

**REGULAR MEETING OF THE BREWSTER  
COUNTY COMMISSIONERS COURT  
TUESDAY, APRIL 28, 2015 AT 9:00 A.M.  
ALPINE, TEXAS**

**Eleazar Cano  
Luc Novovitch  
Hugh Garrett  
Ruben Ortega  
Steve Houston  
Ruth Staton**

**County Judge  
Commissioner Pct. 1  
Commissioner Pct. 2  
Commissioner Pct. 4  
County Attorney  
County Treasurer**

**1. Invocation, Pledge of Allegiance**

*Judge Cano led the Court an Invocation and the Pledge of Allegiance.*

**2. Public Comment**

*Public comments were made by the following: Mark Glover, Suzanne Bailey, Roger Siglin, Mark Grimes, Pat Schneider, Cheryl Frances, Sara Kennedy-Mile, Audrey Painter, Liz Sibley, Rachel Robinson, Scott Wassemann, Marilyn McGhee, Virginia Brotherton, Elva Torres, Sylvia Nelson, Gilbert Valenzuela and Dorothy Myetorie. The people listed above voiced their concerns on a personal level regarding the Pipeline and the location that has been chosen as the route. The concerns included: safety, noise, emergency route since there is only one way in and one way out of Sunny Glen, and the proximity to the hospital and the airport. Also, there was concerns for the lack of openness and transparency from the pipeline to the community, locations of the compression station: the McDonald Observatory, the dark skies and how those who visit the area will not be able to enjoy the area due to the pipeline and what and who it will bring in. Also, concerns of the inspection reports and who will be responsible for the final viewing of the report. The ad valorem tax numbers were questioned, safety valves were discussed, as well as having an open meeting with those who have questions and be honest to those it will effect.*

**3. Minutes / additions / corrections / approval**

*Commissioner Pallanez informed the court of changes to be made on March 24, 2015 on page 7. This change is to his reference to retirement eligibility for health plan.*

*Commissioner Ortega moved to accept the minutes of March 24, 2015 after corrections. Commissioner Garrett seconded the motion and the motion passed unanimously.*

*Commissioner Garrett informed the court that item 14 on April 13, 2015 minutes need to reflect that the motion passed.*

*Commissioner Garrett moved to accept the minutes of April 13, 2015 with the corrections. Commissioner Ortega seconded the motion, and the motion passed unanimously.*

#### **4. Sheriff's Office**

##### **A. 2015 Operation Stonegarden / Request to apply and approve Application & Resolution for the FY2016-2017 Operation Stonegarden**

*Chief Deputy Ryan Skelton submitted an Operations Order and Budget Template (OPSG) for Operation Stonegarden grant. Chief Deputy Skelton explained the grant and what it is used for and that it is a 3 year grant. He informed the Court that the grant is about 1.2 million dollars and that the actual amount will be lower upon receipt. He explained that the amount requested is not ever given but the budget is reviewed and the amount is submitted according to the calculation. Chief Deputy Skelton also explained the grant covers payment for a reserve part time worker and adds overtime for the part time to be able to move to full time. Also, the grant does not require matching funds, stated Chief Deputy Skelton.*

*Commissioner Ortega moved to approve the Sheriff Office to submit the application for the Stonegarden grant. Commissioner Pallanez seconded the motion and the motion passed unanimously.*

*Judge Cano read the Resolution for the Stonegarden grant into record.*

*Commissioner Ortega moved to approve the Resolution as read. Commissioner Garrett seconded the motion and the motion passed unanimously.*

##### **B. Discussion and appropriate action for Crown Correctional Telephone Contract / Update**

*County Attorney Steve Houston stated that the contract with Crown Correction Telephone Contract has been updated and said the past contracts with Crown have been 3 year contracts and the current contract states a 5 year contract. He informed the court they would need to decide if they want to keep it at 5 years or go back to the original 3 years. Commissioner Ortega suggested to leave the contract at 3 years and revisit at that time and not increase to 5 years. Commissioner Garrett asked if there was a timeline in the contract for that change and Steve Houston stated there is 90 days but only to back out of the contract. The Court is just deciding to have a 3 or 5 year contract, not backing out of the contract.*

*Commissioner Ortega moved to a 3 year contract with Crown Correctional Telephone. Commissioner Garrett seconded the motion and the motion passed unanimously.*

#### **5. Road & Bridge Department / Community Facilities**

##### **A. Road & Bridge Superintendent's Report, General updates on maintenance and repairs for all county roads & state of County Roads System; road materials**

**including, fuel, supplies including usage & inventories & future needs; budgetary matters; equipment including heavy equipment, (maintenance repairs, future needs, replacement and additions), pickups, trailers and other light vehicles and accessories, and small equipment, (usage, future needs), equipment rentals; facilities (yards in Alpine, Marathon and S. County) cattle guards, fences and other means of containing livestock; safety issues and equipment; and community facilities (assistance with maintenance and other related issues); assistance to other governmental entities and emergency responders; personnel issues, (vacancies, new hires, discipline, performance, safety and other general personnel matters); permits for boring or trenching for utilities across County Roads / Discussion and appropriate action**

*Superintendent Frenchie Causey informed the Court that Road and Bridge has been working on the parking lot at the office complex and will be finished this week. They are continuing the work on Hovey Road, with a crew in Marathon worked at the Library, the Justice Center, and the baseball field and filled the pool at Post Park. Frenchie continued by stating he had crews in South County blading roads and filling wash-outs, they moved an old cattle guard and put the plaque at the Office Complex.*

*Frenchie then informed the Court that he has a tentative date of May 23, 2015 for the auction.*

**B. Discussion and appropriate action for general work of Road & Bridge Department to go forward**

*Nothing at this time.*

**6. Texas Community Development Block Grant Program (TX CDBG) grant / Update on Well Grant, TX CDBG 71304**

*Travis Roberts provided a brief update on the Well Grant Project and stated that they should be through well before the deadline. Commissioner Pallanez asked what the amount of production it would have and Mr. Roberts indicated that at least 600GPM, but that is just an estimate.*

*Court recessed at 9:50 A.M.*

*Court reconvened at 10:02 A.M.*

*With the Courts permission the Judge moved to item 9; the presentation of Trans Pecos Pipeline.*

**7. Treasurer**

**A. General Bills / Discussion and appropriate action**

*Treasurer Staton informed the Court of two walk-ins to be included in the General Bills. The walk-ins included the round trip airfare in the amount of \$606.50 and reimbursement expenses to Ruth Staton for conference in San Marcos in the amount of 612.52. With these walk-ins the general bills \$71,266.34.*

*Commissioner Ortega moved to approve the bills as presented including the walk-ins.. Commissioner Garrett seconded the motion, and the motion passed unanimously.*

**B. Financial Reports / Updates, Discussion, Review and appropriate action concerning the following:**

<b>Specified Activity Report</b>	<b>Payroll Reports</b>
<b>Cash Flow Predictions</b>	<b>Check Register</b>
<b>Budget Analysis Usage Report</b>	<b>Transfers</b>
<b>Receipt File Listings</b>	<b>Personnel/Overtime Reports</b>
<b>Cash Report</b>	<b>Other Financial Reports as</b>
<b>Grant Reports</b>	<b>Requested by Commissioner</b>

*Nothing to report at this time.*

**C. Other general administrative & procedural matters related to Treasurer's Office / Discussion and appropriate action for work of Treasurer's Office to go forward**

*Treasurer Staton informed the Court that during her training she discovered a lot of new rules and red tape especially where the Affordable Care Act is concerned. She continued by stating that the jailers are part-time and are getting over-time and it was suggested to her through TAC to hire two or three more part-time jailers and that would relieve the Court of overtime. This is just a suggestion at this point and will be placed on the agenda for further discussion, stated Treasurer Staton.*

**8. Officials' Monthly Reports**

*None available to report.*

**9. Presentation by Rick Smith of Energy Transfer – Information on Trans Pecos Pipeline, LLC**

*Rick Smith with Energy Transfer introduced his co-workers to the Court: John Billhearts-Projects Director and Larry Nugent – Communication Coordinator. Rick Smith informed the Court that in past conversations with the Judge that the Judge was very direct and stated that his concerns were for the constituents of Brewster County. Mr. Smith continued by thanking the Court for the comments and the directness. He then stated that he had provided handouts to the Court and these handouts could be provided to anyone and even placed on the website if they so choose to do so. Rick Smith continued with the project lay out with it beginning at Waha Hub outside of Fort Stockton going through Pecos County, Brewster County and Presidio County to International Border and will not cross the international. This Pipeline is 143 miles with 42" pipe and there is a contract with CFE (Mexican National Electricity Company) to move gas and they controlled the Hub Station and the ending point. Mr. Smith explained the reasons for CFE partnership.*

*Rick Smith indicated that the open house that was held and felt it went well and appreciated those who attended and would look into having other meetings. The center line has not been determined and are still looking into that, however they cannot guarantee the route to change, but will commit to looking into route adjustments, Rick Smith informed. Rick Smith indicated that the evaluation of properties was taking place. The compression station for startup is at Waha hub and no compression station will be along the pipeline route and will be inside a building according to guidelines to be met. All lighting will be approved in consultation with McDonald Observatory before completing and no lights along the pipeline. However if lighting is necessary, will consult with the Observatory beforehand. The Pipeline will bring in 1 million dollars to Brewster County. Commissioner Garrett asked what the basis of the value. Mr. Smith stated it is based on the value of the taxes and that number was figured by their Tax Attorney. Commissioner Novovitch asked if the tax structure would change for the County; the taxes will have to comply with the taxing mechanism of the County, stated Rick Smith. Commissioner Garrett stated that he would like to have the value of the pipeline to be taxed, Mr. Smith indicated he would make that note. John Waters asked for those same numbers a while ago and has still not received them and would like to be given those numbers as well. The system of the pipeline is designed to move one way: from the North to the South and Mexico does not have the infrastructure to supply gas to the USA, stated Rick Smith. At this point Virginia Brotherton asked if it was one way why the T-4 permit from the Texas Railroad Commission is a bidirectional permit, she also stated that the T-4 and the contract with the Mexican contractor states that it is unidirectional. Rick Smith did not answer the question and asked if he could continue his presentation. Rick Smith continued by directing the Court to page 10-12 of the handout indicating the 12 steps of the pipeline after the route is determined. The process from Waha Hub will take about 6 months and will be buried from the Hub to Presidio County, informed Rick Smith. The safety valves will be remote controlled from the Houston control center as well as the meter system and compression station. The pipeline will be regulated by Texas Railroad Commission and will have to meet federal regulations according to DOT, and inspection has to be done, informed Rick Smith. Judge Cano stated that the work "transparency" is a key word that comes to mind and believes that if there is a way for the constituents to view the process/progress via website as information is made available would be helpful, if it needs to be linked through the Brewster County website that would be good. Rick Smith stated it can be done and will set something up as soon as they can. Judge Cano reiterated that this is our home and feels the more information that is made available the better off everyone will be. Rick Smith informed the Court by stating there are environmental guidelines that will have to be followed as well and Federal guidelines. Commissioner Novovitch asked the timeline for determining the centerline, and John, the project director, explained that as soon as the surveys are complete and they do a comparative analysis. Commissioner Novovitch asked what will be done on the dust control and Rick Smith stated that the contract stated they will have to have water trucks. Commissioner Novovitch asked if everything has been filed in order for the requirements to be met because complaints have been made. Mr. Smith stated that the property in question has been purchased and is now a land owner and the landowner is responsible for the permits and he will look into that. Commissioner Novovitch asked that with all the concerns on the emergency aspect could you consider working with Brewster County EMC. Mr. Smith will work with EMC to have safety*

*plans in place once the comparative analysis come in but he could not commit to building a new road for Sunny Glen egress.*

*Commissioner Pallanez asked that the Pipeline consider another route and move it away from those who live in that area and out of Alpine. Mr. Smith explained the reason for Waha Hub being the target location and it coming through Alpine.*

*Commissioner Ortega asked that the Trans Pecos Pipeline respect the landowners big and small. There are a lot of people are not aware of the corridor coming through their place, stated Commissioner Ortega. He continued by informing the Energy Transfer company that landowners have not been informed and recommended that the company go door to door and talk to the landowners one on one and answer their questions..*

*Mr. Smith stated that no construction can begin without the proper permits to go into Mexico.*

*Commissioner Garrett asked where the line goes once in Mexico. John stated it will go through Ojunaga through Lucinia but he is not sure since he is not working on the Mexico side.*

*Commissioner Garrett stated that in regards to the airport and the sunny Glen area he encourages the Pipeline to look at another route.*

*Judge Cano asked about tax abatement and Rick Smith stated there is no tax abatement.*

*The citizens are not getting enough out of the deal stated Liz Sibley. Rick Smith informed the Court of the safety where fires are concerned and John Billheart further explained the concerns where welding is done. Rick Smith stated they will come back and re-visit in open meeting.*

*The Court recessed.*

*The Court reconvened at 11:30 A. M.*

*Commissioner Pallanez was excused early as he was going out of town for Commissioner Court business and the Court continued with the treasures report.*

## **10. County Emergency Management Office**

### **A. General Report including:**

**Recent emergency responses; emergency planning update; recent work with cooperating emergency responders: (ESD #1, all VFD's and EMS); update on needs, programs, training, recent work with other governmental entities; equipment for emergency response and updates regarding needs, maintenance, repairs, replacement and additions; emergency management issues related to burn bans; emergency management issues related to communications & public information; emergency management issues related to County insurance coverage; personnel issues related to emergency response, exercises & drills; matters related to pending & future Homeland Security & FEMA Grants and other funding, matters related to 911 EMS in County and matters related to 911 & 911 addressing / Discussion and appropriate action**

*Commissioner Garrett stated there is no burn ban at this time. Commissioner Ortega asked on the process of the hiring of the EMC. Commissioner Garrett said they are hiring for the position. Commissioner Novovitch informed the Court he reviewed the contract on the ambulance and stated that there should be quarterly reports provided and request that there be reports provided and compliance be made according to the contract. Judge Cano asked Commissioner Garrett to get with Commissioner Novovitch on getting that information and present it to the court. Judge Cano expanded on the hiring of the EMC and stated the last interview is today and look to make a decision after the interview.*

**B. Discussion and appropriate action for general administrative work of the Emergency Management Department to go forward**

*Nothing at this time.*

**11. 2015 Salary Grievance Committee / Draw additional names for citizen members of committee to replace any who have declined to serve / Discussion and appropriate action**

*Judge Cano had each Commissioner draw a name and those names included: Eric Stovall of Marathon, Marsha Moore of Terlingua, and Cynthia Wood of Alpine.*

*Judge Cano stated that the next Regular Meeting will be on May 11, 2015 at 9:00 A.M. and the Special Called Meeting in Terlingua at the Red Pattillo Center on May 20, 2015 at 9:00 A.M.*

**12. Adjourn**

*Commissioner Ortega moved to adjourn. Commissioner Garrett seconded the motion, and the motion passed unanimously.*

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*Eleazar Cano, County Judge*

**ATTEST:**

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*Berta – Rios Martinez, County Clerk*