

**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 January, A. D., 2011, 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
Saíd Alfonso Figueroa	County Attorney

ABSENT: Mary Jayne Villarreal-Bonoan County Clerk

VISITORS: Celica A. Rodriguez, Romeo Salinas, Doroteo N. Garza, Mario Gonzalez-Davis, Audie Hernandez, Nellie R. Treviño, Carlos Treviño, Jr., Bobbie Meza, Maria I. Gutierrez, Romeo Rodriguez, Aaron Sanchez, J.J. Meza, Caleb Eaton, Brian Martinez, Manuel Gonzalez, Jr., Peggy U. Moffett, Jose Mendoza, Roger Miller, Luis Lauro Gonzalez, Hector Uribe, Mark Serna, Craig Bigler, Tania Castillo, Mari Gonzalez, Rosa Elena Martinez, Blanca Villarreal, Luis Ramos, Roberto Guerra Garza, Delia Mendoza, Sgt. Elizondo, and Isidro Alaniz.

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

**ORDER APPROVING MINUTES FOR MEETINGS OF DECEMBER 13, 2010 AND
DECEMBER 23, 2010**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve the Minutes of December 13, 2010 and December 23, 2010, with corrections on page 6, as presented by Celica A. Rodriguez, Chief Deputy County Clerk for 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

Commissioner Jose E. Vela recognized two employees from County Maintenance Department and presented a plaque to Jose Mendoza.

Judge Rathmell ordered that flags be flown at half staff honoring Pfc. Ira Benjamin Laningham, a Zapata resident who was killed in Afghanistan.

Karran Westerman advised the Court that the Rio Grande Water Commission will meet in Zapata on February 2, 2011 at 9:00 a.m. at the EDC room.

DEPARTMENTAL REPORTS

Caleb Eaton, Zapata County Extension Agent, presented Commissioners' Court with the monthly written report for December 2010. He also submitted the 2011 schedule. (Report attached for the record.)

Manuel Gonzalez, Premier Civil Engineers, submitted a written report on the status of the lift stations. He stated that there are two employees doing check-ups and lift stations are in need of repairs. Commissioner Vela stated that invoices have gone down to \$800.

ORDER APPROVING INVOICES

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve invoices as presented by Doroteo N. Garza, County Auditor. Commissioner Vela stated that bills from M1 are very high and expenses are coming out from non-department line item. We should have local IT person take care of these problems or have item approved before someone else comes in.

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

APPROVAL OF DEPARTMENTAL REPORT PRESENTED BY ROMEO SALINAS, COUNTY TREASURER

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve Departmental Report by Romeo Salinas, County Treasurer. (Report attached for the record.)

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

ZAPATA COUNTY MEDICAL CENTER'S MONTHLY REPORT AND AN UPDATE ON THE OFFICE SPACE

Dr. Edmundo Garcia, Zapata County Medical Group, presented Commissioners' Court his monthly report. He explained finances. Dr. Gonzalez will be working in Zapata. Dr. Cigarroa will be here once a week and is covered by special funds. They are planning to have complete cardiovascular services. (Report attached for the record.)

**PRESENTATION BY RABA-KISTNER CONSULTANTS, INC. REGARDING
ECONOMIC DEVELOPMENT PROJECTS TO BENEFIT ZAPATA**

Presentation was made by Steve Jones, Vice President of Kaba-Kistner Consultant's Inc. on process to begin construction on a port of entry. Studies and permits would be needed and the appropriate agencies in U.S and Mexico would have to be notified. Luis Ramos, Mayor of Nueva Ciudad Guerrero, Tamps. Mexico was also present and commented on the importance of this project.

The construction of a hospital is another project that has been considered for some time, but has been on hold due to lack of funding.

**UPDATE AND STATUS REPORT ON ZAPATA COUNTY PROJECTS
DUE FOR COMPLETION**

Update and status report on the following Zapata County Projects due for completion:

- a. Zapata County Museum: Doors need to be replaced, must be hurricane proof due to location of museum. Waiting on progress report by Escamilla.
- b. Zapata County Higher Education Center: Peggy Umphres-Moffett reported that the final review has been completed and funding will be coming in. No other issues are pending. Corrections of safety violations are being completed.
- c. CACST Health Clinic: IRS lien release is pending as requested by Hon. Jose E. Vela, Com. Pct. 1.

**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). A meeting will be held on January 19 to appoint a 5 - member board. (Report attached for the record.)

PRESENTATION BY TEXAS DEPARTMENT OF HEALTH SERVICES

Maria Canales was unable to attend meeting to give presentation.

**PRESENTATION BY ZAPATA COUNTY INDEPENDENT SCHOOL DISTRICT
AND ZAPATA COALITION**

Presentation by Zapata County Independent School District and the Zapata Coalition regarding recent tragedies and ways to establish programs (that include drug awareness and prevention) to eliminate and/or reduce the number of incidents. Mr. Romeo Rodriguez would like to collaborate with County and School District to try to control drug problems. STCADA and SCAN are now working together. Com. Vela stated that something needs to be done. Aaron Sanchez advised that there is an ongoing investigation and something is being done about the incident. Cynthia Villarreal, Zapata County Independent School District was unable to attend this meeting.

ORDER APPROVING ZAPATA COUNTY HISTORICAL COMMISSION MEMBERS

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve the Zapata County Historical Commission members to serve the required two-year term with the addition of the following new members:

- a. Mrs. Laura E. Ramirez
- b. Miss Ana Katrina Ramirez
- c. Mr. Jose Luis Elizondo

as requested by Hon. Jose E. Vela, Com. Pct. 1. Alma Delia Canales resigned. Commissioners are the only ones that can appoint members and all 20 members have been approved. (No list was provided for the record.)

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

ORDER APPROVING ADDITION OF VIDEO TO COMMISSIONERS COURT MEETING RECORDINGS AND PROVIDE PUBLIC ACCESS VIA ZAPATA COUNTY PUBLIC WEBSITE

Motion was made by Commissioner Villarreal, seconded by Commissioner Martinez, to approve the addition of video (technology already in place) to Commissioners Court meeting recordings and provide public access via the Zapata County Public Website, Brian Martinez, Rene Garcilazo and Eliud Diaz-Cortez will get together to work on the expansion of bandwidth and upload information to video for internet, as requested by Hon. Jose E. Vela, Com. Pct. 1.

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

ORDER TO RESCIND PAY INCREASE APPROVED FOR TAX COLLECTOR DEPARTMENT EMPLOYEES APPROVED DURING REGULAR COMMISSIONERS COURT MEETING HELD ON DECEMBER 13, 2010

Motion was made by Commissioner Martinez, seconded by Commissioner Vela, to rescind the pay increase approved for the Tax Collector Department employees (slot 3 and slot 6) from \$9.49 to \$9.74, approved during the Regular Commissioners Court meeting held on December 13, 2010, item # 34 as requested by Hon. Eddie Martinez, Com. Pct. 3.

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

ORDER REQUIRING PROPOSED RAISES BE PRESENTED DURING BUDGET PROCESS UNLESS MANDATORY TO SPECIFIC DEPARTMENT

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve to require any proposed raises be presented during the budget process, unless mandatory to the specific department as requested by Hon. Eddie Martinez, Com. 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 COMMISSIONER GARZA TO ENTER INTO CONTRACT WITH PREMIER CIVIL ENGINEERING, L.L.C.

Motion was made by Commissioner Martinez, seconded by Commissioner Vela, to table request by Hon. Norberto Garza, Com. Pct. 4 to enter into contract with Premier Civil Engineering, LLC to provide preliminary engineering/surveying services associated with FEMA Grant Application for Arroyo Costa Rica in Precinct #4. Services to consist of engineering report, cost estimates, environmental report and preliminary engineering designs. Tabled pending cost estimate.

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

ORDER APPROVING ZAPATA COUNTY TO REMOVE DIRT FROM PROPERTY BELONGING TO MANUEL MEDINA, JR., FOR USE AT SHERIFF'S OFFICE FIREARMS QUALIFICATION RANGE

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve Zapata County to remove fill dirt from the property belonging to Manuel Medina, Jr., for use at the Sheriff's Office Firearms Qualification Range, using County equipment. The property is located approximately 1/4 mile from the range as requested by Hon. Norberto Garza, Com. Pct. 4 and Sigifredo Gonzalez, Jr., Sheriff.

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

ORDER APPROVING THAT ALL ZAPATA COUNTY DEPARTMENT OFFICES BE OPEN DURING LUNCH HOUR

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve that all Zapata County Department offices be open during lunch hour as requested by Hon. Joseph Rathmell, County Judge. Delia Mendoza requested that a deputy be upstairs during lunch.

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

ORDER ACCEPTING LETTER OF RESIGNATION FOR ESTELA D. SOLIS, INFORMATION REFERRAL SPECIALIST

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to accept the letter of resignation for Estela D. Solis, Information Referral Specialist, effective December 31, 2010 as requested by Hon. Joseph Rathmell, County Judge.

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

**ORDER APPROVING 3 YEAR AGREEMENT BETWEEN ZAPATA
COUNTY AND AEP**

Motion was made by Commissioner Villarreal, seconded by Commissioner Garza, to approve a 3 year agreement between Zapata County and AEP for a temporary work crew staging site at the Zapata County Fair Grounds in the event of electric power interruption during emergencies as requested by Hon. Joseph Rathmell, County Judge.

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

**ORDER AUTHORIZING MARIO GONZALEZ-DAVIS TO ENTER INTO
NEGOTIATIONS TO PURCHASE LAND ADJACENT TO SEWER PLANT**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to authorize Mario Gonzalez-Davis to enter into negotiations to purchase land adjacent to Sewer Plant to meet the new permitting requirement of a 150 foot Buffer Zone for new 1.6 MPD Sewer Discharge Permit from TCEQ. Permit is needed before the sewer plant improvements can be made by USDA/RD Grant and the Texas Water Development Board Loan/Grant. Final purchase to be approved by Zapata County Attorney and Commissioners Court 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 USE OF ZAPATA COUNTY COURTHOUSE ROTUNDA
FOR ZAPATA COUNTY CHAMBER OF COMMERCE VISITORS GUIDE
UNVEILING CEREMONY**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve the use of the new Zapata County Courthouse Rotunda for the Zapata County Chamber of Commerce Visitors Guide Unveiling Ceremony. Event will be held on February 2, 2011 at 5:30 p.m. as requested by Paco Mendoza, President/CEO ZCCC.

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. 6 FOR NEW ZAPATA COUNTY
WATER PLANT PROJECT**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve Change Order No. 6 for 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. Judge Rathmell abstained. Motion carried.

ORDER APPROVING ORDINANCE RELATING TO LICENSING AND REGULATIONS OF AMUSEMENT REDEMPTION MACHINES

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve and ordinance relating to the licensing and regulations of amusement redemption machines as requested by Hector Uribe, Consultant.

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

ORDER APPROVING RESOLUTION OPPOSING APPLICATION WITH RAILROAD COMMISSION OF TEXAS FOR COMMERCIAL SURFACE DISPOSAL FACILITY PERMIT

Motion was made by Commissioner Villarreal, seconded by Commissioner Garza, to approve a resolution opposing the application with the Railroad Commission of Texas for a Commercial Surface Disposal Facility permit by Texas Energy Services L.P., c/o Gordon & Lawton, Inc., 13377 Pond Springs Road, Suite 107, Austin, Texas 78729 to utilize land treatment and land farm cells and drilling fluid disposal pits.

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 Martinez, seconded by Commissioner Garza to approve the installation of the following street lights in Precinct 2.

- a. 1211 Falcon Street in Zapata
- b. 1308 Lincoln Street in Zapata

as requested by Hon. Gabriel Villarreal, Com. 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 Martinez, seconded by Commissioner Garza to approve the installation of the following speed humps in Precinct 3.

- a. 1509 Weslaco (Siesta Shores)
- b. 5327 Lopez Lane (Siesta Shores)
- c. 5120 McAllen (Siesta Shores)

as requested by Hon. Eddie Martinez, Com. Pct. 3

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 Garza to approve the installation of the following street lights in Precinct 3.

- a. 407 Eagle Street
- b. 507 Robin Lane
- c. 153 Madison
- d. 120 Santa Maria
- e. 200 Doyle
- f. 1509 Weslaco

as requested by Hon. Eddie Martinez, Com. Pct. 3

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 ENTER INTO EXECUTIVE SESSION**

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

**NO ACTION WAS TAKEN ON REQUEST BY DR. EDMUNDO GARCIA,
ZAPATA COUNTY CLINIC AND DOROTEO N. GARZA, COUNTY AUDITOR
TO DISCUSS THE CLINIC FUND ACCOUNT**

**NO ACTION WAS TAKEN ON REQUEST BY SAID A. FIGUEROA,
COUNTY ATTORNEY REGARDING CONSULTATION WITH ATTORNEY
AND POSSIBLE ACTION CONCERNING THE DEMAND LETTER AND
POTENTIAL LITIGATION**

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