

**THE STATE OF TEXAS
COUNTY OF ZAPATA**

IN THE COMMISSIONERS COURT OF ZAPATA COUNTY, TEXAS

Be it remembered, that on this the 9th day of September, A.D., 2019, 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
Paco Mendoza	Commissioner, Precinct No. 1
Olga M. Elizondo	Commissioner, Precinct No. 2
Eddie Martinez	Commissioner, Precinct No. 3
Norberto Garza	Commissioner, Precinct No. 4
Mary Jayne Villarreal-Bonoan	County Clerk and Ex-Officio Clerk of the Commissioners Court

VISITORS: Triunfo Gonzalez, Monica Alanis, Juan J. Meza, Nellie R. Treviño, Roger Miller, Daniel Arriaga, Joyce Currington, Karren Westerman, Alonso M. Lopez, Raymundo Del Bosque, Jr., Amalia Navarro, Dora Mtz Castañon, Jose F. Mendoza, Erika Martinez, Jesse Rodriguez, Victor Villarreal, and Manuel Gonzalez.

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 AND
EX-OFFICIO CLERK OF THE COMMISSIONERS COURT
INVOCATION BY REV. ROGER MILLER
PLEDGE OF ALLEGIANCE**

COMMUNICATIONS

Commissioner Elizondo commented on the heavy rains in Zapata County.

Judge Rathmell commented that he had seen a lot of boats over the weekend.

ORDER APPROVING INVOICES

Motion was made by Commissioner Martinez, seconded by Commissioner Mendoza, to approve invoices as presented by Triunfo Gonzalez.

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

ORDER APPROVING TREASURER'S REPORT

Motion was made by Commissioner Mendoza, seconded by Commissioner Martinez, to approve Treasurer's Report as requested by Hon. 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 APPROVING CHECKS ISSUED

Motion was made by Commissioner Mendoza, seconded by Commissioner Elizondo, to approve checks issued in the amount of \$644,556.56 as requested by Hon. Romeo Salinas, County Treasurer.

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

TAX / ASSESSOR COLLECTOR’S REPORT

Tax Assessor/Collector’s office reported Hotel-Motel tax collections in the amount of \$8,140.22 for the month of August and year-to-date tax collections at a rate of 91.75% for a total base tax collected of \$6,732,197.89.

ORDER ADOPTING COUNTY BUDGET FOR FISCAL YEAR 2019-2020

Motion was made by Commissioner Martinez, seconded by Commissioner Elizondo, to adopt County Budget for Fiscal Year 2019-2020, including all proposed changes, as presented by Triunfo Gonzalez, County Auditor. (SEE ATTACHMENT A FOR DETAILS)

The above motion, being put to a vote, was approved by the affirmative vote of Commissioners Martinez, Elizondo, Mendoza, and Garza. Judge Rathmell voted against. Motion carried.

ORDER APPROVING TAX RATE FOR FISCAL YEAR 2019-2020

Motion was made by Commissioner Elizondo, seconded by Commissioner Mendoza, to adopt a tax rate of 0.924026/\$100 valuation for Zapata County in accordance with Local Government Code Sections 111.007-111.010 by executing an “Order Setting the Tax Rate for “2019-2020, ” be approved as follows:

General fund	0.624000
Interest and Sinking Fund	0.230000
Special Road & Bridge	0.070016
<u>F.M./Flood Control</u>	<u>0.000010</u>
TOTAL TAX	0.924026

as requested by Triunfo Gonzalez, County Auditor.

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

ORDER SETTING SALARIES AND NUMBER OF POSITIONS BY APPROVING GENERAL ORDER OF PERSONNEL FOR FISCAL YEAR 2019-2020

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve order setting salaries and the number of positions by approving the “General Order of Personnel for Fiscal Year 2019-2020, with recommendations and changes, as approved by the majority of vote, as request by Triunfo Gonzalez, County Auditor.

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

ORDER APPROVING OPERATION GENERAL ORDER FOR FISCAL YEAR 2019-2020

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve request by County Auditor, Triunfo Gonzalez, to approve the “Operation General Order for Fiscal Year 2019-2020”.

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

ORDER APPROVING AND AUTHORIZING COUNTY TREASURER AND COUNTY AUDITOR TO CLOSE ALL ACCOUNTS AND MAKE ALL NECESSARY LINE ITEM TRANSFERS

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve and authorize the County Treasurer and the County Auditor to close all accounts and make all necessary line item transfers as requested by Triunfo Gonzalez, County Auditor.

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

ORDER APPROVING 2019-2020 SHERIFFS' AND CONSTABLES' FEES

Motion was made by Commissioner Garza, seconded by Commissioner Mendoza, to approve the 2019-2020 Sheriffs' and Constables' fees as requested by Hon. Joe 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 2ND PAYMENT OF \$30,000 TO RHYAN TECHNOLOGY FOR INSTALLATION OF ELECTRONIC CELL CHECK MONITORING SYSTEM

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve 2nd payment of \$30,000 to Rhyan Technology for the installation of electronic cell check monitoring system at Regional and County Jail as requested by Hon. Joe 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 TO TAKE NECESSARY ACTIONS TO ADDRESS BLOCKING AND/OR DAMMING OF NATURAL STREAMS, ARROYOS AND/OR DRAINAGE DITCHES WITHIN RESIDENTIAL AREAS

Motion was made by Commissioner Mendoza, seconded by Commissioner Elizondo, to approve taking all necessary actions to address the blocking and/or damming of natural streams, arroyos and/or drainage ditches, including possible condemnation of property, within residential areas as requested by Hon. Joe 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 TO MITIGATE EROSION BEING CAUSED BY WATER RUN-OFF ON PRIVATE PROPERTY AS A RESULT OF THE MARTINEZ AVE. DRAINAGE DITCH IN SAN YGNACIO, TEXAS

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve to mitigate the erosion being caused by water run-off on private property as a result of the Martinez Ave. drainage ditch in San Ygnacio, Texas as requested by Hon. Joe 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 TO COMBINE ELECTION AND APPROVE POLLING PLACE LOCATIONS FOR CONSTITUTIONAL AMENDMENT ELECTION

Motion was made by Commissioner Martinez, seconded by Commissioner Mendoza, to approve to combine election and approve polling place locations for Constitutional Amendment Election to be held on November 5, 2019 as follows:

- *Zapata County Courthouse (Pct. 1, 1A, 1B, 2, 2A, 3, & 4)*
- *Early Voting to be held on October 21 – November 1, 2019 (Pct. 1, 1A, 1B, 2, 2A, 3, & 4)*

as requested by Hon. 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 TO DENY PAYMENT OF INVOICES FOR ZAPATA COUNTY WASTEWATER TREATMENT PLANT PROJECT AND ORDER APPROVING PAYMENT TO PREMIER ENGINEERING

Motion was made by Judge Rathmell, seconded by Commissioner Martinez, to deny payment of invoice payable to ACP in the amount of \$358,011.74 for Zapata County Wastewater Treatment Plant Project as requested by Manuel Gonzalez, Primer Engineering. Project is completed and the company is requesting partial of the retainage funds. Judge Rathmell asked if all issues have been remedied. Mr. Gonzalez has communicated with Scott Hawkins and the company has agreed to provide additional training to the operators.

Motion was made by Judge Rathmell, seconded by Commissioner Martinez, to approve payment in the amount of \$5,479.76 payable to Premier Engineering for Zapata County Wastewater Treatment Plant Project as requested by Manuel Gonzalez.

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

ORDER APPROVING CHANGE ORDER AND REVIEW FOR ZAPATA COUNTY WASTEWATER TREATMENT PLANT PROJECT PENDING USDA REVIEW AND APPROVAL

Motion was made by Commissioner Martinez, seconded by Commissioner Mendoza, to approve change order in the total amount of \$275,240.80, which consists of \$222,093.06 – ACP Change Order No. 3, \$34,400.00 – Premier Resident Inspector, \$14,880.24 – PREMIER 6.7% of \$222,093.06, and \$3,867.50 – Geotech, and requesting an additional 120 days to complete, for Zapata County Wastewater Treatment Plant Project pending USDA review and approval as requested by Manuel Gonzalez, Premier Engineering. Items requested by Wastewater Department to be included in change order are a mower, lab equipment, 4000 PSI pressure washer, handrail for headworks and chlorine chamber in order to make it safer.

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

ORDER TO TABLE REQUEST TO REVIEW BIDS AND AWARD CONTRACT TO BEST QUALIFIED BIDDER TO COLORADO SEWER IMPROVEMENT PROJECT

Motion was made by Commissioner Garza, seconded by Commissioner Mendoza, to table request by Manuel Gonzalez of Premier Engineering, to review bids and award contract to best qualified bidder for the Colorado Sewer Improvement Project. The lowest bidder is 4 Big

Construction owned by Craig Bigler, with a bid of \$295,289.02. Mr. Figueroa will check with Attorney General before proceeding.

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 Martinez, to approve the following line item transfer to meet departmental needs:

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	County Judge	10-400-462	Rentals & Maintenance	\$1,811.87
TO	County Judge	10-400-427	Workshops / Travel	\$1,811.87

as requested by Roxana Elizondo, County Judge’s Office.

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 Martinez, to approve the following line item transfer to meet departmental needs;

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	County Attorney	10-475-427	Travel Expense	\$1,094.07
TO	County Attorney	10-475-392	Misc. Maintenance Expense	\$1,094.07
FROM	County Attorney	10-475-462	Equipment Rental	\$546.07
TO	County Attorney	10-475-392	Misc. Maintenance Expense	\$546.07
FROM	County Attorney	10-475-311	Postage Expense	\$310.00
TO	County Attorney	10-475-392	Misc. Maintenance Expense	\$310.00
FROM	County Attorney	10-475-310	Office Supplies	\$900.00
TO	County Attorney	10-475-392	Misc. Maintenance Expense	\$900.00

as requested by Hon. 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 Garza, seconded by Commissioner Martinez, to approve the following line item transfers to meet departmental needs:

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	Fire Department	10-543-330	Fuel & Lubricants	\$10,000.00
TO	Fire Department	10-543-457	Repairs, Maintenance & Ambulance	\$10,000.00
FROM	Fire Department	10-543-401	Turn Out Gear	\$8,000.00
TO	Fire Department	10-543-457	Repairs, Maintenance & Ambulance	\$8,000.00
FROM	Fire Department	10-543-459	Building Repairs	\$2,000.00
TO	Fire Department	10-543-457	Repairs, Maintenance & Ambulance	\$2,000.00

as requested by Chief Juan J. Meza, Fire Department.

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 Martinez, to approve the following line item transfers to meet departmental needs:

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	County Treasurer	10-497-310	Office Supplies	\$350.00
TO	County Treasurer	10-497-427	Workshops / Travel	\$350.00

as requested by Hon. Romeo Salinas, County Treasurer.

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 Martinez, to approve the following line item transfer to meet departmental needs:

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	Justice of the Peace Pct. 1	10-455-456	Repairs / Maintenance	\$387.53
TO	Justice of the Peace Pct. 1	10-455-461	Equipment Rental	\$387.53
FROM	Justice of the Peace Pct. 1	10-455-310	Supplies	\$50.00
TO	Justice of the Peace Pct. 1	10-455-316	Dues	\$50.00

as requested by Hon. Anna M. Guerra, Justice of the Peace 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 by Commissioner Martinez, to approve the following line item transfer to meet departmental needs:

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	Human Resources	10-411-427	Travel	\$1,096.48
TO	Human Resources	10-497-427	Supplies	\$1,096.48

as requested by Nellie Treviño, Personnel Director.

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 Martinez, to approve the following line item transfers to meet departmental needs:

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	Non-Department	10-409-444	Electricity	\$1,798.87
TO	Non-Department	10-409-446	Garbage	\$1,798.87
FROM	Non-Department	10-409-444	Electricity	\$4,290.00
TO	Non-Department	10-109-420	Telephone	\$4,290.00

as requested by Bobbie Barrera, Auditor's Office

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 Martinez, to approve the following line item transfers to meet departmental needs:

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	Wastewater	08-602-481	State Fees	\$5,000.00
TO	Wastewater	05-602-336	Repairs & Maintenance	\$5,000.00
FROM	Wastewater	08-602-488	Inspection	\$1,000.00
TO	Wastewater	08-602-336	Repairs & Maintenance	\$1,000.00
FROM	Wastewater	08-602-341	C12 & Chemicals	\$500.00
TO	Wastewater	08-602-205	Uniforms	\$500.00

as requested by Eloy Chapa, Jr., Wastewater Department.

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

ORDER TO TABLE REQUEST TO APPROVE INVOICES FOR COLORADO SEWER IMPROVEMENT PROJECT

Motion was made by Commissioner Mendoza, seconded by Commissioner Martinez, to table request by Manuel Gonzalez, of Premier Engineering regarding approval of invoices for Colorado Sewer Improvement Project.

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 MARTINEZ,
TO ENTER INTO EXECUTIVE SESSION**

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

**ORDER APPROVING COUNTER PROPOSAL FROM LOS EBANOS
GOLF COURSE, INC. PRESIDENT RENATO RAMIREZ**

Motion was made by Commissioner Mendoza, seconded by Commissioner Garza, to approve counter proposal from Los Ebanos Golf Course, Inc. President Renato Ramirez, in the amount of \$1,350,000.00 to be paid in 5 yearly installments of \$270,000.00 per year at a 0% interest rate and for the court to take any and all additional steps to effectuate this transaction under these parameters, as requested by Hon. Eddie Martinez, Commissioner Pct. 3.

Closed Session/Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071/551.072 (A)(B) Consultation with Attorney, Real Property.

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

**ORDER APPROVING TO ADVERTISE FOR POSITION OF
WATER PLANT MANAGER**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to advertise for position of Water Plant Manager, in advance of Carlos Trevino's retirement as requested by Hon. Eddie Martinez, Commissioner Pct. 3. Salary will be from \$50,000 - \$65,000 preferably with a bachelors' degree, salary will be based on education and experience.

Closed Session/Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 Consultation with Attorney.

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

**ORDER TO TABLE REQUEST TO FORM A COMMITTEE TO STUDY THE
POSSIBILITY OF IMPLEMENTING A PAY SCALE BASED ON A GRADE AND STEP
SYSTEM**

Motion was made by Commissioner Martinez, seconded by Commissioner Mendoza, to table request by Commissioner Martinez regarding request to form a committee to study the possibility of implementing a pay scale based on a grade and step system as requested by Com. Eddie Martinez, Commissioner Pct. 3.

Closed Session/Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 Consultation with 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 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
OF ZAPATA COUNTY, TEXAS

ATTEST:

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