

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

Be it remembered, that on this the 14<sup>th</sup> day of April, 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
Mary Jayne Villarreal-Bonoan	County Clerk

**ABSENT:**

Hon. Saíd Alfonso Figueroa	County Attorney
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**VISITORS:** Romeo Salinas, Doroteo N. Garza, Ramiro V. Martinez, Mario Gonzalez-Davis, Nellie Treviño, Roger Miller, Juan J. Meza, Jose F. Mendoza, Myrna Bustamante, Antonio A. Mendoza, Dorothy Pizaña, Xavier Villarreal, Laura Garza, Guillermo Saenz, Raul Maldonado, Angel Garza, Robert Mezquiti, Rosalinda Gonzalez, Carmen R. Reyes, Delia Mendoza, Luis L. Gonzalez, Luis M. Arredondo and Gerardo Capitanochi.

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 BY REV. ROGER MILLER**

**ORDER APPROVING MINUTES FOR MEETINGS OF MARCH 9, 2009, MARCH 18, 2009, MARCH 27, 2009 AND MARCH 31, 2009**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve the Minutes of **March 9, 2009, March 18, 2009, March 27, 2009 and March 31, 2009** 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 announced that the grand opening and ribbon cutting ceremony for the Guadalupe and Lilia Martinez Swimming Complex will be held on Tuesday, April 21 at 10 a.m.

Judge Guerra also announced that Juana Maria Gutierrez, J.P., Pct. 2 asked permission to use the Henry Martinez Community Center in San Ygnacio for the upcoming J.P. Conference.

## **DEPARTMENTAL REPORTS**

Luis Lauro Gonzalez, Zapata County Tax Assessor/Collector, reported that his office collected \$165,990.44 in the month of March 2009, this amount was for taxes only. Hotel Motel tax collected was \$40,272.38. (Written report is attached for the record.)

### **ORDER APPROVING FEES FOR ARCHITECTURAL SERVICES PROPOSED BY COTERA AND REED ARCHITECTS REGARDING PLANNING OF ZAPATA COUNTY PROPERTY**

Motion was made by Commissioner Villarreal, seconded by Commissioner Garza, to approve fees in the amount of \$15,000 for Architectural Services proposed by Cotera and Reed Architects regarding the planning of the Zapata County property located on 17<sup>th</sup> Avenue to 26<sup>th</sup> Avenue between Glenn and Fresno Streets and Lots 6 through 43 inclusive, Block 200 of the Manuel Medina Addition as requested by Gabriel Villarreal, County Commissioner, Pct. 2, Norberto Garza, County Commissioner, Pct. 4, and Cotera and Reed Architects.

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

### **ORDER APPROVING GRANT APPLICATION FOR RECOVERY ACT FUNDS FOR JUVENILE PROBATION DEPARTMENT**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve Grant application for Recovery Act Funds for Juvenile Probation Department as requested by Roger Miller, Probation Department.

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

### **ORDER ADOPTING RESOLUTION FOR BYRNE JUSTICE ASSISTANCE ACT GRANT APPLICATION**

Motion was made by Commissioner Garza, seconded by Commissioner Rathmell, to approve resolution for the Byrne Justice Assistance Act Grant Application #2009-F5632-TX5B as requested by Sheriff Sigifredo Gonzalez, Jr. and Captain Victor Sermino.

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

### **ORDER APPROVING USE OF ZAPATA COUNTY FAIRGROUNDS AS STARTING POINT FOR ZAPATA/LAREDO FUN RACE**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve the use of the Zapata County Fairgrounds as the starting point for the Zapata/Laredo Fun Race, charity to benefit Casa La Esperanza, a crisis pregnancy center as requested by Mike Doyle, Pro-Bike.

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

**ORDER APPROVING USE OF OSWALDO & JUANITA RAMIREZ SHOW BARN  
FOR RELAY FOR LIFE**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve the use of the Oswaldo & Juanita Ramirez Show Barn for the Relay for Life on May 8<sup>th</sup>, 2009 as requested by Bobbie Meza and Nellie Treviño.

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

**ORDER APPROVING TO CONCUR WITH FINDING OF NO SIGNIFICANT  
IMPACT FOR ENVIRONMENTAL ASSESSMENT ON RAMIREÑO WATER  
TOWER RELOCATION PROJECT**

Motion was made by Commissioner Rathmell, seconded by Commissioner Garza, to approve to concur with the Finding of No Significant Impact for the environmental assessment on the Ramireño Water Tower Relocation Project. Assessment has been completed 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 BID FOR MATERIALS TO BE USED ON LAKE  
FRONT ROAD BOND PAVING PCT. #3 PROJECT**

Motion was made by Commissioner Vela, seconded by Commissioner Rathmell, to approve the bid for materials submitted by Benavides Trucking for the Flex Base (caliche) at \$7.35 per yard; the bid submitted by Brothers Material for Type "D" asphalt at \$53.00 per ton and the bid submitted by Brothers Material for SS1-Emulsion at \$3.38 per gal. All materials are to be delivered to site to be used on Lake Front Road Bond Paving Pct. # 3 Project 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 AWARDING CONTRACT FOR CONSTRUCTION MANAGER  
AT RISK CONTRACT FOR CONSTRUCTION OF ORCA AND  
EDA GRANT HIGHER EDUCATION CENTER**

Motion was made by Commissioner Rathmell, seconded by Commissioner Garza, to award the contract for the Construction Manager at Risk contract for the construction of the ORCA and EDA grant Higher Education Center to PM2i, the only bidders 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 FINAL DESIGN PHASE FOR HIGHER EDUCATION  
CENTER FOLLOWING RECOMMENDATIONS OF PARTNERS  
THAT WILL BE USING FACILITY**

Motion was made by Commissioner Garza, seconded by Commissioner Rathmell, to approve the final design phase for the Higher Education Center following the recommendations of the partners that will be using the facility 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 ZAPATA COUNTY CEMETERY PLOT POLICY**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve the Zapata County Cemetery Plot Policy as requested by Romeo Salinas, County Treasurer. (Policy attached to minutes.)

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 JUSTICE OF THE PEACE OFFICE TO  
HIRE LEEANN GONZALEZ**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to table request by Justice of the Peace Office to hire LeeAnn Gonzalez for 6 months as temporary warrant clerk for the Justice of the Peace Offices.

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 TO HIRE RUBEN G. PEÑA, JR. AS  
A TREATMENT OPERATOR TRAINEE AT THE WASTEWATER  
TREATMENT PLANT FOR SLOT-9, VACANT POSITION, AT A SALARY  
OF \$8.80/HR. AS REQUESTED BY CARLOS TREVIÑO, WATER  
PLANT DIRECTOR AND ELOY CHAPA JR., WASTEWATER SUPERVISOR**

(Request was withdrawn by Mr. Treviño)

**ORDER APPROVING PURCHASE OF BORING MACHINE WITH  
POSSIBLE SIESTA SHORES PARTICIPATION**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the purchase of a boring machine with possible Siesta Shores purchase participation. Each of the four precincts will fund \$15,000 for a total of \$60,000, Zapata County Water Works will fund \$10,000 and Siesta Shores will fund \$10,000. There will be a Memorandum of Understanding between Zapata County and Siesta Shores. Mr. Ramiro V. Martinez will be authorized to create an account in order to make purchase as requested by Carlos Treviño, Jr. and 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 HIRE ARMANDO DEL BOSQUE, JR. FOR RECYCLING  
DEPARTMENT UNDER BUDGET OF COMMISSIONER GARZA**

Motion was made by Commissioner Rathmell, seconded by Commissioner Garza, to hire Armando del Bosque, Jr. for the Recycling Department under the budget of Commissioner Garza as requested by Hector Lopez, Jr., Recycling Center Supervisor.

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

**ORDER APPROVING MASTER FIBERS AND CARDBOARD EXPRESS TO PROVIDE SERVICES FOR ZAPATA COUNTY RECYCLING DEPARTMENT**

Motion was made by Commissioner Vela, seconded by Commissioner Rathmell, to approve Master Fibers and Cardboard Express to provide recycling services at the rate of \$40.00 per ton for the Zapata County Recycling Department. Master Fibers and Cardboard Express are to alternate each month with each other as requested by Hector Lopez, Recycling Center Supervisor and 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 MR. ZAR RODRIGUEZ IV AS ZAPATA COUNTY DIRECTOR/MANAGER FOR NEWLY CONSTRUCTED ROMEO T. FLORES PARK INCLUDING MANAGEMENT OF SWIMMING POOL**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve the appointment of Mr. Zar Rodriguez IV as Zapata County Director/Manager for the newly constructed Romeo T. Flores Park including management of the public swimming pool. Mr. Rodriguez will have access to courthouse maintenance staff for grounds maintenance 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 CHANGE ORDER REQUEST BY RIGNEY CONSTRUCTION COMPANY TO FINALIZE CONTRACT WITH ZAPATA COUNTY FOR COMPLETION OF ROMEO T. FLORES PARK PROJECT - PHASE I**

Motion was made by Commissioner Rathmell, seconded by Commissioner Vela, to approve change order requested by Rigney Construction Co. to finalize contract with Zapata County for the completion of Romeo T. Flores Park Project- Phase I. Rigney Construction Company will purchase brick for \$12,500 to be paid from contingency fund 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 TO TABLE REIMBURSEMENT TO MR. VICTOR GUERRA FOR INCURRED EXPENSES KEEPING LIVESTOCK AWAY FROM COUNTY LANDFILL AREA WHEN CONSTRUCTING NEW PERIMETER FENCE**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to table reimbursement to Mr. Victor Guerra, local rancher, for incurred expenses while keeping livestock away from county landfill area when constructing the new perimeter fence 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 TO TABLE REQUEST BY JOSEPH RATHMELL, COUNTY COMMISSIONER, PCT. 3 TO APPROVE CHANGE ORDER FOR PRECINCT 3 ROAD BOND PAVING PROJECT- PHASE I**

Motion was made by Commissioner Rathmell, seconded by Commissioner Garza, to table the request by Joseph Rathmell, County Commissioner, Pct. 3, to approve a change order for the Precinct 3 Road Bond Paving Project Phase I.

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

**ORDER APPOINTING MARTIN SAENZ AS INTERIM DIRECTOR  
FOR ENVIRONMENTAL HEALTH SERVICES AND SAFETY AND RISK  
MANAGEMENT DEPARTMENTS**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve appointment of Martin Saenz as interim director for the Environmental Health Service and Safety and Risk Management Departments as requested by Rosalva Guerra, County Judge and 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 TRANSFER OF ENVIRONMENTAL HEALTH  
SERVICE AND SAFETY AND RISK MANAGEMENT DEPARTMENTS TO  
ANIMAL CONTROL SHELTER**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve transfer of the Environmental Health Service and Safety and Risk Management Department to the Animal Control Shelter (effective immediately) 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 AUTHORIZING MR. RAMIRO V. MARTINEZ TO  
RESEARCH INFORMATION FOR LEASE/PURCHASE OF BULLDOZER  
AND SCRAPER FOR LANDFILL**

Motion was made by Commissioner Rathmell, seconded by Commissioner Garza, to authorize Mr. Ramiro V. Martinez to research information for lease/purchase of bulldozer and scraper for the landfill in order to maintain standards required by TCEQ. Mr. Martinez will come back at the next Commissioners Court meeting with results 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.

**NO ACTION WAS TAKEN ON REQUEST BY ROSALVA GUERRA, COUNTY JUDGE  
TO APPOINT ZAPATA COUNTY AUDITOR TO SERVE AS PURCHASING AGENT  
FOR ZAPATA COUNTY EFFECTIVE IMMEDIATELY  
(REFERENCE LOCAL GOVERNMENT CODE, SECTION 252.001, A-3)**

**ORDER TO TABLE REQUEST BY HECTOR LOPEZ, JR., RECYCLING CENTER  
SUPERVISOR TO APPROVE LINE ITEM TRANSFER IN ORDER TO MEET  
BUDGET REQUIREMENTS**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to table request by Hector Lopez, Jr., Recycling Center Supervisor, to approve line item transfer in order to meet budget requirements as follows:

From: 10-598-330	Fuel	\$1,300.00
To: 10-598-427	Workshops/Travel	\$1,300.00

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

**ORDER APPROVING USE OF \$700.00 FROM ACCOUNT 10-001-681 TO PURCHASE PORTABLE RADIOS TO BE USED BY J.P. PCT. 1, JUDGE ANNA GUERRA AND PCT. 1, CONSTABLE ADALBERTO MEJIA**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve use of \$700.00 from Account 10-001-681 to purchase portable radios to be used by J.P. Pct. 1, Judge Anna Guerra and Pct. 1, Constable Adalberto Mejia 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 REPLACE ANA CELIA TAYLOR, SLOT #5 WITH HENRY MARTINEZ, JR. AT \$7.25 PER HOUR**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to replace Ana Celia Taylor, Slot #5 Parks Salary and Wages (10-002-107) with Henry Martinez, Jr. at \$7.25 per hour as requested by 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 LINE ITEM TRANSFER REQUESTED BY CARMEN R. REYES, NUTRITION CENTER DIRECTOR**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve line item transfer in order to meet budget requirements.

From: 38-647-330	Fuel & Lubricants	\$1,000.00
To: 38-647-589	Center Equip.	\$1,000.00
From: 38-648-330	Fuel & Lubricants	\$1,000.00
To: 38-647-589	Center Equip.	\$1,000.00
From: 38-649-330	Fuel & Lubricants	\$ 500.00
To: 38-647-589	Center Equip.	\$ 500.00

as requested by Carmen R. Reyes, Nutrition Center Director.

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 2403 BRAZOS**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve installation of a speed hump at 2403 Brazos Street as requested by 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 INSTALLATION OF SPEED HUMP AT 812 ROMA STREET**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve installation of a speed hump at 812 Roma 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.

**ORDER APPROVING INSTALLATION OF SPEED HUMPS AS REQUESTED BY  
NORBERTO GARZA, COUNTY COMMISSIONER, PCT. 4**

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

1. 804 Medina Street
2. between 10<sup>th</sup> & 13<sup>th</sup> on Zapata Street
3. between 7<sup>th</sup> & 10<sup>th</sup> on Zapata Street
4. between 16<sup>th</sup> & 19<sup>th</sup> on Ramireño Street
5. between 7<sup>th</sup> & 10<sup>th</sup> on Miraflores 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.

**ORDER APPROVING INSTALLATION OF SECURITY LIGHTS AS REQUESTED BY  
GABRIEL VILLARREAL, COUNTY COMMISSIONER, PCT. 2**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve security lights at the following locations:

1. 4085 N. Hwy. 83 in Ramireño, Texas
2. 201 Matamoros Street in San Ygnacio, Texas
3. 208 Matamoros Street in San Ygnacio, Texas

as requested by 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 INSTALLATION OF SECURITY LIGHTS AS REQUESTED BY  
NORBERTO GARZA, COUNTY COMMISSIONER, PCT. 4**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve installation of security lights at the following locations:

1. 1601 Zapata Boulevard
2. between 7<sup>th</sup> & 10<sup>th</sup> Street at 711 Villa 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.

**ORDER APPROVING INSTALLATION OF SECURITY LIGHT AS REQUESTED BY  
JOSEPH RATHMELL, COUNTY COMMISSIONER, PCT. 3**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve installation of a security light at the following locations:

1. 406 Ann Drive
2. 384 Cerrito Drive
3. Intersection of Lincoln and Madison Drive
4. Lakeshore Drive

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 DENYING REQUEST BY DOROTEO N. GARZA, COUNTY AUDITOR  
TO APPROVE RESOLUTION FOR COUNTY AUDITOR TO OPERATE  
CENTRAL ACCOUNTING SYSTEM AND SET STANDARDS AND  
PROCEDURES RELATED TO THIS PROCESS**

Motion was made by Commissioner Rathmell, seconded by Commissioner Vela, to deny the request by Doroteo N. Garza, County Auditor, to approve resolution for the County Auditor to operate the central accounting system and set standards and procedures related to this process. (This authority is given to the County Auditor by statutes as listed in the Texas Local Government Code, Chapter 12, County Financial Accounting). This will become effective on October 1, 2009.

The above motion, being put to a vote, was approved by the affirmative vote of Commissioners Rathmell, Vela, Garza, and Villarreal. Judge Guerra voted against. Motion Carried.

**ORDER APPROVING SOIL WATER CONSERVATION DISTRICT RESOLUTION  
AND/OR LETTER IN OPPOSITION OF HB 3484**

Motion was made by Commissioner Rathmell, seconded by Commissioner Garza, to approve Soil Water Conservation District Resolution and/or letter in opposition of HB 3484 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.

**ZAPATA COUNTY MEDICAL GROUP MONTHLY REPORT**

No one present to give report. Written report submitted for the record.

**PRESENTATION BY AL CHAPA, FORMER CEO FOR DOCTORS  
HOSPITAL ON SURGICENTER PROPOSAL**

No one present to give presentation.

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

No one present to give report. Written report submitted for the record by Peggy Umphres.

**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.

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ROSALVA GUERRA, 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