF NEW HOURS OF OPERATION FOR SAN YGNACIO MUNICIPAL LANDFILL

Motion was made by Commissioner Rathmell, seconded by Commissioner Garza, to approve adoption of new hours of operation for th San Ygnacio Municipal Landfill as requested by Guillermo M. Saenz, Environmental Health Department Supervisor. Grande Garbage will exclusively be allowed to dispose of garbage daily. Schedule is as follows:

- Monday: Closed
- Tuesday: Closed
- Wednesday: 9:00 a.m. to 5 p.m.
- Thursday: 9:00 a.m. to 5 p.m.
- Friday: 9:00 a.m. to 5 p.m.
- Saturday: 9:00 a.m. to 5 p.m.
- Sunday: 9:00 a.m. to 5 p.m.

Landfill will remain closed on holidays.

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

ORDER ALLOWING CONSTITUENTS TO ENTER LANDFILL TO DISPOSE OF HOUSEHOLD WASTE

Motion was made by Commissioner Villarreal, seconded by Commissioner Garza, to allow constituents to enter landfill to dispose of household waste, at a rate of \$3.00 per load, as requested by Guillermo M. Saenz, Environmental Health Department Supervisor.

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 MARIO GONZALEZ-DAVIS, PROJECT COORDINATOR AND CARLOS TREVIÑO, ZAPATA COUNTY WATERWORKS DIRECTOR TO APPROVE EXTENSION OF SIX INCH WATERLINE BY ZAPATA COUNTY WATERWORKS TO SERVE AN AREA OVER 5 ACRES ALONG AND 40' EASEMENT CONVEYED TO ZAPATA COUNTY FROM SHARE 4, 100 ACRES OUT OF JOSE CUELLAR, ET AL

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to table request by Mario Gonzalez-Davis, Project Coordinator, and Carlos Treviño, Zapata County Waterworks Director, to approve the extension of a six inch water line by the Zapata County Waterworks, to serve an area(s) over 5 acres along the 40' easement conveyed to Zapata County from Share 4, 100 acres of Jose Cuellar et al., approximately 900 ft. Materials to be paid by landowner.

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

REPORT BY DANIEL SANTOS REGARDING WATER PLANT

Daniel Santos, local resident, reported that they have been having problems with their water supply and pressure for the last three years. A complaint was made to TCEQ and the property owners were informed that the waterworks was not in compliance. Water pressure has improved. Mr. Santos stated that the water lines belonged to the property owners and they maintain their own lines.

**ORDER APPROVING AUTHORIZED SIGNATORIES FOR ORCA AND
EDA HIGHER TECH CENTER PROJECT**

Motion was made by Commissioner Rathmell, seconded by Commissioner Garza, to approve the Authorized Signatories for the ORCA and EDA Higher Tech Center Project, as follows:

Rosalva Guerra, County Judge
Romeo Salinas, County Treasurer
Doroteo Garza, County Auditor

as requested by Mario Gonzalez-Davis, Project Coordinator.

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

**ORDER APPROVING PROMOTION OF MR. FELIPE GONZALEZ TO REPLACE
DEPARTMENT SUPERVISOR'S SLOT AT ZAPATA RECYCLING CENTER**

Motion was made by Commissioner Vela, seconded by Commissioner Rathmell, to approve promotion of Mr. Felipe Gonzalez to replace department supervisor's slot at the Zapata County Recycling Center, Mr. Gonzalez will keep his present salary as requested by Jose Emilio Vela, County Commissioner, Pct. 1.

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

**ORDER APPROVING TO CROSS COUNTY (ZAPATA COUNTY) PORTION OF FM
3169 WITH AN 8" BURIED NATURAL GAS PIPELINE**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve crossing of county (Zapata County) portion of FM 3169 with an 8" buried natural gas pipeline (min. depth 48"), with \$500.00 compensation to Zapata County and subject to finalization of easement terms as recommended by Said A. Figueroa, County Attorney, as requested by William "Duck" Menzies, Sr., Right of Way Agent, Gilcrease Partners, LLC.

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

**ORDER APPROVING MEMBERSHIP TO RIO GRANDE
TEXAS DEVELOPMENT COUNCIL**

Motion was made by Commissioner Rathmell, seconded by Commissioner Garza, to approve membership to the Rio Grande Texas Development Council as requested by Rosalva Guerra, County Judge.

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

**ORDER APPROVING TERMINATION OF CONTRACT WITH
BLUE MOON SOLUTIONS**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve termination of contract with Blue Moon Solutions as per terms of agreement as requested by Rosalva Guerra, County Judge.

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

ORDER APPROVING ANTIVIRAL CONTRACT WITH DEPARTMENT OF STATE HEALTH SERVICES

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve antiviral contract with the Department of State Health Services (DSHS) as requested by Rosalva Guerra, County Judge.

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

**ORDER APPROVING RURAL COMMUNITY PROGRAM 2009
HARDWORKING RURAL COMMUNITY LICENSE AGREEMENT
WITH TEXAS DEPARTMENT OF AGRICULTURE**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve Rural Community Program 2009 Hardworking Rural Community license agreement with Texas Department of Agriculture as requested by Rosalva Guerra, County Judge.

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

**ORDER APPROVING RETIREMENT OF ZAPATA COUNTY PERSONNEL
DIRECTOR SYLVIA MENDOZA**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve the retirement of Zapata County Personnel Director, Sylvia Mendoza, effective July 31, 2009 as requested by Rosalva Guerra, County Judge.

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

**ORDER APPOINTING NELLIE R. TREVIÑO AS
ZAPATA COUNTY PERSONNEL DIRECTOR**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to appoint Nellie R. Treviño as Zapata County Personnel Director as requested by Rosalva Guerra, County Judge.

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

**ORDER APPROVING REQUEST FOR BIDS FOR CONSTRUCTION OF
APPROXIMATELY 5,000 LINEAR FEET OF CURB AND GUTTER ON EXISTING
PAVED STREETS IN SIESTA SHORES SUBDIVISION**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve request for bids for the construction of approximately 5,000 linear feet of curb and gutter on existing paved streets in Siesta Shores Subdivision to be paid out of the road paving bond Pct. 3 as requested by Joseph Rathmell, County Commissioner, Pct. 3.

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

**ORDER APPROVING CHANGE ORDER ON FALCON LAKE ESTATES WEST
CONTRACT FOR RAPID HAUL CONSTRUCTION TO ADD SECTION OF COUNTY
ROAD FROM LOMA VERDE TO PUBLIC BOAR RAMP**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve the change order on Falcon Lake Estates West Contract for Rapid Haul Construction to add a section of County Road from Loma Verde to Public Boat Ramp as requested by Joseph Rathmell, County Commissioner, Pct. 3.

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

**ORDER APPROVING TO SPONSOR REFRESHMENT BREAK FOR REGION 8
COUNTY AND DISTRICT CLERKS' FALL CONFERENCE**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve to sponsor a refreshment break in the amount of \$512.00 for the Region 8 County and District Clerks' Fall Conference. Conference to be held on October 7-9, 2009 at the Embassy Suites in Laredo, Texas. The conference will be hosted by Zapata County and Webb County as requested by Dora M. Ramos, District Clerk, and Mary Jayne Villarreal-Bonoan, County Clerk. Each commissioner will contribute the amount of \$128.00 out of their travel expense.

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

**ORDER APPROVING HIRING OF TWO TEMPORARY
CLERKS TO BE PAID FROM COUNTY CLERK'S RECORDS
MANAGEMENT AND PRESERVATION FUND**

Motion was made by Commissioner Villarreal, seconded by Commissioner Garza, to approve hiring of two (2) temporary clerks, at the rate of \$7.50 per hour, to be paid from the County Clerk's Record Management and Preservation Fund under Section 118.0216 of the Local Government Code, to scan and/or index minutes and documents. Employment shall be effective August 24, 2009 and last until the project is completed 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.

ORDER ACCEPTING RESIGNATION OF LUIS LOPEZ, EMS

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to accept the resignation of Luis Lopez, EMS, effective immediately as requested by Juan Jose Meza, Fire Chief.

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

**ORDER ALLOWING FIRE CHIEF TO HIRE EMS EMPLOYEE TO
REPLACE LUIS LOPEZ**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to allow Fire Chief to hire an EMS employee to replace Luis Lopez as requested by Juan Jose Meza, Fire Chief.

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

NO ACTION WAS TAKEN ON REQUEST BY FORMER EMPLOYEES OF ZAPATA COUNTY MEDICAL CLINIC TO TAKE POSSIBLE ACTION REGARDING THE UNPAID WAGES OWED TO EMPLOYEES, CURRENT AND FORMER, OF THE ZAPATA COUNTY MEDICAL CLINIC

ORDER ASSIGNING SIX PARKING SPACES TO ZAPATA COUNTY JUVENILE PROBATION DEPARTMENT ON FRONT ROW NEAREST TO COURTHOUSE ON EAST SIDE OF BUILDING

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to assign six parking spaces to Zapata County Juvenile Probation Department, on the front row, nearest to the courthouse, on the East side of the building. The department has vehicles which are covered by their own video surveillance camera in these locations. The department requests that signs to be erected designating these places for Juvenile Probation Vehicles Only as requested by Sandy J. Pippin-Gomez, Juvenile Probation Officer.

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

ORDER APPROVING INSTALLATION OF 4-WAY STOP

Motion was made by Commissioner Rathmell, seconded by Commissioner Vela, to approve installation of a 4-way stop at the following sites:

- a. Intersection of 3rd Avenue and Glenn Street (Zapata Town Site)
 - b. Intersection of 2nd and Costa Rica (Flores Addition I)
- as requested by Jose Emilio Vela, County Commissioner, Pct. 1.

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 Rathmell, seconded by Commissioner Vela, to approve the following line item transfers:

From: Constable Pct. 4	10-550-333	Fuel and Lubricants	\$700.00
To: Constable Pct. 4	10-550-313	Supplies	\$700.00
From: Constable Pct. 4	10-550-430	Workshop	\$400.00
To: Constable Pct. 4	10-550-212	Uniforms	\$400.00
From: Constable Pct. 4	10-550-333	Fuel and Lubricants	\$1,000.00
To: Constable Pct. 4	10-550-212	Uniforms	\$1,000.00

as requested by Manuel M. Flores, Constable Pct. 4.

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 Rathmell, seconded by Commissioner Vela, to approve the following line item transfers:

From: Nutrition Program	38-647-336	Raw Food	\$700.00
To: Nutrition Program	38-647-454	Repair and Maintenance	\$700.00
From: Nutrition Program	38-647-427	Travel	\$300.00
To: Nutrition Program	38-648-454	Repair and Maintenance	\$300.00
From: Nutrition Program	38-647-339	Elderly Activities	\$300.00

To:	Nutrition Program	38-647-467	Non-Food Consumables	\$300.00
From:	Nutrition Program	38-648-427	Travel	\$250.00
To:	Nutrition Program	38-647-392	Safety Service	\$250.00

to meet budget requirements as requested by Carmen R. Reyes, Nutrition Center 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 Rathmell, seconded by Commissioner Vela, to approve the following line item transfers:

From:	County Clerk	10-403-484	Election Expense	\$10,000.00
To:	County Clerk	10-403-437	Microfilm	\$10,000.00
From:	County Clerk	10-403-484	Election Expense	\$2,000.00
To:	County Clerk	10-403-310	Office Supplies	\$2,000.00

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

From:	County Attorney	10-475-311	Postage	\$800.00
To:	County Attorney	10-475-392	Other/Maintenance	\$800.00
From:	County Attorney	10-475-454	Vehicle Expense	\$4,000.00
To:	County Attorney	10-475-392	Other/Maintenance	\$4,000.00
From:	County Attorney	10-475-462	Equipment Rental	\$1,000.00
To:	County Attorney	10-475-392	Other/Maintenance	\$1,000.00

to meet budget requirements as requested by Said A. Figueroa, County Attorney.

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 Rathmell, seconded by Commissioner Vela, to approve the following line item transfers:

From:	Juvenile Probation Department	31-570-730	Consultant Contract Serv.	\$7,000.00
To:	Juvenile Probation Department	31-570-427	Travel	\$7,000.00

to meet budget requirements as requested by Sandy J. Pippin-Gomez, Juvenile Probation Officer.

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

ORDER APPROVING INSTALLATION OF SPEED HUMP AT 1612 ZAPATA STREET

Motion was made by Commissioner Rathmell, seconded by Commissioner Vela, to approve the installation of a speed hump on 1612 Zapata Street as requested by Norberto Garza, County Commissioner, Pct. 4.

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

ANNOUNCEMENT ON HISTORICAL MARKER AT FALCON COMMUNITY PARK

Commissioner Vela announced that a Historical Marker will be placed at the Falcon Community Park donated by the Falcon Historical Committee. The plan is to unveil the historical marker during the dedication of the Veteran’s Memorial in November 2009.

FINANCIAL STATUS REPORT FROM SESQUICENTENNIAL COMMITTEE

Ms. Omelia Zapata presented Commissioners’ Court with the financial status report from Executive Sesquicentennial Committee regarding donations for benches and pavers as well as update of itemized disbursements as requested by Jose Emilio Vela, County Commissioner, Pct. 1. (Report attached for the record.)

ANNUAL REPORT BY ZAPATA COUNTY PREDATORY CONTROL OFFICER

Rick Sramek and Efrain Morales, Wildlife Services /Zapata County Predatory Control, gave an update and annual report on the services provided to Zapata County.

**MONTHLY BUSINESS REPORT OF ZAPATA COUNTY
ECONOMIC DEVELOPMENT CENTER**

Peggy Umphres Moffett, ZEDC President, gave the July monthly business report of the Zapata County Economic Development Center (ZEDC). Ms. Umphres Moffett stated that Dr. Patel had not responded on the dialysis center. The Tech center construction is underway and the ground breaking is scheduled for the near future. (Complete report attached for the record.)

REPORT ON STUDY CONDUCTED BY FALCON LAKE PLANNING COMMISSION

Mr. Hector Uribe, submitted the report of a study conducted by the Falcon Lake Planning Commission to determine the need for zoning regulations under Senate Bill 63 in Zapata County as requested by Zar Rodriguez IV and Falcon Lake Planning Commission. (Complete report attached for the record.)

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

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

**NO ACTION TAKEN ON REQUEST BY ROSALVA GUERRA, COUNTY JUDGE TO
DISCUSS WATER PLANT PERSONNEL MATTERS**

**NO ACTION TAKEN ON REQUEST BY ROSALVA GUERRA, COUNTY JUDGE TO
DISCUSS OR TAKE POSSIBLE ACTION TO APPOINT A FIVE MEMBER
ADVISORY BOARD TO OVERSEE THE OPERATIONS OF ZAPATA COUNTY
WATERWORKS AND SEWER PLANT DEPARTMENTS**

ORDER APPROVING SUPPLEMENT REQUEST BY ZAPATA COUNTY MEDICAL GROUP FOR ZAPATA COUNTY MEDICAL CLINIC

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve supplement in the amount of \$36,083.08, from Special Account, for the Zapata County Medical Group for the Zapata County Medical Clinic as requested by Said A. Figueroa, County Attorney.

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 Rathmell 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.

ROSALVA GUERRA, COUNTY JUDGE
ZAPATA COUNTY, TEXAS

ATTEST:

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