

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, FEBRUARY 8, 2010, AT 10:00 A.M.**

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

VAL CLARK BEARD	COUNTY JUDGE
ASA STONE	COMMISSIONER PCT. 1
KATHY KILLINGSWORTH	COMMISSIONER PCT. 2
RUBEN ORTEGA	COMMISSIONER PCT. 3
MATILDE PALLANEZ	COMMISSIONER PCT. 4
JERRY SOTELLO	J.P., PCT. 1
STEVE HOUSTON	COUNTY ATTORNEY
BERTA RIOS MARTINEZ	COUNTY CLERK
CAROL OFENSTEIN	COUNTY TREASURER
BETTY JO ROONEY	TAX ASSESSOR

1. Invocation and Pledge of Allegiance

Judge Beard lead the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the Jan. 26, 2010, meeting were presented for approval. Commissioner Ortega made a motion to approve the minutes, which was seconded by Commissioner Stone, and passed unanimously.

3. Treasurer

A. General Bills

Treasurer Ofenstein said quarterly reports for the fourth quarter of 2009 are included in the bills. The water tank for South County was paid for out of a grant.

Commissioner Ortega made a motion to accept the bills as presented, which was seconded by Commissioner Stone, and passed unanimously.

Judge Beard abstained from the KALP bill.

B. Infrastructure Projects Bills / Discussion and appropriate action

C. Other administrative matters related to Treasurer's Office / Discussion and appropriate action

Mrs. Ofenstein said her office received the health insurance bill for \$92,000. The County has a credit of \$51,000, which means only \$41,000 is owed. She asked permission to make one payment rather than quarterly payments.

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

4. Officials' Monthly Reports / Approval

Commissioner Stone read the reports for the record.

Commissioner Ortega made a motion to accept the reports as presented, which was seconded by Commissioner Killingsworth, and passed unanimously.

5. Recognize Brewster County Historical Commission Chair, Travis Roberts for being named volunteer of the year by the Texas Historical Commission

Judge Beard said the Commissioners want to thank Mr. Roberts for what he does for Brewster County, and to congratulate him for receiving the very prestigious Volunteer of the Year Award from THC.

He was presented with a framed drawing of the Brewster County Courthouse, and a round of applause from Commissioners and the audience.

Mr. Roberts said when he had the chance to get involved with history and service to Texas, he jumped at the chance, especially to be involved in West Texas.

He said we are only here for a short time, and we need to give back what we can.

6. 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, p performance and safety); permits for boring or trenching for utilities across County Roads

Supt. Causey said two men have been taping and floating at the Marathon Justice Center, and will begin texturing the walls soon. The rock work should be done this morning on that building. They have been blading several roads, and are in Terlingua now. They bladed Wagon, Mile High and Loma del Norte roads. They have picked up all the excess and trash around the Terlingua site, and hauled off the extra rock.

Judge Beard said she thinks it's important that people know that the finish work on the infrastructure projects is being done by the Road & Bridge Department. It is a cost-saving measure that is working out well, and they are doing a good job.

B. TxDot Border Colonia Access Paving Grant / General Update / Discussion and appropriate action to go forward with grant project

Engineer Travis Roberts said that he will bring back plans for Marathon soon. A letter from TxDOT has been received saying that some of the funds can be used for replacement of a water line at Study Butte.

Commissioner Killingsworth said the only easement remaining is on the east side at Rex Ivey and Hwy. 118.

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

7. 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; emergency management issues related to public and private insurance coverage and personnel issues related to emergency response / Discussion and appropriate action

Mr. Santry said that the juvenile probation department discovered the boys who did some graffiti on the new fire station, and it has been cleaned.

B. Open & Read Bids for Firefighter's Rescue Vehicle or extend bid period / Discussion and appropriate action concerning bids (award, extend action for further study)

Judge Beard said there is one bid. She asked Commissioners if they want to open it or extend the bid period. She said if it is opened and Commissioners don't want to accept it, they have to go through the entire advertising process again.

Mr. Santry said the fire department has seen the truck, inspected it and driven it. From what fire department officials say, there aren't many good, used vehicles of this size available.

Mr. Santry said if they extend the bid period, they may lose the opportunity.

Judge Beard said she is troubled by the fact that this is an expensive item, and they have received only one bid. She would like the situation to be more competitive. She said the next meeting is Feb. 23.

Mr. Santry said the company has said the truck may not be available then.

Commissioner Stone said if Mr. Santry feels that strongly, open the bid and if Commissioners don't like it, they can start over with the process.

Commissioner Ortega made a motion to extend the bid period to Feb. 23. Commissioner Killingsworth seconded the motion.

Fire Chief Mark Scudder said the department that is selling the truck has said they have someone who will buy the truck outright if they don't accept the bid.

He said the Alpine VFD has been looking for a truck since November, and this truck costs about half what the others they have found do.

Commissioners then voted unanimously to extend the bid period to Feb. 23.

C. Open & Read Bids for Communications Equipment for South County Emergency Response Building / Discussion and appropriate action to award bids / (Purchase funded by Homeland Security Grant)

Only one company has mailed in a bid for both South County, and for Marathon in Item D.

Commissioner Killingsworth made a motion to extend the bid period to Feb. 23 for both South County and Marathon. Commissioner Ortega seconded the motion, which passed unanimously.

D. Open & Read Bids for Communications Equipment for Marathon Justice Center / Discussion and appropriate action to award bids (Purchase funded by Homeland Security Grant)

E. Comments concerning eligibility for recent Homeland Security and FEMA Grants / Discussion and appropriate action

Judge Beard explained that some comments were made at the last meeting about grant funds from FEMA. She said the grant is based on a formula, and Brewster County is not eligible.

Mr. Santry there is no application process for these particular funds. He said there was a press release in the Big Bend Gazette last month which talked

about these funds for food and shelter. It noted that Brewster County received \$0 funding.

Judge Beard said the funding is based on poverty, population and income levels.

Brewster County simply does not meet eligibility requirements.

F. Discussion and appropriate action for work of Emergency Management Department to go forward

8. Pending Infrastructure Grant Matters

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

1. Update on Project & Application Process

Commissioner Killingsworth said the next step will be to establish the criteria for eligibility. Applications will probably start being received in March.

2. General administrative matters related to beginning program

/ Discussion and appropriate action to go forward with grant program

B. 2007 ORCA Infrastructure Grant /Study Butte Water Corp. Improvements / Discussion and appropriate action (Note: ORCA's name has been changed to Texas Department of Rural Affairs)

1. Update & General Administrative Matters regarding grant

Commissioner Killingsworth said they are beginning the tank construction now.

2. Study Butte Water Corporation Tank Project

a. General update on progress

b. Update on completion of Pad

c. Discussion and appropriate action for project to go forward

C. 2009/2010 ORCA, (Texas Department of Rural Affairs) Rural Community Affairs Grant Program

1. Update

No update was given.

2. Discussion and appropriate action to go forward with Grant

9. 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

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. 7th Street, Alpine, Outdoor Meeting Space for Marathon Town Square, adjacent to Community Center, Helipad at S. County Community Center or other location

A. Project Updates

1. Marathon Justice Center / Discussion and appropriate action to go forward with project

a. Update on status of project including rock work on exterior / exterior finish and interior finish

The pad for paving should be complete by the end of the week. The cabinetry is done, and appliances have been purchased from True Value.

b. Discussion and appropriate action to complete project

2. Alpine VFD Fire Station

a. Updates on installation of cabinetry, interior finish, floor finish and appliances

b. Site Grading and Paving schedule / Discussion and appropriate action

Judge Beard said once the weather warms up, they will begin on paving.

c. Other general matters related to construction of building / Discussion and appropriate action to complete project

3. South County Emergency Response Center

a. Update on status of project including exterior & interior finish work, and cabinetry, and related items

Troy Sheldon will be doing the cabinetry. Commissioner Killingsworth said she appreciates the donation of the rock. She and Commissioner Ortega agreed that the exterior looks very nice.

b. Utility issues related to permanent meters and water tap (Study Butte Water Corp.) & Rio Grande Electric Corp. / Discussion and appropriate action to complete utility hookup

Commissioner Killingsworth said power has been installed at the EOC. They are still working on the water tap.

c. Discussion and appropriate action to go forward with project

4. Alpine Public Library / Construction for Alpine Public Library, a non profit organization (Tom Hatch, Architect)

a. Update on Phase II work (dry in) & upcoming work

Judge Beard said that once the rock work is done, which should be very soon, Phase II will be complete. The next step will be gathering funds to get the electrical work complete.

b. Discussion and appropriate action to wrap up Phase II for Alpine Public Library

B. Overview of major projects at this point / Discussion concerning possible completion dates, scheduling of smaller projects and related matters

10. Tech Department / Update on replacement of computer for Elections clerk/ Discussion and appropriate action

IT Director Leo Ofenstein said the computer for the Elections Clerk received a virus last week.

The Elections computer is in the tax office building. It was taken to the local computer shop, and they said the computer was in bad shape. They said removing the viruses would cost more than a new computer. However, they could get the data off of it, and the data was transferred to a new computer. The Elections Clerk has reported that it is working well.

11. Tri County Juvenile Department / request to change Clerk's position from part time to full time / Discussion and appropriate action

Judge Beard said the department is not actually a department of Brewster County. It is an affiliated, stand alone department which is overseen by a board of three County Judges and the District Judge. Brewster, Jeff Davis and Presidio counties fund the department, along with the state.

Chief Jerry Castellano said he is seeking help from all three county Commissioners Courts to change the clerk's position from part-time to full-time. He said the workload is increasing in Presidio County, and he needs the clerk full-time so that she can work at Presidio County and still get her work done in Brewster and Jeff Davis counties as well. The clerk currently makes \$11/hr, \$456 per pay period. Chief Castellano said he plans on presenting to Presidio County as well and asking them for a large part of the funding necessary for a full-time employee. He said the Commissioners may want to wait on a decision until he hears from Presidio County.

Commissioner Killingsworth said she knows the workload is increasing, and that the department does a good job.

Commissioner Killingsworth said she made a motion to support the increase if the other counties choose to do their part as well. Commissioner Ortega seconded the motion, which passed unanimously.

12. Matters related to Union Pacific railroad, U.P. Depot and Quiet Zones in & around Alpine / Update

Judge Beard emphasized that this is an informational discussion. The basic decisions about this project will be made by the City of Alpine. However, she wants

Commissioners to be kept informed so that if they are asked to help, they can make informed decisions.

J.R. Smith, the director of the Alpine Chamber of Commerce, first commended the Commissioners and County Tourism Council on the job they did with the Marathon Information Center.

He said he is here because City Manager Chuy Garcia is out of town. However, he said the decisions on this are currently under review by the City. Mr. Smith said he has resurrected an idea that was first presented in 2002. He said right now, it seems like they are getting cooperation at all levels, from both the City and Union Pacific. Mr. Garcia wants Mr. Smith to let Commissioners know that he has made plans to have the land outside of town surveyed and then let Commissioners know what needs to be done. He said the most expensive part of the move would be moving the small communications office to the site. Rather, they intend to leave the office in the Depot and lease it to U.P. for a very inexpensive rate.

As water will be near the site once the new animal shelter is built, making water available will not be expensive.

13. Consider the Brewster County Mental Health Deputy Contract between Brewster County and Permian Basin Community Centers and the Mental Health Deputy Policies and Procedures / Discussion and appropriate action

Sheriff Dodson said he is favor of continuing with this contract. He said he only has one certified deputy at this time, but certification training will be held in July in Fort Worth.

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

Public Comment

No public comment was made.

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

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

BERTA RIOS MARTINEZ, COUNTY CLERK