

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

Be it remembered, that on this the 13th day of December, A. D., 2010, 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
Eddie Martinez	Commissioner, Precinct No. 3
Norberto Garza	Commissioner, Precinct No. 4
Saíd Alfonso Figueroa	County Attorney
Mary Jayne Villarreal-Bonoan	County Clerk

VISITORS: Romeo Salinas, Mario Gonzalez-Davis, Audie Hernandez, Nellie R. Treviño, Brian Martinez, Juan J. Meza, Bobbie Meza, Maria I. Gutierrez, Juan J. Meza, Xavier Villarreal, Consuelo R. Villarreal, Alex Villarreal, Roger Miller, Luis L. Gonzalez, Carlos Figuero and Manuel Gonzalez, Jr.

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

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

PLEDGE OF ALLEGIANCE

PRAYER BY REV. ROGER MILLER

**ORDER APPROVING MINUTES FOR MEETINGS OF NOVEMBER 8, 2010 AND
NOVEMBER 12, 2010**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve the Minutes of November 8, 2010 and November 12, 2010 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 reminded Commissioners' Court that a Special Commissioners' Court meeting will be held this afternoon (December 13, 2010) at 3:00 p.m.

DEPARTMENTAL REPORTS

Dr. Edmundo Garcia, Zapata County Medical Group, presented Commissioners' Court his monthly report. He reported 770 encounters in November. Each encounter collects \$141. The cost for Dr. Carlos Cigarroa's building requirements is about \$300,000.00. Oncologists, Soriano and Tula may be back although they do not want to pay rent. Dr. Wells, podiatrist, is here twice a month. (Report attached for the record.)

Dr. Garcia also asked to withdraw line item request #47 to discuss the Clinic Fund Account as requested by: Dr. Edmundo Garcia, Zapata County Clinic.

Luis Lauro Gonzalez, Zapata County Tax Assessor/Collector, reported that the tax office collected \$1,110,633.46 in tax collections and \$13,483.96 in Hotel Motel Tax fees for November.

Caleb Eaton, Zapata County Extension Agent, was not present. Audie Hernandez presented Commissioners' Court with the monthly written report for November. (Report attached for the record.)

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

ORDER APPROVING RENEWAL OF INMATE HOUSING CONTRACT BETWEEN ZAPATA COUNTY AND WEBB COUNTY

Motion was made by Commissioner Villarreal, seconded by Commissioner Garza, to approve renewal of the inmate housing contract between Zapata County and Webb County as requested by Sigifredo Gonzalez, Zapata County Sheriff.

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

COMMUNICATIONS

Karran Westerman advised the Court that the Rio Grande Water Commission will have their first meeting in Zapata on January 5, 2011 at 10:00 a.m. at the EDC room. If more space is needed, meeting can be moved to the Holiday Inn Express.

ORDER APPROVING INVOICES

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve invoices as presented, and to include an invoice, not previously included, in the amount of \$149 from Mark's Auto Glass for damages at Com. Vela's brother's home 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 TO LOOK INTO MAKING A POLICY IMPLEMENTING SAFETY PIPELINE MARKERS THAT INDICATE LOCATION AND DEPTH OF UNDERGROUND UTILITIES BY FEET AND INCHES WITHIN COUNTY OF ZAPATA

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve to look into making a policy implementing safety (new-innovative) pipeline markers that indicate the location and depth of underground utilities by feet and inches; within the County of Zapata, in order to help save lives and/or prevent serious incidents, especially in the pipelines that carry gas in front of residential areas as requested by Honorable 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.

REPORT BY LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP AND ORDER APPROVING SUGGESTION TO HAVE WORKSHOP WITH J.P.S AND STAFF TO INCREASE COLLECTIONS FOR DELINQUENT FINES AND FEES

Report was presented by Gus Martinez and Gonzalo Villagomez of Linebarger, Goggan, Blair, & Sampson, LLP. (Copy attached for the record.)

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve a workshop with J.P.s and staff to increase collections for delinquent fines and fees as requested by Honorable 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.

MONTHLY BUSINESS REPORT OF ZAPATA COUNTY ECONOMIC DEVELOPMENT CENTER

Peggy Umphres Moffett, ZCEDC President, gave a monthly business report of the Zapata County Economic Development Center (ZCEDC). She stated that there are 13 leads from governor's office for new businesses. She is also working with Appraisal District for inventory of properties available for purchase or lease. She added that she had made a trip to Lopeño and Falcon to meet with businesses, but there is no interest and a lack of infrastructure.

Ms. Umphres also introduced David Brown, the new Director for the Advanced Education Center.

ORDER APPROVING HIRING OF MANUEL RAMON AS REGULAR FULL TIME FROM TEMPORARY FULL TIME

Motion was made by Commissioner Villarreal, seconded by Commissioner Garza, to approve hiring of Manuel Ramon as regular full time from temporary full-time starting January 1, 2011 due to the retirement of Ruben Zapata 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 APPROVING PROHIBITING AERIAL FIREWORKS IN UNINCORPORATED AREAS OF ZAPATA COUNTY (COUNTY WIDE)

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve order prohibiting aerial fireworks in unincorporated areas of Zapata County, Texas (County wide) as requested by Juan Jose Meza, Fire Chief.

UPDATE ON SOUTH TEXAS FOOD BANK FEDERAL PROGRAM (CSFP) FOR ZAPATA COUNTY

Romeo Salinas, Norma Mendoza and Fina Villarreal (Volunteer) gave an update on South Texas Food Bank Federal Program (CSFP) for Zapata County. Zapata distributes 364 bags and is looking into increasing number of bags. Eight counties are serviced. Logistics are being worked out in order to implement guidelines. There are persons who are unable to pick up bags and proxies should be able to pick up the bags for them.

NO ACTION WAS TAKEN ON REQUEST BY EDDIE MARTINEZ, COMMISSIONER PCT. 3 TO CONSIDER LEASING OFFICE SPACE FOR NEW ZAPATA COUNTY ADVANCED EDUCATION CENTER'S ADMINISTRATION STAFF

ORDER APPROVING NECESSARY CORRECTIONS TO REPAIR BUILDING CODE VIOLATIONS AT ADVANCED EDUCATION CENTER FOR ZAPATA COUNTY AS PER BUILDING INSPECTION REPORT

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve necessary corrections to repair the building code violations at the Advanced Education Center for Zapata County as per the building inspection report as requested by Peggy Umphres Moffett, Zapata Economic Development Corporation.

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

ORDER APPROVING PURCHASE OF SOUTH TEXAS COMMUNITY ACTION COUNCIL BUILDING CURRENTLY USED BY GATEWAY, INC.

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve purchase of the South Texas Community Action Council building currently used by Gateway, Inc. Offer of \$650,000.00 was accepted by Israel Hinojosa. IRS lien will be released. Will pay \$500,000 from 09-010-680 (Las Palmas Drainage System Fund) and \$150,000 from the Tobacco Fund as requested by Honorable 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.

ORDER APPROVING RELOCATION OF EASEMENT LOCATED AT 122 MADISON

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve the relocation of the easement located at 122 Madison (lot 19) and relocate to edge of lot 16 as requested by Honorable Eddie Martinez, Commissioner Pct. 3. (OR Vol. 887 Pg. 7)

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

**ORDER REQUIRING ALL HOURLY COUNTY EMPLOYEES WHO
ARE NOT PRESENTING AN AGENDA ITEM TO CLOCK OUT
BEFORE ATTENDING MEETING**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to require all hourly county employees who are not presenting an agenda item in Commissioners Court to clock out before attending the meeting as requested by Honorable 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 ENFORCING A NO SOLICITING RULE AT ZAPATA
COUNTY COURTHOUSE**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve enforcing a no soliciting rule at the Zapata County Courthouse 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 REMOVAL OF ALL NON-ACTIVE VEHICLES FROM
ZAPATA COUNTY INSURANCE POLICY AND ALLOW ZAPATA COUNTY
PERSONNEL DIRECTOR AND COUNTY AUDITOR'S OFFICE TO AUCTION
VEHICLES DEEMED UNUSABLE**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the removal of all non-active vehicles from the Zapata County insurance policy and to allow Zapata County Personnel Director and County Auditor's Office to auction any vehicles that are deemed unusable 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 MARIO GONZALEZ-DAVIS AS MANAGEMENT SERVICES
CONSULTANT FOR TDRA CDBG GRANT NO. 710759, WATER IMPROVEMENT,
MAIN RAW WATER LINE TO NEW WATER PLANT**

Motion was made by Commissioner Martinez, seconded by Commissioner Villarreal, to approve Mario Gonzalez-Davis as Management Services Consultant for TDRA CDBG Grant No. 710759, Water Improvement, Main Raw Water line to New Water Plant as requested by Dioni Hernandez, Project Coordinator.

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. 5 FOR NEW ZAPATA
COUNTY WATER PLANT PROJECT**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve change order No. 5 for the new Zapata County Water Plant project as requested by Rathmell Engineers and Surveyors.

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

**ORDER APPROVING USE OF INTERNET ONLINE RENEWAL OF VEHICLE
REGISTRATION PROGRAM**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the use of the Internet Online Renewal of Vehicle Registration Program as requested by Luis Lauro Gonzalez, Tax Assessor/Collector.

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 GUILLERMO SAENZ, ENVIRONMENTAL
DIRECTOR TO CONTRACT SERVICES FOR A TRACK HOE TO EXCAVATE
BLUE SHELL ROCK AT ZAPATA COUNTY LANDFILL**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to table request by Guillermo Saenz, Environmental Director, to contract services for a track hoe to excavate blue shell rock at the Zapata County landfill in order to expand the dumping site.

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

**ORDER TO HIRE ISMAEL JUAREZ IN SLOT #11 AT \$8.20 PER HOUR TO REPLACE
RICARDO SALDIVAR AT SAN YGNACIO LANDFILL**

Motion was made by Commissioner Villarreal, seconded by Commissioner Vela, to hire Ismael Juarez in slot #11 at \$8.20 per hour to replace Ricardo Saldivar at the San Ygnacio Landfill as requested by Guillermo Saenz, Environmental Director.

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

**ORDER APPROVING BOND COUNSEL ESCAMILLA, PONECK AND CRUZ, L.L.C.,
FOR LAS PALMAS PROJECT (USDA GRANT/LOAN)**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve bond counsel Escamilla, Poneck and Cruz, L.L.C., for Las Palmas Project (USDA Grant/Loan) 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 BOND COUNSEL JUAN AGUILERA FOR WASTE WATER TREATMENT PLANT (USDA GRANT/LOAN)

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve bond counsel Juan Aguilera for Waste Water Treatment Plant (USDA Grant/Loan) 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 BOND COUNSEL ORDINANCE FOR LAS PALMAS PROJECT (USDA GRANT/LOAN)

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve bond counsel ordinance for Las Palmas Project (USDA Grant/Loan) 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 BOND COUNSEL ORDINANCE FOR WASTE WATER TREATMENT PLANT (USDA GRANT/LOAN)

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve bond counsel ordinance for Waste Water Treatment Plant (USDA Grant/Loan) 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 AUTHORIZING SIGNATURE OF RIGHT OF WAY CERTIFICATION FOR LAS PALMAS PROJECT (USDA GRANT/LOAN)

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to authorize signature of right of way certification for Las Palmas Project (USDA Grant/Loan) 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 AUTHORIZING SIGNATURE OF RIGHT OF WAY CERTIFICATION FOR WASTE WATER TREATMENT PLANT (USDA GRANT/LOAN)

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to authorize signature of right of way certification for Waste Water Treatment Plant (USDA Grant/Loan) 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 PRIME FARM LAND/FLOOD PLAIN RESOLUTION FOR LAS PALMAS PROJECT (USDA GRANT/LOAN)

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve prime farm land/flood plain resolution for Las Palmas Project (USDA Grant/Loan) 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 PRIME FARM LAND/FLOOD PLAIN RESOLUTION FOR WASTE WATER TREATMENT PLANT (USDA GRANT/LOAN)

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve prime farm land/flood plain resolution for Waste Water Treatment Plant (USDA Grant/Loan) 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 BID PROPOSAL FOR RECONSTRUCTION OF PARK DRIVE IN FALCON LAKE ESTATES EAST

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to award bid proposal for the reconstruction of Park Drive in Falcon Lake Estates East, approved by FEMA-Flood Disaster Assistance Grant, to Rapid Haul, LLC, being the lowest bidder, with a bid of \$49,091.42 as requested by Manuel Gonzalez, Premier Engineering.

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

ORDER APPROVING CONSTRUCTION OF PROPOSED WATERLINE

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve to extend contract responsibilities to Med-Loz for construction and backfill of proposed waterline for a complete turnkey project as requested by Manuel Gonzalez, Premier Engineering.

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 SLOT 3 AND 6 FROM \$9.49 PER HOUR TO \$9.74 FROM LINE ITEM #10-499-109

Motion was made by Commissioner Villarreal, seconded by Commissioner Garza, to approve a pay increase for slot 3 and slot 6 from \$9.49 per hour to \$9.74 per hour from line item #10-499-104. The employees in the respective slots have fulfilled courses required by the Texas Department of Licensing and Regulations (TDLR) as requested by Luis Lauro Gonzalez, Tax Assessor/Collector.

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

ORDER APPOINTING COMMISSIONER EDDIE MARTINEZ AS MEMBER OF BOARD OF DIRECTORS TO ZAPATA COUNTY APPRAISAL DISTRICT

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to appoint Commissioner Eddie Martinez, as member of the Board of Directors to Zapata County Appraisal District, for a term of two years, effective January 2011 - December 2012 as requested by Amada Gonzalez, Chief Appraiser.

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

Motion was made by Commissioner Garza, seconded Vela, to approve the following line item transfer:

From: Water Plant	80-600-443	Electricity	\$28,972.42
To: Non-Department	10-409-444	Electricity	\$28,972.42

as requested by Bobbie Meza, Deputy Auditor.

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 LIGHTS, AND SPEED HUMP

Motion was made by Commissioner Garza, seconded Vela, to approve installation of the following street lights in Precinct 1.

- a. Eleventh Ave. on dead end-east of Carla St.
- b. Eleventh Ave. between Fresno and Elm St.
- c. Martinez St. between Flores & Lozano (Nicholson Addition Pct 1)

as requested by Honorable 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 Vela, to approve installation of a street light at 3942 N. Hwy 83 in Ramireño, Texas in Precinct 2 as requested by Honorable 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 Vela, to approve installation of a drain between 16th and 19th Streets as requested by 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.

Motion was made by Commissioner Garza, seconded Vela, to approve installation of a speed hump on 500 block of Mier passing the arroyo as requested by Honorable 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.

Motion was made by Commissioner Garza, seconded Vela, to approve installation of a security light at the following location 911 Ramireño (existing post) as requested by Honorable 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.

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

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

**ORDER AUTHORIZING MANUEL GONZALEZ TO COME UP WITH SOLUTION TO
AUTOMATE LIFT STATIONS**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to authorize Manuel Gonzalez to come up with solution to automate lift stations. Eloy Chapa is to come up with protocol/list for engineer to correct problems.

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

COMMUNICATIONS

Doroteo N. Garza and Mario Gonzalez-Davis advised the court that they received a letter from the Texas Department of Transportation regarding the Falcon State Park Improvement. The low bid came it at \$1,025,092.10. The County's revised participation is estimated at \$609,479.99 and noting that \$551,089.00 have been received, an additional \$58,390.99 is due from the County, in order to move forward.

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.

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