

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

Be it remembered, that on this the 5<sup>th</sup> day of June, 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
Sáid Alfonso Figueroa	County Attorney
Mary Jayne Villarreal-Bonoan	County Clerk

**VISITORS:** Romeo Salinas, Doroteo N. Garza, Ramiro V. Martinez, Mario Gonzalez-Davis, Nellie Treviño, Juan J. Meza, Dorothy Pizaña, Hector F. Lopez, Jr., Paco Mendoza, Jose F. Mendoza, Dora Mtz. Ramos, Laura Garza, Guillermo Saenz, Delia Mendoza, Luis L. Gonzalez, Carmen Reyes, Sara Buentello, Pete Lares, Miguel Treviño, Ruben Saldaña, Caleb Eaton, and Roger Miller.

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

**MEETING CALLED TO ORDER AT 9:01 A. M.**

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

**PLEDGE OF ALLEGIANCE**

**PRAYER BY REV. ROGER MILLER**

**ORDER APPROVING MINUTES FOR MEETING OF  
MAY 11, 2009**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve the Minutes of **May 11, 2009**, with typographical correction on page 2, 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 commented on a \$105,000 grant received by the Fire Department from the Texas Department of Public Safety for the communications vehicles.

Commissioner Villarreal informed the court that the San Ygnacio swimming pool has been closed. The state was there last week and the county needs to comply with the Virginia Baker Law. The required equipment will be installed.

Judge Guerra reminded the court of the Operation Lone Star mobile medical unit. It will be at the community center for two days on August 4<sup>th</sup> and 5<sup>th</sup>.

Judge Guerra also reminded the court of the special meeting being held on Monday, June 8, 2009. One of the items to be discussed will be the Weir Project.

Judge Guerra commented that TAMIU will be offering a Certified Manager Program consisting of seven courses and will be provided during weekends.

Commissioner Vela commented that the library is still having leaks on the roof.

### **PUBLIC COMMENT**

Miguel Treviño with Gateway Services reported on the Gateway Clinic. They are in the process of purchasing the clinic. They are bringing in a nurse practitioner, women's ob-gyn, Pediatric P.A., dental equipment. They will implement the same fees as Laredo. They are bringing in computers. An open house will be held on July 2, 2009 and will provide free services. Everybody qualifies and fees are based on a sliding fee schedule. More services will continue to be added. All Zapata patients can be referred to Laredo. They are looking at portable dialysis units that could be taken to patients homes. Women's services for mammograms are available for women over 40 who have never had a mammogram.

Dr. Montes thanked the court for supporting Gateway. The help has been tremendous. Mr. Treviño has provided nursing and manpower support. CACST has also been very supportive. Prescriptions are written by Dr. Montes and are brought in the next day. They do not deny services to anybody due to inability to pay.

Dr. Sands commented on the clinic. He stated that Mr. Treviño was not interested in the dialysis. Indigents pay \$0. Dr. Sands advised the court that Mr. Treviño has asked that Gateway patients not be seen at the Zapata Medical Group clinic. Dr. Patel will have the dialysis up in three months. They have a 24 hour pharmacy.

### **DEPARTMENTAL REPORT**

Luis Lauro Gonzalez, Zapata County Tax Collector reported that the tax office has collected \$229,206.49 in hotel/motel taxes from October 1, 2008 - May 31, 2009.

Romeo Salinas, County Treasurer, gave the financial report. He reported that he transferred the Tex Pool account to Zapata National Bank. If interest rates improve funds will be diversified. They are now reconciling checks everyday starting June 1, 2009.

Dora Ramos, District Clerk, reported collection in the amount of \$70,287.86 from October 1, 2008 - May 31, 2009.

### **ORDER APPROVING LIFTING OF BURN BAN IN ZAPATA COUNTY**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the lifting of the burn ban in Zapata County, a fire hazard is no longer considered as requested by Commissioner Jose Emilio Vela, Pct. 1.

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

**ORDER APPROVING MEMORANDUM OF INTENT TO COLLABORATE  
BETWEEN CENTER OF HOUSING AND URBAN DEVELOPMENT OF  
COLLEGE OF AGRICULTURE AT TAMU AND ZAPATA COUNTY**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve Memorandum of Intent to Collaborate between the Center of Housing and Urban Development (CHUD) of the College of Agriculture (CARC) at Texas A & M University and Zapata County. Zapata County will collaborate \$2,400 (\$1,200 per person) as requested by County Judge Rosalva Guerra.

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

**ORDER APPROVING 90 DAY WRITTEN NOTICE OF INTENT TO  
TERMINATE AGREEMENT BETWEEN ZAPATA COUNTY  
AND ZAPATA COUNTY MEDICAL GROUP**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve giving 90 days written notice of intent to terminate agreement between Zapata County and Zapata County Medical Group as requested by County Judge Rosalva Guerra.

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

**ORDER HIRING COUNTY EXTENSION AGENT -  
AGRICULTURE AND NATURAL RESOURCES**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to hire Caleb Eaton as County Extension Agent-Agriculture and Natural Resources (line item 10-665-102) as requested by County Judge Rosalva Guerra.

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

**REPORT BY EDUARDO YZAGUIRRE III REGARDING RESTRICTIONS  
WITHIN FALCON COMMUNITY RESIDENTIAL AREA**

Mr. Eduardo Yzaguirre III gave a brief report regarding certain restrictions within the Falcon community residential area. Commissioner Vela stated that constituents have been concerned about the business being built, and that there may be alcoholic beverages. They feel that there might be a problem with increased traffic. Mr. Yzaguirre advised the court that there is a provision in the deed stating that property shall not be used for immoral or illegal purposes. Mr. Yzaguirre further stated that the Falcon Cemetery deed states that premises was for use as burial grounds for Falcon residents only.

**PUBLIC COMMENT**

Sheriff Sigifredo Gonzalez, Jr. commented on the "maquinitas.." He stated that he is totally opposed to these businesses. He has requested help from various agencies to assist him in this matter. He suggested that commissioners' court pass an ordinance prohibiting said establishments or limit the number of 8-liners per establishment.

**PRESENTATION BY STANFORD C. TODD OF PITNEY BOWES**

Mr. Stanford C. Todd of Pitney Bowes gave a presentation on the postage meter by Pitney Bowes as requested by County Judge Rosalva Guerra.

**ORDER AMENDING ZAPATA COUNTY PERSONNEL MANUAL,  
SECTION III, ITEM H, MILITARY LEAVE**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to amend the Zapata County Personnel Manual, Section III, item H, Military leave, regarding county employees pay during active military status, pursuant to Chapter 173 of the Local Government Code, to include 100% of salary only and not to include benefits, as requested by County Judge Rosalva Guerra.

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

**ORDER APPROVING TO TEMPORARILY CLOSE WASHINGTON  
AVENUE FROM TREVIÑO STREET TO RIVER'S EDGE IN SAN YGNACIO TO  
VEHICULAR TRAFFIC TO ALLOW WORK ON BIRD SANCTUARY**

Motion was made by Commissioner Garza, seconded by Commissioner Rathmell, to temporarily close Washington Avenue from Treviño Street to the river's edge in San Ygnacio to vehicular traffic in order to allow work on the bird sanctuary as requested by Commissioner Gabriel Villarreal, Pct. 2.

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 JOSE EMILIO VELA, PCT. 1  
TO APPROVE INSTALLATION OF STREET SIGN AT FALCON LAKE ESTATES  
EAST SUBDIVISION RESTRICTING HEAVY TRUCKS IN RESIDENTIAL AREA**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to table request by Commissioner Jose Emilio Vela, Pct. 1, to approve the installation of a street sign at the Falcon Lake Estates East Subdivision restricting heavy trucks (18 wheelers) in the residential areas.

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

**ORDER APPROVING PERIMETER FENCE IN PRECINCT 4 PARK AREA**

Motion was made by Commissioner Rathmell, seconded by Commissioner Villarreal, to approve a perimeter fence in the Precinct 4 park area as requested by Commissioner Norberto Garza, Pct. 4.

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

**ORDER APPOINTING GUILLERMO M. SAENZ AS SUPERVISOR  
TO ENVIRONMENTAL HEALTH DEPARTMENT AND SAFETY  
AND RISK MANAGEMENT DEPARTMENT**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to appoint Guillermo M. Saenz as Supervisor to the Environmental Health Department and Safety and Risk

Management Department with a salary adjustment of \$7,441.00 from line item 10-525-170, effective June 5, 2009, as requested by County Judge Rosalva Guerra.

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

**ORDER APPROVING HIRING OF OSCAR MEDINA, LANDFILL CONSULTANT**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve the hiring of Oscar Medina as landfill consultant to meet the Texas Commission on Environmental Quality (TCEQ) requirements as requested by County Judge Rosalva Guerra.

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

**ORDER APPROVING BID BY MARTINEZ ELECTRIC FOR ELECTRICAL WORK FOR RECYCLING CENTER BALER BUILDING**

Motion was made by Commissioner Garza, seconded by Commissioner Rathmell, to approve bid by Martinez Electric in the amount of \$4,310.33 for electrical work for the Recycling Center Baler Building, to be paid out of line item 10-409-465 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.

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

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve hiring of two (2) temporary summer clerks, at the rate of \$7.25 per hour, to be paid from County Clerks's Records Management and Preservation Fund under Section 118.0216 of the Local Government Code, to scan documents in reverse order beginning December 2007. Employment will be effective June 8 - August 21, 2009 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 APPROVING COLLECTION OF RECORDS ARCHIVAL FEE OF \$5.00 PER INSTRUMENT FILED FOR RECORD AT COUNTY CLERK'S OFFICE**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve collection of Records Archival Fee of \$5.00 per instrument filed for record at the County Clerk's Office effective July 1, 2009, pursuant to Senate Bill No. 1731 and Section 118.011(e) of the Local Government Code 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 APPROVING PAYMENT TO PREMIER CIVIL ENGINEERING, L.L.C.**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve payment to Premier Civil Engineering, L.L.C. in the amount of \$1,700.00 for maps

preservation, scan, copy and index to be paid from the County Clerk's Records Management and Preservation Fund 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 APPROVING ADVERTISING AND HIRING OF LANDFILL OPERATOR  
TO FILL VACANT SLOT**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve advertising and hiring of a landfill operator to fill vacant slot, at a rate of \$10.26 per hour, at the Environmental Health Department as requested by Martin Saenz, Interim Director.

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

**ORDER APPROVING TO REQUIRE COUNTY PURCHASES OVER \$25,000,  
REQUIRING PAYMENT BY CHECK, TO BE PERSONALLY SIGNED BY  
BOTH COUNTY TREASURER AND COUNTY AUDITOR**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve to require any county purchases over \$25,000.00, requiring payment by check, to be personally signed by both the County Treasurer and the County Auditor to ensure proper security measures as requested by Commissioner Norberto Garza, Pct. 4.

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

**ORDER APPROVING FLORES AUDITING PLLC TO PERFORM  
ANNUAL AUDIT FOR ZAPATA COUNTY FOR YEARS 2009, 2010 AND 2011**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve Flores Auditing PLLC to perform the Annual Audit for Zapata County for the years 2009, 2010, and 2011, fee will not exceed \$25,000.00, annually as requested by Romeo Salinas, County Treasurer.

The above motion, being put to a vote, was approved by the affirmative vote Commissioner Vela, Villarreal and Garza. Commissioner Rathmell abstained. Motion carried.

**ORDER APPROVING REVIEW AND RATIFICATION OF PAYMENT FOR P.O.  
#117519 IN AMOUNT OF \$69,528.18 PAYABLE TO THE RANGEL LAW FIRM, P.C.**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve review and ratification of payment for PO #117519 in the amount of \$69,528.18 payable to The Rangel Law Firm, P.C. monies will be transferred from line item 10-370-901 Oil and Gas Royalty Revenue to 10-409-730 Consulting Fees as requested by Romeo Salinas, County Treasurer.

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

**ORDER AUTHORIZING VISITORS AND CONVENTION BUREAU TO  
USE THE OSWALDO AND JUANITA RAMIREZ SHOWBARN ON  
JUNE 13<sup>TH</sup>, 2009 FOR THE 956 BULLY SQUAD SHOW**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to authorize the Visitors and Convention Bureau to use the Oswaldo & Juanita Ramirez Showbarn

on June 13<sup>th</sup>, 2009 for the 956 Bully Squad Dog Show as requested by Karran Westerman, Visitors and Convention Bureau.

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

**ORDER APPROVING PURCHASE OF 2010 FORD F-150 CREW CAB  
PICK-UP TRUCK**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve purchase of 2010 Ford F-150 Crew Cab pick up truck in the amount of \$25,871.50 to be purchased from line item 10-596-392 as Zaragoza Rodriguez IV, County Inspector. (First motion made by Commissioner Garza to approve purchase of 2010 Ford F-250 Crew Cab pick up truck was denied.)

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

**ORDER APPROVING TRANSFER OF JAVIER ALANIZ'S POSITION AS TRUCK  
DRIVER, SLOT #4 SPECIAL BRIDGE PCT. #1 TO EQUIPMENT OPERATOR  
SLOT #1 SPECIAL ROAD AND BRIDGE PCT. #3**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve transfer of Javier Alaniz's position as truck driver slot #4, Special Road and Bridge Pct. #1 to Equipment Operator slot #1 Special Road and Bridge Pct. #3 as requested by Commissioner Joseph Rathmell, Pct. 3.

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

**ORDER APPROVING HIRING OF TEMPORARY POSITION/CONTRACT  
LABOR FOR PARKS PCT. #3**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve the hiring of a temporary position/contract labor for parks Pct. #3 to be paid out of Parks budget Pct. #3 as requested by Commissioner Joseph Rathmell, Pct. 3.

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 ANDY MATE, NEGRETE & KOLAR  
ARCHITECTS TO APPROVE CHANGE ORDER PRESENTED BY RIGNEY  
CONSTRUCTION FOR ROMEO T. FLORES PARK**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to table request by Andy Mata, Negrete & Kolar Architects to approve the change order presented by Rigney Construction for the Romeo T. Flores Park

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

**ORDER APPROVING CERTIFICATION OF SUBSTANTIAL COMPLETION  
FOR ROMEO T. FLORES PARK**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve the certification of substantial completion for the Romeo T. Flores Park as requested by Andy Mata, Negrete & Kolar Architects.

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

**PRESENTATION BY ROBERT MEZQUITI ON ZAPATA COUNTY MUSEUM EXHIBITION DESIGN AND FABRICATION**

A presentation was made by Mr. Robert Mezquiti on the Zapata County Museum Exhibition Design and Fabrication. He showed several projects and pictures of exhibits. Dr. Flores addressed the court and stated that they were very impressed with Mr. Mezquiti.

**ORDER APPROVING INSTALLATION OF STREET LIGHT AT CORNER OF BRAVO STREET AND 20<sup>TH</sup> AVENUE**

Motion was made by Commissioner Garza, seconded by Commissioner Rathmell, to approve installation of a street light at the corner of Bravo Street and 20<sup>th</sup> Avenue as requested by Commissioner Gabriel Villarreal, 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 STREET LIGHT AT 2507 BRAZOS STREET**

Motion was made by Commissioner Garza, seconded by Commissioner Rathmell, to approve installation of a street light at 2507 Brazos Street in the town of Zapata as requested by Commissioner Gabriel Villarreal, 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 TRANSFERS**

Motion was made by Commissioner Garza, seconded by Commissioner Rathmell, to approve the following line item transfers to meet budget requirements:

From: Nutrition Program	Fuel & Lubricants	38-648-330	\$300.00
To: Nutrition Program	Equip. Maintenance	38-647-456	\$300.00
From: Nutrition Program	Fuel & Lubricants	38-648-330	\$300.00
To: Nutrition Program	Repair Maintenance	38-649-454	\$300.00
From: Nutrition Program	Fuel & Lubricants	38-648-330	\$300.00
To: Nutrition Program	Non-Food Consumable	38-647-467	\$300.00
From: I & A Program	Fuel & Lubricants	37-645-330	\$600.00
To: I & A Program	Repair Maintenance	37-645-336	\$600.00
From: I & A Program	Fuel & Lubricants	37-645-330	\$400.00
To: I & A Program	Travel	37-645-427	\$400.00

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 LINE ITEM TRANSFERS**

Motion was made by Commissioner Garza, seconded by Commissioner Rathmell, to approve line item transfer to meet budget requirements:

From: Non-Department	Co. Property/Repairs	10-409-465	\$1,500.00
To: J.P. Pct. 4	Equipment Rental	10-455-464	\$1,500.00



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

**MONTHLY BUSINESS REPORT FOR ZAPATA COUNTY ECONOMIC DEVELOPMENT CENTER (EDC)**

Peggy Umphres Moffet, Zapata County Economic Development Center President, presented Commissioners' Court a written Monthly Zapata County Economic Development Center Business Report for May 2009. (Report attached for the record.)

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

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

**ORDER TO TABLE REQUEST BY DOROTEO N. GARZA, COUNTY AUDITOR REGARDING CONSULTATION WITH COUNTY ATTORNEY AND POSSIBLE ACTION ON PENDING LITIGATION AGAINST COMMUNITY ACTION COUNCIL OF SOUTH TEXAS ZAPATA COUNTY BOARD MEMBER**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to table request by Doroteo N. Garza, County Auditor, regarding consultation with County Attorney and possible action on pending litigation against Community Action Council of South Texas Zapata County Board Member.

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

There being no opposition and 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