

# REGULAR COMMISSIONERS COURT MEETING

April 12, 2017

9:00 A.M.

## 2<sup>ND</sup> FLOOR COURTROOM BROOKS COUNTY COURTHOUSE

BE IT REMEMBERED, that on this day, the Honorable Commissioners' Court of Brooks County, Texas met in Regular Term therein the City of Falfurrias in the 2nd floor Courtroom of the Brooks County Courthouse:

**OPEN MEETING**-Judge Imelda Barrera called the meeting to order at 9:00 AM

**PLEDGE OF ALLEGANCE** -was led by County Judge Imelda Barrera

**ROLL CALL** – Judge Imelda Barrera called for roll call:

**Present:** Imelda Barrera, County Judge,  
Gloria Garza, Commissioner Precinct 1,  
Vincent Vargas, Commissioner Precinct 2,  
Armando Olivarez, Commissioner Precinct 3,  
Jose Antonio "Tony" Martinez, Commissioner Precinct 4,  
Elvaray B. Silvas, County Clerk (Not voting).

**Staff Present:**

Chaya Garza, Administrative Assistant  
Missy A. Saavedra, Deputy Clerk

**Others Present:**

August Patroelj, County Auditor  
Rodney Belasquez-Internal Auditor

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**1. PUBLIC COMMENT** 

Sgt. Andrew Smith, new DPS Sergeant asking for an Administrative Assistant. Due to State placing a spending freeze for noncommission personnel they can't hire an assistant and is asking to have an employee hired through Brooks County since the funding is still there. Judge Barrera stated that an item would be placed on the agenda for approval.

Mr. Martinez wanted to express his concerns on trash pickup and a fee for trash dumping and feels that the citizens shouldn't have to pay a fee.

Commissioner Vargas addressed the court on the fact that he requested an item to be placed and it was not and doesn't understand why it was not.


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**PRESENTATIONS-NONE**

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**REGULAR AGENDA**

**2. Approve of Regular and Special Commissioners Court minutes.**

**(March 14, 2017) (March 31, 2017) (April 5, 2017)** 

**Motion:** to approve the minutes as presented, **Action:** Approve, **Moved by** Armando Olivarez, Commissioner Precinct 3, **Seconded by** Gloria Garza, Commissioner Precinct 1. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.


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**3. Approve of Bills and Claims.** 

August Patroelj, County Auditor addressed the Court on the above matter.

**Motion:** to approve the bills and claims with a total of \$64,983.56 and with an additional claim in the amount of \$120.00, **Action:** Approve, **Moved by** Gloria Garza, Commissioner Precinct 1, **Seconded by** Vincent Vargas, Commissioner Precinct 2. Motion passed unanimously. (On file)

**Vote:** Motion carried by unanimous roll call vote (summary: Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**4. Approve Treasurer's Monthly Report.** 

Horacio Villarreal III, County Treasurer addressed the Court on the above matter.

**Motion:** to approve the monthly report with total monies collected of \$460,797.51, **Action:** Approve, **Moved by** Vincent Vargas, Commissioner Precinct 2, **Seconded by** Gloria Garza, Commissioner Precinct 1. Motion passed unanimously. (On file)

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**6. Approve County Foreman's Monthly Report.** 

David Guerra, Road and Bridge Foreman addressed the Court on the above matter.

**Motion:** to approve the monthly report, **Action:** Approve, **Moved by** Gloria Garza, Commissioner Precinct 1, **Seconded by** Armando Olivarez, Commissioner Precinct 3. Motion passed unanimously. (On file)

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**7. Approve Tax Assessor Collector Chief Deputy Monthly Report.** 

Teresa A. Silvas, Chief Deputy Tax Assessor-Collector addressed the Court on the above matter.

**Motion:** to approve the monthly report with a total county remittance of \$182,529.32, 91.49% taxes collected. Also \$41,563.82 collected on the Motor Vehicle Report., **Action:**

Approve, **Moved by** Vincent Vargas, Commissioner Precinct 2, **Seconded by** Gloria Garza, Commissioner Precinct 1. Motion passed unanimously. **(On file)**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**8. Approve Monthly Reports by Brooks County.** 

**(Submitted by Brooks County Justice of the Peace Precinct 1-4) (Submitted by Brooks County Library, Angelica Regalado) (Submitted by Traffic Code Enforcement Supervisor Noel Benavides).**

Noel Benavides, Code Enforcer addressed the court on the above matter.

**Motion:** to approve the monthly reports as presented, **Action:** Approve, **Moved by** Armando Olivarez, Commissioner Precinct 3, **Seconded by** Gloria Garza, Commissioner Precinct 1. Motion passed unanimously. **(On file)**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**5. Approve Auditor's Monthly Report.** 

August Patroelj, County Auditor addressed the Court on the above matter.

Mr. Patroelj advised the Court on the issue at the airport with an attendant not paying for the usage of a hanger. Honorable Judge Imelda Barrera advised Mr. Patroelj to forward her the letter at that she would look into it.

**Motion:** to approve the Auditor's report, **Action:** Approve, **Moved by** Gloria Garza, Commissioner Precinct 1, **Seconded by** Vincent Vargas, Commissioner Precinct 2. Motion passed unanimously. **(On file)**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**9. Discuss and possibly approve a new sound system for the Brooks County Courthouse.**

**(Adam Ogan)** 


Adam Ogan addressed the Court on the above matter.

**Motion:** to approve new sound system totaling \$9,163.50 including labor, **Action:** Approve, **Moved by** Vincent Vargas, Commissioner Precinct 2, **Seconded by** Gloria Garza, Commissioner Precinct 1. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**10. Discuss and consider presentation by Raul Hernandez, CPA on the 2016 Brooks**


**County annual audit. (Raul Hernandez)** 

Raul Hernandez, CPA addressed the Court on the above matter.

**Motion:** to approve the 2016 Brooks County Annual Audit, **Action:** Approve, **Moved by** Gloria Garza, Commissioner Precinct 1, **Seconded by** Vincent Vargas, Commissioner Precinct 2. Motion passed unanimously. **(On file)**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.


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**11. Discuss and Approve 4-H Club Managers request to have dirt from the Brooks County Landfill transported to the Mesquite Ranch where participants practice. (Veronica Salazar)** 

Victor Cantu, Ag. Ext. Agent addressed the Court on the above matter.

**Motion:** to approve the request of dirt. Commissioner Martinez stated that he would get with the Landfill Manager to get the ok and of how much, **Action:** Approve, **Moved by** Vincent Vargas, Commissioner Precinct 2, **Seconded by** Gloria Garza, Commissioner Precinct 1. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.


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**12. Discuss, Consider, and Act on authorization of a Surplus/Salvage Property Sale May 6, 2017 at Brooks County Road & Bridge, 362 West Travis St., Falfurrias, Texas, commencing at 10:00 A.M. (Debra Garcia)** 

August Patroelj, County Auditor addressed the Court on the above matter.

**Motion:** to authorize surplus/salvage property sale, **Action:** Approve, **Moved by** Gloria Garza, Commissioner Precinct 1, **Seconded by** Armando Olivarez, Commissioner Precinct 3. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.


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**13. Discussion and Approval to authorize the First National Bank in Falfurrias to amend the Irrevocable Standby Letter of Credit Number BC-08-01, payable to the TCEQ on behalf of the Brooks County Landfill, for the new aggregate amount of \$127,894.66 for year 2016. This reflects an additional amount of \$1,641.29 due to the TCEQ Annual Inflation Factor. (Alan Hernandez)** 

**Motion:** to authorize First National Bank in Falfurrias to amend the Irrevocable Standby Letter, **Action:** Approve, **Moved by** Jose Antonio "Tony" Martinez, Commissioner Precinct 4, **Seconded by** Gloria Garza, Commissioner Precinct 1. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.


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**14. Discuss and possibly Approve the Bridge Replacement Project on CR 101 for a letting date of July 2017. (Monica Perez, TxDOT)** 

**Motion:** to approve the Bridge Replacement Project, **Action:** Approve, **Moved by** Gloria Garza, Commissioner Precinct 1, **Seconded by** Jose Antonio "Tony" Martinez, Commissioner Precinct 4. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.


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**16. Discuss and Approve Soil & Water Stewardship Week 2017 Proclamation. (Sherry Garcia)** 

**Motion:** to approve the proclamation, **Action:** Approve, **Moved by** Gloria Garza, Commissioner Precinct 1, **Seconded by** Armando Olivarez, Commissioner Precinct 3. Motion passed unanimously. (**On file**)

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge Imelda Barrera-Arevalo, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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At this time the Court took a 20 minute break at 9:56 AM, the court resumed to session at 10:20, Present same as before.

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**17. Discuss, Consider and possibly Act Real Energy Solutions Letter of Authorization for the Request of Historical Usage Information. (Abraham Ortega)** 

John Kurtis and Abraham Ortega addressed the Court on the above matter.

**Motion:** to authorize Real Energy Solutions to request historical usage information at no cost to the County, **Action:** Approve, **Moved by** Vincent Vargas, Commissioner Precinct 2, **Seconded by** Gloria Garza, Commissioner Precinct 1. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**18. Discuss and approve Request for Qualification (RFQ) and request of pricing by Real Energy Solutions for Brooks County. (Abraham Ortega)**

John Kurtis and Abraham Ortega addressed the Court on the above matter.

**Motion:** to allow Real Energy Solutions to except bids on behalf of the County, **Action:** Approve, **Moved by** Vincent Vargas, Commissioner Precinct 2, **Seconded by** Gloria Garza, Commissioner Precinct 1. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**19. Discuss, Consider, and Approve MASA Employer Benefit Payroll Deduction Agreement. (Brice Calahan)**

Brice Calahan addressed the Court on the above matter.

**Motion:** to approve of the Emergent Program of \$9.00 a month to be offered to County Employees, **Action:** Approve, **Moved by** Jose Antonio "Tony" Martinez, Commissioner Precinct 4, **Seconded by** Gloria Garza, Commissioner Precinct 1. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**20. Discuss and Approve Interlocal Mutual Aid Agreement between the County of Duval and the County of Brooks. (Sheriff's Office)**

Sheriff Urbino "Benny" Martinez addressed the Court on the above matter.

**Motion:** to approve Interlocal Mutual Aid Agreement with correction to including Jim Hogg County, **Action:** Approve, **Moved by** Vincent Vargas, Commissioner Precinct 2, **Seconded by** Gloria Garza, Commissioner Precinct 1. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**21. Discuss and Approve Traffic Code Enforcement to be under the direction, administration, and commission of Sheriff Urbino "Benny" Martinez as per Transportation Code Chapter 701. County Traffic Officers § 701.002. Power to Act; Guidance. (Sheriff's Office)**

Sheriff Urbino "Benny" Martinez addressed the Court on the above matter.

**Motion:** to pass, no action, **Action:** pass, **Moved by** Jose Antonio "Tony" Martinez, Commissioner Precinct 1. Motion dies.

**Motion:** not to be under the direction of Sheriff Urbino "Benny" Martinez, **Action:** Approve, **Moved by** Gloria Garza, Commissioner Precinct 1, **Seconded by** Jose Antonio "Tony" Martinez, Commissioner Precinct 4. Motion passed unanimously.

**Vote:** Motion passed (**summary:** Yay = 4, Nay = 1, Abstain = 0).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

**Nay:** Imelda Barrera, County Judge.

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**25. Discuss and Approve the changing of Brooks County Traffic Officers to be placed under Brooks County Constable Pct. # 1, Arturo Garcia and be classified as Brooks County Deputy Constables. (Commissioner Gloria Garza)**

Arturo Garcia, Constable Precinct #1 addressed the Court on the above matter.

**Motion:** to approve the changing and to be now classified as Brooks County Deputy Constables, **Action:** Approve, **Moved by** Gloria Garza, Commissioner Precinct 1, **Seconded by** Vincent Vargas, Commissioner Precinct 2. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**22. Discuss and possibly Approve termination of the Brooks County Code & Traffic Office.**

**(David T. Garcia)**

No action taken.

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**23. Discuss and possibly Approve transferring all funds and equipment from Brooks County Code & Traffic to Constable Precinct # 1. (David T. Garcia)**

August Patroelj, County Auditor and Arturo Garcia, Constable Precinct #1 addressed the Court on the above matter.

**Motion:** to transfer all funds and equipment, **Action:** Approve, **Moved by** Jose Antonio "Tony" Martinez, Commissioner Precinct 4, **Seconded by** Gloria Garza, Commissioner Precinct 1. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**24. Discuss and Approve the correct markings on the Code and Traffic vehicles.**

Noel Benavides, Code Enforcer, Arturo Garcia, Constable Precinct #1, and Sheriff Urbino "Benny" Martinez all addressed the Court on the above matter.

**Motion:** to approve the correct markings on the vehicles, **Action:** Approve, **Moved by** Jose Antonio "Tony" Martinez, Commissioner Precinct 4, **Seconded by** Vincent Vargas, Commissioner Precinct 2. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**26. Discuss and Approve 1st Annual Earth Day Cleanup to be held April 22, 2017.**

**Motion:** to approve of the 1st Annual Earth day Cleanup to meet at Taqueria Jalisco, **Action:** Approve, **Moved by** Vincent Vargas, Commissioner Precinct 2, **Seconded by** Gloria Garza, Commissioner Precinct 1. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.

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**15. Discuss letter written by Peggy Lasater Clark, in reference to the Ed Rachel Library.**

No action taken, discussion only.

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**27. ADJOURN**

**Motion:** to adjourn the meeting at 11:06 AM, **Action:** Adjourn, **Moved by** Jose Antonio "Tony" Martinez, Commissioner Precinct 4, **Seconded by** Vincent Vargas, Commissioner Precinct 2. Motion passed unanimously.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yay = 5).

**Yay:** Armando Olivarez, Commissioner Precinct 3, Gloria Garza, Commissioner Precinct 1, Imelda Barrera, County Judge, Jose Antonio "Tony" Martinez, Commissioner Precinct 4, Vincent Vargas, Commissioner Precinct 2.


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The preceding minutes beginning on page \_\_\_\_\_ and ending on page \_\_\_\_\_, of the Commissioners' Court Minutes Volume \_\_\_\_\_, read and approved in the Honorable Commissioners' Court this 17<sup>th</sup> day of May, 2017, A.D.

**APPROVED:**



Imelda Barrera, County Judge

**ATTESTED:**

  
Elvaray B. Silvas, County Clerk