

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

Be it remembered, that on this the 26<sup>th</sup> day of August A. D., 2013, 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
	Mary Jayne Villarreal-Bonoan	County Clerk

**VISITORS:** Triunfo Gonzalez, Brian J. Martinez, Juan J. Meza, Maria I. Gutierrez, Mario Gonzalez-Davis, Joyce Currington, Diana Cuellar Villarreal, Roger Miller, Hildegardo E. Flores, Paco Mendoza, David Gonzalez, Dan Martinez, Carlos Treviño, Jr., Oscar Benavides MD, Sylvester Martinez, Irene Martinez, Manuel A. Uribe, Leo Cuellar, Manuel Garcia, Eloy A. Lopez, Rosa E. Martinez, and Jose F. Mendoza.

**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**

**INVOCATION BY REV. ROGER MILLER**

**PLEDGE OF ALLEGIANCE**

**COMMUNICATIONS**

Nellie R. Treviño, Personnel Director, advised Commissioners' Court that she received a call from South Elementary and Villarreal Elementary and students will visit the court for the Gingerbread man tour on Friday, August 30.

**ORDER APPROVING INVOICES**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve invoices as presented by Triunfo Gonzalez, County Auditor. Including an invoice for Kiko's

Plumbing and Trenching Services in the amount of \$3,700.00 installation of grease tank at pavilion. Commissioner Vela pointed out that Wastewater Department line item 08-602-205 was over budget.

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

#### **ORDER APPROVING CHECKS ISSUED**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve checks issued 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.

Triunfo Gonzalez, Auditor, revisited item for approval of invoices and clarified that Wastewater Department uniform line item 08-602-205 is not over budget and has a balance of \$2.55 remaining after line item transfers.

#### **FINANCIAL REPORT FOR 2013 ZAPATA COUNTY FAIR ASSOCIATION**

Paco Mendoza, 2013 ZCFA President, presented Commissioners' Court with the financial report for the Zapata County Fair. Income received was \$381,071.17; expenses \$362,546.02; and net income \$31,056.14. The total amount in the bank is \$49,581.29 and the fair association is presently debt free. (Report attached for the record.)

#### **PRESENTATION BY DR. OSCAR BENAVIDES**

Dr. Oscar Benavides, OBMDPA Medical Group (Consultants), offered Commissioners' Court services for a 24/7 urgent care center which would include hospitalization. He stated that he is aware of the County's indigent situation. He further stated that his goal is to take over the clinic.

#### **ORDER TO TABLE REQUEST BY JUDGE RATHMELL REGARDING REQUEST FOR BIDS FOR PURCHASE OF MATERIALS FOR 6" WATER LINE REPLACEMENT AT VELEÑO BRIDGE**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to table request by Judge Rathmell regarding the request for bids for the purchase of materials for the 6" water line replacement at the Veleño Bridge.

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 VELA CONCERNING NAMING TRACT OF LAND DESIGNATED AS COUNTY PARK TO BE NAMED "JOHN RATHMELL WILDLIFE AND BIRD SANCTUARY" IN MEMORY OF MR. JOHN RATHMELL**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to table request by Commissioner Vela concerning naming a tract of land designated as a county park to be named "John Rathmell Wildlife and Bird Sanctuary" in memory of Mr. John Rathmell, a local civic leader and philanthropist.

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

**ORDER APPROVING PURCHASE OF A NEW F-150 ½ TON SHORT BED PICK-UP TRUCK FOR WATER DEPARTMENT**

Motion was made by Commissioner Villarreal, seconded by Commissioner Garza, to approve the purchase of a new F-150 ½ ton short bed pick-up for the water department. The purchase price of \$17,808.25 shall be funded from line item 80-600-336, Repair and Maintenance as requested by Carlos Treviño, Water Plant Manager.

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

**ORDER TO DENY REQUEST BY DISTRICT CLERK REGARDING ASSIGNATION OF ADDITIONAL DUTIES TO CLERKS AND SALARY ADJUSTMENTS**

Motion was made by Commissioner Martinez, seconded by Commissioner Villarreal, to deny request by District Clerk, Dora Martinez-Castañon, to assign the additional duties of Clerk, slot #5 to the remaining three clerks, Sylvia V. Santos (13 years of service), Irene Morales (12 years of service), and Melissa Gonzalez (4 ½ years of service) in addition to approve salary adjustments for each clerk with slot #4's salary.

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

**ORDER APPROVING TRANSFER OF \$10,000 FROM TOBACCO FUND CHECKING ACCOUNT TO FIRE DEPARTMENT - REPAIRS AND MAINTENANCE FOR REPAIR OF BRAKES ON FIRE ENGINE**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve the transfer of \$10,000.00 from line item 114-890-07 (Tobacco Fund checking account) to line item 10-543-457 (Fire Department - Repairs and Maintenance) as requested by Juan J. Meza, Chief - Fire Department.

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

**ORDER TO DENY PURCHASE OF 5 RIFLES FOR USE BY VETERAN FIRING SQUAD**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to deny request by Manuel A. Uribe, Veterans Services, to purchase 5 rifles at approximately \$1,000.00 each for use by the Veteran Firing Squad.

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

**ORDER APPROVING ORDER AUTHORIZING ISSUANCE OF “ZAPATA COUNTY TEXAS LIMITED TAX REFUNDING BONDS, TAXABLE SERVICES 2013A” AUTHORIZING ESCROW AGREEMENT, PAYING AGENT/REGISTRAR AGREEMENT AND PURCHASE AND INVESTMENT LETTER AND AUTHORIZING OTHER MATTERS RELATED THERETO**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve an order authorizing the issuance of “Zapata County, Texas Limited Tax Refunding Bonds, Taxable Services 2013A” authorizing an escrow agreement, a paying agent/registrar agreement, and a purchase and investment letter; and authorizing other matters related thereto as requested by Daniel M. Martinez, J.D., C.P.A. Winstead PC and Robert Tijerina, Estrada Hinojosa & Company, Inc.

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

**ORDER APPROVING ORDER AUTHORIZING ISSUANCE OF ZAPATA COUNTY TAX REFUNDING BONDS SERIES 2013B DELEGATING AUTHORITY TO CERTAIN COUNTY OFFICIALS AND COUNTY STAFF TO EXECUTE CERTAIN DOCUMENTS RELATED TO SALE OF BONDS; ENTERING INTO ESCROW AGREEMENT, A PURCHASE AND INVESTMENT LETTER, AND A PAYING AGENT/REGISTRAR AGREEMENT; AND OTHER MATTERS RELATED THERETO**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve an order authorizing the issuance of Zapata County Tax Refunding Bonds, Series 2013B; delegating authority to certain county officials and county staff to execute certain documents related to the sale of the bonds; entering into an escrow agreement, a purchase and investment letter, and a paying agent/registrar agreement; and other matters related thereto as requested by Daniel M. Martinez, J.D., C.P.A. Winstead PC and Robert Tijerina, Estrada Hinojosa & Company, Inc.

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 DANIEL M. MARTINEZ, J.D., C.P.A. WINSTEAD PC AND ROBERT TIJERINA, ESTRADA HINOJOSA & COMPANY, INC. ON REQUEST TO APPROVE ORDER AUTHORIZING ISSUANCE OF ZAPATA COUNTY TAX REFUNDING BONDS, SERIES 2013A; DELEGATING AUTHORITY TO CERTAIN COUNTY OFFICIALS AND COUNTY STAFF TO EXECUTE CERTAIN DOCUMENTS RELATED TO SALE OF BONDS; ENTERING INTO AN ESCROW AGREEMENT, A PURCHASE AND INVESTMENT LETTER, AND A PAYING AGENT/REGISTRAR AGREEMENT; AND OTHER MATTERS RELATED THERETO**

**ORDER APPROVING INSTALLATION OF SPEED HUMP**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve installation of speed hump at Yucca Drive (Falcon Lake Estates East) as requested by Hon. 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.

### **ORDER APPROVING LINE ITEM TRANSFERS**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve the following line-item transfer in order to meet budget needs.

FROM:	District Clerk	10-450-311	Postage/Express/Freight	\$800.00
TO:	District Clerk	10-450-310	Office Supplies	\$800.00

as requested by Dora Martinez-Castañon, District Clerk.

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 in order to meet budget needs.

FROM:	Water Works	80-600-481	State Fees	\$3,100.00
TO:	Water Works	80-600-121	Water Plant Overtime	\$3,100.00

as requested by Carlos Treviño, Jr., Water Plant Manager.

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 in order to meet budget needs:

FROM:	Wastewater	08-602-310	Office Supplies	\$1,200.00
TO:	Wastewater	08-602-336	Repair & Maintenance	\$1,200.00
FROM:	Wastewater	08-602-427	Mileage & Travel	\$1,845.00
TO:	Wastewater	08-602-336	Repair & Maintenance	\$1,845.00
FROM:	Wastewater	08-602-311	Postage	\$723.00
TO:	Wastewater	08-602-336	Repair & Maintenance	\$723.00

as requested by Eloy Chapa, Wastewater Manager.

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 attend 65<sup>th</sup> Annual conference-Beaumont, TX Board Member and the TAC 2013 Pool Symposium - San Marcos, TX

FROM:	County Treasurer	10-497-462	Rentals	\$1,700.00
TO:	County Treasurer	10-497-427	Workshop & Travel Exp.	\$1,700.00

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.

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

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

**ORDER AUTHORIZING COUNTY ATTORNEY TO INVESTIGATE ALLEGATIONS  
AND REPORT TO DEPARTMENT HEAD**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to authorize County Attorney to investigate allegation regarding misuse of county equipment by Zapata County employee and report to department head as requested by Nellie Treviño, Personnel Director. *Executive Session is requested pursuant to Texas Government Code Title 5, Sub Chapter D, Section 551.074 Personnel Matters and 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 AUTHORIZING COUNTY ATTORNEY TO ENTER INTO AGREEMENT  
WITH PARTICULAR OWNER OF LAND IN VICINITY OF CEMETERY FOR  
EXPANSION OF ZAPATA COUNTY CEMETERY**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to authorize County Attorney to enter into agreement with particular owner of land in the vicinity of the cemetery for expansion of said Zapata County Cemetery as requested by Hon. Jose E. Vela, Commissioner Pct. 1. *Executive Session is requested pursuant to Texas Government Code Title 5, Sub Chapter D, Section 551.072 Real Property and 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 Martinez, seconded by Commissioner Garza, 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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JOSEPH RATHMELL, 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