

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

Be it remembered, that on this the 9<sup>th</sup> day of May, 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
Eddie Martinez	Commissioner, Precinct No. 3
Norberto Garza	Commissioner, Precinct No. 4
Sáid Alfonso Figueroa	County Attorney
Mary Jayne Villarreal-Bonoan	County Clerk

**ABSENT:** Gabriel Villarreal Commissioner, Precinct No. 2

**VISITORS:** Romeo Salinas, Mario Gonzalez-Davis, Audie Hernandez, Maria I. Gutierrez, J.J. Meza, Brian Martinez, Jose Mendoza, Roger Miller, Luis Lauro Gonzalez, Hector Uribe, Mark Serna, Dr. Hildegardo Flores, Olga M. Flores, Carmen Reyes, Laura Guerra, Hermelinda Gonzalez, Manuel Gonzalez, Jr., Paco Mendoza, Jorge Zapata, Otila Garcia, Carlos Figueredo, and Consuelo R. Villarreal.

**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 ROGER MILLER**

**ORDER APPROVING MINUTES FOR MEETING OF APRIL 11, 2011**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve the Minutes of April 11, 2011, with a correction on page 5, 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.

**ZAPATA COUNTY MEDICAL CENTER'S MONTHLY REPORT**

Dr. Edmundo Garcia, Zapata County Medical Group, presented Commissioners' Court his monthly report. He informed the court that the clinic serviced 934 patients in April and numbers continue to stay consistent. He is still trying to encourage other doctors to come in. The clinic offers OBGYN services by Nurse Practitioner Abigail Garcia out of Laredo, Texas. He will try to get a

letter of intent from Dr. Ricardo Cigarroa. Dr. Garcia is assisted by Dr. Dora Gonzalez, Dr. Raul Cantu, Dr. Norberto Alvarez and Dr. Andres Alaniz who work different shifts and times at the clinic.

### **DEPARTMENTAL REPORTS**

Caleb Eaton, Zapata County Extension Agent, was no present, however, Audie Hernandez from the Judge's office presented Commissioners' Court with the monthly written report for April 2011. (Report attached for the record.)

Dr. David Brown, Director of Zapata Higher Education Center, reported that government and sociology courses will be offered for the first summer session. Tuition costs are lower than Laredo. Dr. Brown thanked Paco Mendoza and Celia Balderas from the Chamber of Commerce for the mass mail out sent to the public. Dr. Brown also stated that he was going to meet with Dean Ramon at LCC to see about LCC courses coming to Zapata. There are currently 65 registered students, however, 120 are needed. All safety features in the building are being concluded.

Angel Garza, former Commissioner of Precinct 2, addressed Commissioners Court and expressed concerns regarding life insurance benefits for Zapata County retirees. The life insurance would be paid 100% by retirees. Mr. Garza offered to go to San Antonio, at his own cost, to speak with the insurance company. Nellie Treviño, Personnel Director, advised the court that retirees are not allowed to participate in life insurance plans at this time. Commissioner Vela stated that some retirees are not paying their share for the health insurance policy.

Luis Lauro Gonzalez, Zapata County Tax Assessor/Collector, reported that the tax office collected \$24,979.46 in Hotel/Motel Tax fees. No official report was available due to printing problems.

### **ORDER APPROVING INVOICES**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve invoices as presented 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 TREASURER'S REPORT**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve Treasurer's Report as presented 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.

### **REPORT OF ZAPATA COUNTY HISTORICAL COMMISSION**

Audie Hernandez of the Zapata County Judges Office reported for Diana Brandon. The Commission has met on two occasions. They have ordered supplies and equipment and are waiting for the former EDC office to become available. Names of commission members have been submitted to the Texas Historical Commission.

### **REPORT ON FREER RATTLESNAKE ROUND-UP**

Karran Westerman reported on the Rattlesnake Round-Up. Total expenses were \$1,179.85 and there is a balance of \$820.15. She also stated that she has a banner that needs to be displayed.

### **PROGRESS REPORT ON RABA-KISTNER INTERNATIONAL BRIDGE STUDY**

David Austin reported on the Raba Kistner International Bridge Study. He stated that the EDC will be conducting a survey and are working on data collection. He also stated that they have received very positive feed back from Mexico. A public meeting will be held in an effort to reach out to other affected areas. They will come back to commissioners court with a final report.

### **ZAPATA COUNT FAIR ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 2011**

Rosendo Canales, Zapata County Fair President, reported income in the amount of \$319,138 which includes donations. Total expenses were \$304,954.26.

### **ORDER APPROVING PROPOSAL FROM FLORES AUDITING, PLLC TO ASSIST WITH AUDITING SERVICES**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the proposal from Flores Auditing, PLLC to assist Zapata County with auditing services 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 STREET VENDORS AND VENDING DISTRICT ORDINANCE**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve a street vendors and vending district ordinance to be effective July 1, 2011 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 TO REPLACE VACATED POSITION OF TRACTOR OPERATOR FROM PRECINCT ONE SPECIAL ROAD AND BRIDGE DEPARTMENT**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve replacing tractor operator, position #1, from Pct. 1 Special Road and Bridge Department with Enoch Lopez, CDL Driver at a salary of \$8.25 per hour as requested by Hon. Jose Emilio Vela, Commissioner Pct. 1.

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

**NO ACTION TAKEN ON REQUEST BY COM. VELA TO APPROVE REQUEST BY RESIDENTS OF LOPEÑO AND FALCON (SIGNED PETITION) TO REOPEN LOPEÑO FIRE STATION DUE TO FREQUENT WILDFIRES APPEARING IN THIS SOUTHERN PART OF ZAPATA COUNTY**

**ORDER APPROVING TRANSFER OF CARLOS ROMERO FROM SLOT 3 DEPARTMENT 003 TO SLOT 5 DEPARTMENT 013**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve transfer of Carlos Romero from slot 3 Department 003 (Parks, Buildings, Construction) to slot 5, Department 013 (Special Road & Bridge) \$9.00 per hour as requested by Hon. 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 HIRING OF JESUS HINOJOSA IN SLOT 3 DEPARTMENT 003**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve hiring of Jesus Hinojosa in slot 3 Department 003, Special Road & Bridge at \$8.25 per hour as requested by Hon. 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 HIRING OF TWO TEMPORARY EMPLOYEES FOR PRECINCT 4, SLOT 3 AND 4**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve hiring of two temporary employees for Precinct 4, (Special Road & Bridge) Slot 3 and 4 as requested by Hon. 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 APPROVING TO INCREASE SLOT #4 IN ENVIRONMENTAL DEPARTMENT FROM \$3.92 PER HOUR TO \$7.74 PER HOUR**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve increase to slot #4 in the Environmental Department from \$3.92 an hour to \$7.74 an hour as requested by Guillermo Saenz, Environmental Department.

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

**ORDER APPROVING IMPLEMENTATION OF AUTOMATIC PAYMENT  
WITHDRAWAL OF ACH FOR PAYMENT OF RETIREES INSURANCE PREMIUMS**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve the implementation of an automatic payment withdrawal of ACH for the payment of retirees insurance premiums, effective July 1, 2011, as requested by Nellie Treviño, Personnel Department. All retirees must become current by June 1, 2011.

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 ZAPATA COUNTY  
RETIREES TO PROVIDE DIRECTION TO ZAPATA COUNTY RETIREES  
ON LIFE INSURANCE TO BE PAID BY RETIREES 100% AS APPROVED BY  
ZAPATA COUNTY COMMISSIONERS COURT IN THE SUMMER OF 2010**

**ORDER APPROVING PERMISSION TO CEREMONIALLY RENAME THREE  
STREETS; ONE TO BE NAMED KESSINGER, ONE LANINGHAM AND ONE  
GARCIA IN MEMORY OF JAMES C. KESSINGER, IRA B. LANINGHAM AND  
OSCAR GARCIA**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve request to rename three streets; one to be named Kessinger, one Laningham and the other to be named Garcia in memory of James C. Kesinger, Ira B. Laningham and Oscar Garcia as requested by Alberto Arambula, American Legion and VFW.

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

**ORDER APPROVING REQUEST TO USE COMMUNITY CENTER FOR ZAPATA  
BACK TO SCHOOL FEST ON AUGUST 14, 2011**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve request by Jaime Arispe to use the Community Center for the Zapata Back to School Fest on August 14, 2011.

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

**ORDER APPROVING USE OF OSWALDO H. & JUANITA G. RAMIREZ EXHIBIT  
HALL FOR 2011 API FISHING TOURNAMENT REGISTRATION**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve the use of the Oswaldo H. & Juanita G. Ramirez Exhibit Hall for the 2011 API Fishing tournament registration. Event will take place June 3, 2011 as requested by Paco Mendoza, President Zapata County Chamber of Commerce.

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

**ORDER APPROVING CHANGE ORDER #7 FOR ZAPATA COUNTY WATER TREATMENT PLANT**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve change order #7 for the Zapata County Water Treatment Plant as requested by Rathmell Engineering and Mr. Carlos Treviño, Jr., Water Plant Director.

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 MANUEL GARCIA, JR., MARINE CORP TO USE OSWALDO H. & JUANITA G. RAMIREZ EXHIBIT HALL FOR WRESTLING COMPETITION TO RAISE FUNDS FOR 2012 SCHOLARSHIP PROGRAM**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to table request by Manuel Garcia, Jr., Marine Corp, to use the Oswaldo H. & Juanita G. Ramirez Exhibit Hall for a wrestling competition to raise funds for the 2012 Scholarship Program.

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 HUMPS**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve the installation of a street light at the following address:

- a. 1409 Bravo in Zapata, Texas
- as requested by Hon. Gabriel Villarreal, 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 Garza, seconded by Commissioner Martinez, to approve the installation of a speed hump at the following location:

- a. 5215 Mission Lane
- 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 Garza, seconded by Commissioner Martinez, to approve the installation of a street light at the following address:

- a. 1802 1<sup>st</sup> Street, Zapata, Texas
- as requested by Hon. Norberto Garza, Com. 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 Martinez, to approve the installation of a speed humps at the following location:

- a. on Zapata Street

b. between 20<sup>th</sup> and Glenn Street  
as requested by Hon. Norberto Garza, Com. Pct. 4.

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 Vela, to approve the following line item transfers as requested, in order to met budget requirements:

From: County Shop	15-621-427	\$2,500.00
To: County Shop	15-621-205	\$2,500.00

as requested by Jose F. Mendoza, County Shop Supervisor.

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 Martinez, to approve the following line item transfers as requested, in order to met budget requirements:

From: Nutrition Program	38-648-336	Raw Food	\$1,000.00
To: Nutrition Program	38-647-454	Repair & Maintenance	\$1,000.00
From: Nutrition Program	38-648-336	Raw Food	\$1,000.00
To: Nutrition Program	38-648-454	Repair & Maintenance	\$1,000.00
From: Nutrition Program	38-649-392	Misc. and Safety	\$600.00
To: Nutrition Program	38-647-467	Non-Food Consumable1	\$600.00

as requested by Carmen Reyes, Nutrition Program.

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

**ORDER APPROVING RESOLUTION REQUESTING ADDITIONAL STUDIES FOR  
PRELIMINARY FEMA FLOOD MAP FOR ZAPATA COUNTY**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve a resolution requesting additional studies for the preliminary FEMA Flood Map for Zapata County 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 RESOLUTION AUTHORIZING SUBMISSION OF AN  
APPLICATION TO TEXAS DEPARTMENT OF RURAL AFFAIRS FOR FUNDING  
FROM COLONIA CONSTRUCTION FUND OF TEXAS COMMUNITY  
DEVELOPMENTAL PROGRAM FOR FIRST TIME SEWER SERVICE**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve a resolution authorizing the submission of an application to the Texas Department of Rural Affairs for funding from the Colonia Construction Fund of the Texas Community Development Program for first time sewer service as requested by Carlos Colina Vargas, Grant Writer.

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

**ORDER APPROVING RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION TO TEXAS DEPARTMENT OF RURAL AFFAIRS FOR FUNDING FROM COLONIA PLANNING FUND FOR PLANNING STUDIES IN ZAPATA**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve resolution authorizing the submission of an application to the Texas Department of Rural Affairs for funding from the Colonia Planning Fund for planning studies in Zapata as requested by Carlos Colina Vargas, Grant Writer.

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

**ORDER APPROVING PROCLAMATION TO PROCLAIM MAY AS MENTAL HEALTH MONTH**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve Proclamation to proclaim May as Mental Health Month as requested by Cindy Buruato, Border Region MHMR.

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 VELA,  
TO ENTER INTO EXECUTIVE SESSION**

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

**ORDER APPROVING POWER OF ATTORNEY AND CONTINGENCY FEE CONTRACT BETWEEN COUNTY OF ZAPATA AND ESCAMILLA, PONECK & CRUZ, LLP AND NORMA JOLLY, PC; JAMES PARKER AND MIKE JOLLY; PC**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve power of attorney and contingency fee contract between County of Zapata and Escamilla, Poneck, & Cruz, LLP and Norma Jolly, P.C., James Parker and Mike Jolly, P.C. as requested by Juan Cruz, Escamilla, Poneck, & Cruz.

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 JUAN CRUZ OF ESCAMILLA,  
PONECK, & CRUZ, LLP FOR DISCUSSION AND POSSIBLE ACTION ON  
PROPOSED SETTLEMENT OFFER FROM REIMS CONSTRUCTION INSURANCE  
CARRIER CONCERNING ADDITION OF TWO (2) INCHES OF ASPHALT OVER  
INDIAN BURIAL MOUND LOCATED IN SAN YGNACIO, TEXAS AND ANY MATERS  
INCIDENT THERETO**

(Gov't Code Ann 551.071, Consultation with Attorney)

**ORDER APPROVING SETTLEMENT WITH ZAPATA COUNTY ECONOMIC  
DEVELOPMENT CENTER, INC., INVOLVING ECONOMIC DEVELOPMENT  
ADMINISTRATION MONIES OWNED AND DUE TO ZAPATA COUNTY**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve settlement with the Zapata County Economic Development Center, Inc., involving Economic Development Administration monies owed and due to Zapata County from the construction of the Zapata County Advance Education Center and any matter incident thereto and order authorizing Judge Rathmell to sign all documents. (Gov't Code Ann 551.071, Consultation with Attorney) as requested by Juan Cruz, Escamilla, Poneck, & Cruz, LLP.

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

**ORDER REJECTING PAYMENT OF INVOICE NUMBER 2011-2038 IN AMOUNT OF  
\$13,187.86 FOR EXPENSES INCURRED BY ZAPATA COUNTY DEVELOPMENT  
CENTER CONCERNING ZAPATA COUNTY ADVANCED EDUCATION CENTER**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to reject payment of invoice number 2011-2038 in amount of THIRTEEN THOUSAND ONE HUNDRED EIGHTY SEVEN DOLLARS AND EIGHTY SIX CENTS (\$13,187.86) for expenses incurred by the Zapata County Development Center concerning the Zapata County Advanced Education Center, and any incident thereto. (Gov't Code Ann 551.071, Consultation with Attorney) as requested by Juan Cruz, Escamilla, Poneck, & Cruz, LLP.

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 JUAN CRUZ OF ESCAMILLA,  
PONECK & CRUZ, LLP REGARDING CONSULTATION WITH LEGAL COUNSEL IN  
REGARDS TO POTENTIAL CONSTRUCTION LITIGATION REGARDING  
ZAPATA COUNTY COURTHOUSE**

(Gov't Code Ann 551.071, Consultation with Attorney)

**ORDER APPROVING TO CANCEL AND/OR NOT RENEW CONTRACT  
BETWEEN ZAPATA COUNTY AND M1**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve to cancel and/or not renew contract between Zapata County and M1. (Gov't Code Ann 551.071, Consultation with Attorney) 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.

**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.

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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