

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
TUESDAY, MAY 26, 2009  
10:00 A.M.**

*Judge Beard called this meeting to order. Officers present are listed as follows:*

<b>VAL CLARK BEARD</b>	<b>COUNTY JUDGE</b>
<b>ASA STONE</b>	<b>COMMISSIONER PCT. 1</b>
<b>KATHY KILLINGSWORTH</b>	<b>COMMISSIONER PCT. 2</b>
<b>RUBEN ORTEGA</b>	<b>COMMISSIONER PCT. 3</b>
<b>MATILDE PALLANEZ</b>	<b>COMMISSIONER PCT. 4</b>
<b>CAROL OFENSTEIN</b>	<b>TREASURER</b>
<b>JERRY SOTELLO</b>	<b>J.P., PRECINCT 1</b>
<b>BERTA RIOS MARTINEZ</b>	<b>COUNTY CLERK</b>

**1. Minutes / additions / corrections / approval**

*The minutes from the April 29, May 1 and May 11, 2009, meetings were presented for approval. Commissioner Ortega made a motion to approve the minutes, which were seconded by Commissioner stone, and passed unanimously.*

**2. Treasurer**

**A. Pending Bills**

**1. General Bills**

*Treasurer Ofenstein noted that the \$10,000 payment was for the Little League, and \$16,000 under District Court was for the attorney for the recent murder trial. She noted a couple of maintenance payments, as well, and a \$1,600 donation for the ladder truck.*

*Commissioner Ortega made a motion to approve the general bills, which was seconded by Commissioner Stone, and passed unanimously.*

*Mrs. Ofenstein presented one walk-in bill for \$729.01 for Troy Sheldon for installing the doors at the Tax Office. Commissioner Killingsworth made a motion to approve the bill, which was seconded by Commissioner Stone, and passed unanimously.*

**2. Infrastructure Projects Bills**

**3. Discussion and appropriate action concerning bills**

**B. State Court Costs / Fees, Fines & Related Matters / Treasurer's review of State's share of court costs and discussion**

*Mrs. Ofenstein reviewed state court costs and related fees. She said most of the court costs go to the state. The County might retain 25% on some of them, and on others, if they are paid on time, the County gets 5% back. Last year, the County got \$16,000 back from the State.*

*With every Legislative Session, the fees change, as do the amounts which are paid to the State.*

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

*Mrs. Ofenstein said she has spoken with the Comptroller's Office. The County has money which has not been claimed. They are sending paperwork that she needs to review, after which the State will send a check. She does not expect a large amount, around \$600.*

*She said the handicapped lift is going to be fixed at a cost of \$250/hour. Commissioner Stone asked if it will also be inspected. Judge Beard explained that, technically, it is a lift, and inspection is not like with elevators, although the repairman has been asked to do everything possible.*

**3. Officials' Monthly Reports / approval**

*Commissioner Stone read the reports for the record. Commissioner Ortega made a motion to approve the reports, which was seconded by Commissioner Killingsworth, and passed unanimously.*

**4. Road & Bridge Department / Community Facilities**

**A. Road & Bridge Superintendent's Report**

***General updates on maintenance and repairs for all county roads; road materials including, fuel, supplies including usage & inventories & future needs; 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) and community facilities (assistance with maintenance and other related issues); assistance to other governmental entities and emergency responders; personnel issues, (vacancies, new hires, performance and safety)***

*Commissioner Stone said crews are working on the road for the water tank in South County, and at Mosely Loop.*

**B. TxDot Border Colonia Access Paving grant update / Discussion and appropriate action**

*Commissioner Killingsworth said the engineer and surveyor are working on the project, and they are working on easements.*

**C. Permit Application Process for Pipelines / Utilities crossing, boring, trenching or otherwise proceeding in County Right of Way**

**1. Review of existing process & recent issues related to permitting & requiring payment for damages or requiring repairs**

*Judge Beard suggested that the process be reviewed and tightened up so that the County does not ever end up in a situation like happened on Mosely Loop. She thinks the approval*

*process needs to be drawn back into Commissioners Court so that everybody knows the details prior to the work being done.*

## **2. Issues related to requiring trenching or boring / Discussion**

*Judge Beard said maybe something could be included in the permitting process that states that if a road is under a set amount of years old, the applicant must bore instead of trenching. Commissioner Ortega suggested advertising when the County is planning on paving, etc., and asking those who may be developing in the future to take notice and see if a timeline can be worked out. Commissioners noted that County roads have been damaged by trenching, and that sometimes, repairs have been slow. Judge Beard will take Commissioners' ideas and develop a protocol and new form for the process.*

## **3. Discussion concerning updating permit process & means of making sure that damage is timely repaired**

*Commissioner Killingsworth said the Court needs to consider who will handle the permitting and if there will be a fee attached.*

## **4. Discussion and appropriate action concerning updates & improvements to process of permitting**

*Judge Beard said she didn't think action was possible today, but she will begin work on the protocol.*

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

## **5. Emergency Management Department**

### **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; and personnel issues related to emergency response / Discussion and appropriate action***

*EMC Tom Santry said there have been five small grassfires in the area in the last two weeks.*

*On Monday, May 11, the Amtrak crew found a container in a sleeping compartment. It was a jar filled with dark fluid with razor blades taped around the top. The HAZMAT team responded, but he has not heard anything back about the contents.*

### **B. 1<sup>st</sup> Responders Meeting in El Paso on May 14, 2009 / Report / Discussion and appropriate action**

*Mr. Santry attended this meeting, which lasted 30 minutes. He and other area agents have been speaking to the COG about having meetings in this area.*

*Judge Beard said she has spoken with the director, Annette Gutierrez, who has agreed to look at some technological alternatives.*

***C. Firefighters Recognition Week & Groundbreaking for New Alpine Fire Station / Events to be scheduled for June 12th***

***1. Update***

*The newspaper editor has taken pictures of the firefighters and has given them questionnaires to fill out. On June 11, a special section will be published in the Avalanche to honor the firemen.*

*Mr. Santry said he is looking for sponsors, and has five so far.*

*Judge Beard said the plan is to "comp" the firefighters for the barbecue June 12, and to sell tickets to everyone else. Commissioner Pallanez said more money would be raised if donations were solicited, instead of selling tickets. Everyone agreed that this was a good idea.*

***2. Discussion and appropriate action to go forward with event***

***D. Other general administrative matters/ Discussion and appropriate action for work of Emergency Management Department to go forward***

***6. Pending Infrastructure Grant Matters***

***A. Colonia Construction Fund Application / (2<sup>nd</sup> Septic Tank Replacement Grant Application for S. Brewster County)***

***1. Update***

*Commissioner Killingsworth said they are still waiting on approval from TCEQ, but ORCA has said they can proceed with bidding.*

***2. General administrative matters related to application for grant / Discussion and appropriate action to go forward with grant application and program***

***B. 2007 ORCA Infrastructure Grant / Discussion and appropriate action / Study Butte Water Corp. Improvements***

***1. Update & General Administrative Matters regarding grant***

*No update was given.*

***2. Study Butte Water Corporation Tank Project***

***a. General update on progress***

***b. Construction of Road to tank site / Update***

***c. Discussion and appropriate action for project to go forward***

***7. Pending Community/ Public Safety Infrastructure Projects / Discussion and***

**appropriate action to go forward with all projects, including:**

**Major Projects:**

**South County Emergency Response Center (Housing for Terlingua Medics, Terlingua VFD, Deputy, J.P. & related support space)**

**Alpine/N. Brewster County Area Emergency Response Center (Fire Station for Alpine VFD & Brewster County Emergency Operations Center)**

**Marathon Law Enforcement Facility (Housing for Deputy, J.P. Pct. 3 & training room),**

**Brewster County Jail Renovation (focus on update of electronics)**

**Construction Assistance for Alpine Public Library, a non profit corporation**

**Smaller Projects:**

**Vehicle & Equipment Storage Building (shed design) for South Brewster County on 23221 FM 170, near Terlingua & Study Butte, covered outdoor area for Marathon Town Square Repairs & Modifications to Old County Library Building, 203 N. 7<sup>th</sup> Street, Alpine, Outdoor Meeting Space for Marathon Town Square, adjacent to Community Center**

**A. General matters related to progress & scheduling on all projects**

**1. General update**

*Construction Manager Danny Butler said things are moving along well. They will be pouring concrete either tomorrow or the next day in Marathon. At the library site, a bigger backhoe is necessary, and it is apparently on its way here this morning. At the fire station in Alpine, the gas company was beginning work this morning.*

*He said things are looking good, and he doesn't see any problems at this point. Expenditures are looking good, and he believes there will be enough funds, if used wisely and at the right times, to do everything that is wanted.*

**2. Bids Opened on May 11, 2009 for:**

**Overhead Coiling Doors with Openers & Push Button Switches  
Drywall  
Interior and Exterior Metal Studs  
Batt Insulation  
Suspended Ceiling  
FRP Board  
Wood Doors & Wood Frames  
Metal Doors & Metal Frames**

**a. Report on review of bids & recommendations by  
Construction Manager**

Mr. Butler reviewed the bids which were opened May 11. He made the following recommendations:

**b. Discussion and appropriate action regarding bids  
(accept, reject or other action)**

**-Terlingua ERC:** Drywall/Batt insulation/suspended ceiling/FRP/metal sd interior and exterior/gyp board (CAS, \$77,800) door frames & hardware (CAS, \$59,342)

Commissioner Stone made a motion to approve, which was seconded by Commissioner Ortega, and passed unanimously.

**-Terlingua:** overhead doors (CAS, \$32,787)

Commissioner Ortega made a motion to approve, which was seconded by Commissioner Killingsworth, and passed unanimously.

**-Marathon Office Building:** door frames & hardware (CAS, \$16,434)

Commissioner Ortega made a motion to approve, which was seconded by Commissioner Stone, and passed unanimously.

**-Alpine Fire Station:**

Mr. Butler noted that there was a failure to vote on the exterior finished masonry at a previously meeting. Commissioner Stone made a motion to approve, which was seconded by Commissioner Killingsworth, and passed unanimously.

**-Alpine:** door frames and hardware (CAS, \$55,171)

Commissioner Stone made a motion to approve, which was seconded by Commissioner Killingsworth, and passed unanimously.

**-Alpine:** overhead doors (CAS, \$54,645)

Commissioner Stone made a motion to approve, which was seconded by Commissioner Killingsworth, and passed unanimously.

Commissioner Killingsworth asked what is left to bid. Mr. Butler said things like lockers for the fire station, etc. He said there aren't really any big ticket items left for bid.

**B. Project Updates**

- 1. Marathon Justice Center / Discussion and appropriate action to go forward with project**
- 2. Alpine VFD Fire station / Discussion and appropriate action to go Forward with project**
- 3. South County Emergency Response Center / Discussion and appropriate action to go forward with project**

*Mr. Butler said he is looking at work on the helipad; although it is uncertain that it will be done during this project phase, he said it would be best to do it while the contractors are already on site. All agreed that the input of the local DPS helicopter pilots is needed.*

**4. Brewster County Jail Renovations**

**a. Review areas of jail for updating & renovations and pending bids:**

*HVAC/Smoke Evacuation  
Electrical Update  
Fire Alarm / Control Console / Intercom  
Roofing Repair or Replacement*

**b. Prebid conference update & review of bid schedule / consideration of rescheduling prebid conference or other appropriate action concerning pending bid solicitation for jail renovation**

*Mr. Butler said the bids are out, and will be opened June 8.*

**c. Discussion and appropriate action to go forward with renovation**

**5. Alpine Public Library / Discussion and appropriate action to go forward with project**

*Mr. Butler briefly reviewed the library project. He said Weathers Electric refused the contract, but Freeman Electric has signed on.*

**6. Smaller project planning update (Covered area on Marathon Town Square and Road & Bridge shed in South County) / Discussion and appropriate action**

**a. Update / Review of Budgetary Constraints**

**b. Judge's request to defer ordering materials for smaller projects until substantial progress has been made on major projects / Discussion and appropriate action**

*Judge Beard said she thinks it would be prudent to hold off on the materials for smaller projects until the larger projects are much further along. Mr. Butler agreed and recommended deferring for about a month.*

**8. Complete Count Committee for 2010 Census / Update on recent work with Census Bureau / Discussion and appropriate action to support work of complete count committee**

*Judge Beard said a lot of work has been done already, and the Census people are acknowledging the undercount in 2000. She said it takes a lot of time and patience to help them understand the issues in Brewster County.*

Commissioner Killingsworth said they had a meeting last week, and they took the Census' 911 maps and drew roads on them. They had scheduled the rural areas in the County last, but now realize what a burden it is going to be and that more time is going to be necessary. She told them they need appropriate vehicles, water and satellite phones. She told them that if this phase is not done properly, it sets up failure for the next phases.

The next meeting is scheduled for June 8. Judge Beard thanked the Committee for its work.

**9. Homelessness Prevention Housing Program Application by Texas Rio Grande Legal Aid / Request for endorsement of application / Discussion and appropriate Action (no County funds to be utilized / project to be funded by federal stimulus package funds)**

Judge Beard said this is an endorsement only. There are stimulus package funds available which can be allocated to families in a proactive fashion if they are facing joblessness and homelessness due to economic conditions.

Commissioner Killingsworth asked if Legal Aid people would manage everything. Judge Beard said they would.

Commissioner Killingsworth made a motion to approve the endorsement, which was seconded by Commissioner Stone, and passed unanimously.

Commissioner Ortega made a motion to adjourn, which was seconded by Commissioner Stone, and passed unanimously.

*Val Clark Beard*

**VAL CLARK BEARD, COUNTY JUDGE**

**ATTEST:**

*Berta Rios Martinez*

**BERTA RIOS MARTINEZ, COUNTY CLERK**