

**THE STATE OF TEXAS  
COUNTY OF ZAPATA**

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

Be it remembered, that on this the 12<sup>th</sup> day of November 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:** Romeo Salinas, Triunfo Gonzalez, Auddy Hernandez, Nellie R. Treviño, Brian J. Martinez, Juan J. Meza, Maria I. Gutierrez, Joyce Currington, Luis Lauro Gonzalez, Roger Miller, Lilonee Garza, Diana Rossall Juarez, Victoriana Gallegos, Xavier Villarreal, Orlando “Jay” Juarez, Jr., Manuel Gonzalez, Jr., Anita Perez-Garza, and Diana Cuellar Villarreal.

**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**

**ORDER APPROVING MINUTES OF OCTOBER 15, 2013  
AND OCTOBER 28, 2013**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the Minutes of October 15, and October 28, 2013 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**

Auddy Hernandez, Zapata County Judge’s Office, read a letter received from the Texas Commission on Jail Standards stating that Zapata County was awarded a Certificate of Compliance for 2013.

## **MONTHLY REPORT OF ZAPATA FAMILY MEDICAL CLINIC**

Mr. Sean Kamber of Laredo Medical Center gave the monthly report for October. Mr. Kamber stated that there was a decrease in number of visits to the clinic in October. A survey indicated poor scores in appointments and providers. He will be meeting with Dr. Benavides, no disruptions are expected. Mary Plattner will be working independently.

Sheriff Alonso Lopez presented the Court with a copy of a request under the Open Records Act. He will get itemized list of remodeling at Sheriff's Office.

Mary Jayne Villarreal-Bonoan, County Clerk, advised the Court that a Special Commissioners' Court meeting would be necessary by the end of the week for the Canvassing of the November Constitutional Election. Meeting will be on Friday, November 15, 2013.

Chief Juan J. Meza, Zapata County Fire Department, commented to the Court of the need to act on the current K-2 situation. He stated that 10 patients had been transported between August and present date with medical issues associated to K-2.

### **ORDER APPROVING INVOICES**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve invoices as presented 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 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.

### **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 ON PROSPECTIVE SYNTHETIC DRUGS ORDINANCE AND STATE LAWS**

A report on prospective synthetic drugs ordinance and state laws was made by Hector Uribe, Attorney at Law. Mr. Uribe stated that K-2 also known as synthetic marihuana is against the law to possess and distribute. Ray Del Bosque showed the Court a package of K-2 that had been seized by the Sheriff's Office. Mr. Uribe explained that the chemical composition of this synthetic product is changed in order to obtain a "high". K-2 is currently sold as potpourri. He suggested that these establishments should be treated as we treat the sexually oriented businesses and should also be registered as the 8-liners and further suggested charging a higher fee. These places should be regulated because we cannot prohibit the sale of these products. It was also suggested that an ordinance should be passed prohibiting the operation of said establishments

within a certain range. Currently possession of K-2 is a Class A or B misdemeanor and anything above 4 pounds is a felony.

Fire Chief Meza stated that the county has incurred approximately \$12,500 in expenses due to the transportation of drug users with no insurance.

Ray Del Bosque, Chief Deputy – Sheriff’s Office, also stated that these facilities are being monitored around the clock.

**ORDER APPROVING PAYMENT OF INVOICE IN AN AMOUNT OF \$82,203.92  
FROM R & G CLARK INC. D/B/A SERVEPRO**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve payment of an invoice in the amount of \$82,203.92 from R & G Clark Inc. d/b/a ServPro for courthouse dome remediation, to be paid out of Fund Balance (Royalties) 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 USE OF ONE (1) HEAVY EQUIPMENT OPERATOR  
PER PRECINCT TO PROVIDE PREPARATION AND MAINTAIN  
PROPOSED DUMPSITE TO HANDLE UNWANTED TREE CUTTINGS  
AND BRANCHES CLEARED FROM UTILITY EASEMENTS**

Motion was made by Commissioner Martinez, seconded by Commissioner Vela, approving use of one (1) heavy equipment operator per precinct to provide required preparation and maintain a proposed dumpsite to handle unwanted tree cuttings and branches removed or cleared from county utility easements and right of ways as requested by 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 REAPPOINTMENT OF JUAN J. MEZA AS  
COUNTY FIRE MARSHALL**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, approving reappointment of Juan J. Meza as County Fire Marshall as requested by Juan J. 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 PAY INCREASE FOR RUBEN GARZA FOR COMPLETION  
OF TCEQ EDUCATIONAL REQUIREMENTS AND ACHIEVING CLASS “D”  
WATER OPERATOR LICENSE**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve a pay increase for Ruben Garza from \$10.18 per hour to \$11.77 per hour. Mr. Garza has completed all necessary TCEQ educational requirements and has achieved a class “D” water operator license. Pay increase shall be obtained from line item 80-600-27 license stipends 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 APPROVING USE OF TECHNOLOGY FUND FOR PRINTER LEASE,  
TONERS OR MAINTENANCE**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve the use of the Technology Fund for printer lease, toners or maintenance and for continuing education by purchasing educational materials (half to be paid from Judge Muñoz's supplies and half from technology fund as requested by Hon. Judge Muñoz, Justice of the Peace, Pct. 3.

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

**ORDER APPROVING TRANSFER OF PEDRO GUZMAN FROM SLOT #6  
TO SLOT #4, DEPARTMENT 516**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve transfer of Pedro Guzman from Department #516 Slot #6 to Department #516 Slot #4 as requested by Maria E. Gutierrez, Maintenance Supervisor.

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

**ORDER ALLOWING MARIA GUTIERREZ TO HIRE EMPLOYEE FOR  
DEPARTMENT #516, VACANT SLOT #6**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to allow Maria Gutierrez to hire an employee for Department #516; vacant slot #6, position has been advertised and to extend the interview process as requested by Maria E. Gutierrez, Maintenance Supervisor.

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

**ORDER APPROVING NEW BANK DEPOSITORY CONTRACT**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the new bank depository contract, only one (1) bid from ZNB, 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 USE OF WALKING PARK IN PRECINCT 4  
FOR RELAY FOR LIFE**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve the use of the Walking Park in Precinct 4 for Relay for Life on May 2, 2014 from 7:00 p.m. through 7:00 a.m. on May 3, 2014 as requested by Lilonee Garza, RFL Event Chairperson.

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

**ORDER APPROVING USE OF PAVILION FOR ANNUAL VILLARREAL  
ELEMENTARY SCHOOL “NOCHE DE FIESTA” FUNDRAISER**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve the use of the Pavilion for the annual Villarreal Elementary School “Noche de Fiesta” fundraiser as requested by Anna Mariela Martinez, Principal - Villarreal Elementary School.

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

**COMMUNICATIONS**

Anita Perez-Garza, Attorney at Law, addressed the Court and stated that her mother, Dr. Perez, is working on writing another book and has taken pictures around Zapata County and she wishes to use said photos in her book.

**ITEM DISCUSSED IN EXECUTIVE SESSION**

Discussion and possible action to enter into a settlement agreement with Valley Boring Services, LLC d/b/a hard Rock Direction Drilling and its surety (SureTec Insurance Company) for installation of approximately two thousand seven hundred (2700) linear feet of a sanitary sewer line as part of the Zapata County Texas/Department of Transportation Utility Relocation Project on US Highway 83, and any matters incident thereto and authorizing the County Judge to execute all relevant documents as requested by Fortunato G. Paredes, Attorney at Law, J. Cruz and Associates, LLC. *Executive Session is requested pursuant to Texas Government Code Title 5, Sub Chapter D, Section 551.071 - Consultation with Attorney.*

**ITEM DISCUSSED IN EXECUTIVE SESSION**

Consultation with attorney and possible action to accept a gift deed for a parcel of land on the north end of Zapata County, known as the dipping vat, consisting of .3 acres as requested by Said A. Figueroa, County Attorney. *Executive Session is requested pursuant to Texas Government Code Title 5, Sub Chapter D, Section 551.071 - Consultation with Attorney and Section 551.072 – Real Property.*

**ORDER APPROVING RESOLUTION IN SUPPORT OF FY 2014 INDIGENT DEFENSE  
FORMULA GRANT**

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, approving resolution in support of the FY 2014 Indigent Defense Formula Grant 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.

**MOTION WAS MADE BY COMMISSIONER GARZA,  
SECONDED BY COMMISSIONER MARTINEZ,  
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 PURCHASE PIPE AS PER  
SETTLEMENT AGREEMENT WITH VALLEY BORING SERVICES, LLC D/B/A/  
ROCK DIRECTION DRILLING AND ITS SURETY SURTEC INSURANCE COMPANY  
AND AUTHORIZE COUNTY JUDGE TO SIGN ALL RELEVANT DOCUMENTS**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to authorize County Attorney to purchase pipe as per settlement agreement with Valley Boring Services, LLC d/b/a hard Rock Direction Drilling and its surety (SureTec Insurance Company)

for installation of approximately two thousand seven hundred (2700) linear feet of a sanitary sewer line as part of the Zapata County Texas/Department of Transportation Utility Relocation Project on US Highway 83, and any matters incident thereto and authorizing the County Judge to execute all relevant documents as requested by Fortunato G. Paredes, Attorney at Law, J. Cruz and Associates, LLC.

*Executive Session is requested pursuant to Texas Government Code Title 5, Sub Chapter 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 AUTHORIZING COUNTY ATTORNEY TO ACCEPT GIFT DEED FOR A  
PARCEL OF LAND ON NORTH END OF ZAPATA COUNTY**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to authorize County Attorney to accept a gift deed for a parcel of land on the north end of Zapata County, known as the dipping vat, consisting of .3 acres as requested by Said A. Figueroa, County Attorney.

*Executive Session is requested pursuant to Texas Government Code Title 5, Sub Chapter D, Section 551.071 - Consultation with Attorney and Section 551.072 – Real Property.*

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  
ZAPATA COUNTY, TEXAS

ATTEST:

---

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