

CALDWELL COUNTY
COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting September 26, 2016 at 9:00 a.m.



KEN SCHAWÉ	County Judge	ALFREDO MUÑOZ	Commissioner Pct. 1
CAROL HOLCOMB	County Clerk	EDDIE MOSES	Commissioner Pct. 2
		NETO MADRIGAL	Commissioner Pct. 3
		JOE IVAN ROLAND	Commissioner Pct.4

Call Meeting to Order. Meeting called to order at 9:02 AM. All members of the Court were present.

2016.09.26.01 Invocation. Lockhart Ministerial Alliance.
Judge Schawe opened the meeting with prayer.

2016.09.26.02 Pledge of Allegiance to the Flags. (Texas Pledge: Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible).
Judge Schawe led all present in the Pledge of both flags.

2016.09.26.03 Announcements. Items or comments from Court Members or Staff.

Commissioner Munoz congratulated the Greater Caldwell County Hispanic Chamber of Commerce on a successful Diez Y Seis Celebration and had the privilege of escorting the Mexican Council and his family at the event. Also, at the Governor's Small Business Forum, the Lockhart Ford Dealership was awarded the Small Business award and Chayo's Body Shop was awarded the Spirit Award. **Commissioner Moses** attended the community clean up at the County Barn in Luling this past weekend, and announced on October 1st, the McMahan VFD will host their BBQ dinner and auction. Commissioner Moses received a letter from the Tilmon Community Center in regards to some grant money they received for their Community Center. He also reported that the Luling Cross Country Team placed 1st at the Corpus Christi track meet and are rated 4th in the nation. A shout out was given to the Unit Road System for the cleanup of trees across Boulder Lane. **Commissioner Madrigal** welcomed everyone and also congratulated the Hispanic Chamber of Commerce for a

great event. Commissioner Madrigal attended the San Marcos Catholic Church Fundraiser and also the Martindale Fire Department Fundraiser. He also attended a meeting with the City of Umland discussing improvements to Hwy 21, County Road 1966 and Hwy 80. **Commissioner Roland** attended the Diez Y Seis celebration and drove the roads of Pct. 4 with comments on the growth of Caldwell County. **Commissioner Munoz** also commented on the growth of Caldwell County and the Lockhart ISD. **Judge Schawe** commented on the addition of the Driver's License Office on the first floor of the Courthouse and commended Dwight Jeffrey and the Unit Road for all their work on the county roads.

2016.09.26.04

Citizens' Comments. At this time any person may speak to Commissioners Court if they have filled out a Caldwell County Commissioners Court Participation Form. Comments will be limited to four (4) minutes per person. No action will be taken on these items and no discussion will be had between the speaker(s) and members of the Court. The Court does retain the right to correct factual inaccuracies made by the speakers. (If longer than 30 minutes, then the balance of comments will continue as the last agenda item of the day).

No citizens' comments.

2016.09.26.05

Consent Agenda. (The following consent items may be acted upon in one motion. Any member of the Court may request that an item within the Consent Agenda be pulled for separate discussion and/or action).

- A.** Approve payment of County invoices in the amount of \$304,917.60.
- B.** Accept Financial Audit Reports of Emergency Services Districts pursuant to Section 775.082 Health and Safety Code:
 - 1. Chisholm Trail Fire Rescue (Caldwell/Hays County ESD #1)
 - 2. Maxwell VFD (Caldwell County ESD #2)
 - 3. Martindale VFD (Caldwell County ESD #3)
 - 4. Mid-County Fire Rescue (Caldwell County ESD #4).

Judge Schawe announced that the reports for item B were not ready.

Motion made by Commissioner Munoz, second by Commissioner Moses to approve Consent Agenda A. All voting "Aye".

2016.09.26.06 **Discussion/Action** regarding the burn ban for Caldwell County. **Speaker:** Judge Schawe/Martin Ritchey; **Cost:** None; **Backup:** None.

Martin Ritchey gave his report on the weather conditions and his recommendations.

Motion made by Commissioner Roland, second by Commissioner Madrigal to leave the burn ban off. All voting "Aye".

2016.09.26.07 **Discussion/Action** to approve a Proclamation declaring October 2016 as Domestic Violence Awareness Month. **Speaker:** Judge Schawe/Cari Borremans; **Cost:** None; **Backup:** 1.

Judge Schawe read the Proclamation.

Motion made by Commissioner Madrigal, second by Commissioner Munoz to approve the Proclamation declaring October 2016 as Domestic Violence Awareness Month. All voting "Aye".

2016.09.26.08 **Discussion/Action** to approve a Proclamation designating October 2-8, 2016 as National 4-H Week in Texas and commend the 4-H Youth Development Program of the Texas A&M AgriLife Extension Service. **Speaker:** Judge Schawe/Elsie Lacy; **Cost:** None; **Backup:** 1.

AgriLife Extension Agent, Elsie Lacy, read the Proclamation.

Motion made by Commissioner Munoz, second by Commissioner Moses, to approve the Proclamation designating October 2-8, 2016 as National 4-H Week in Texas and commend the 4-H Youth Development Program of the Texas A&M AgriLife Extension Service. All voting "Aye".

2016.09.26.09 **Discussion/Action** to approve a Proclamation declaring October 4-10, 2016 as Texas Extension Education Association Week in Texas. **Speaker:** Judge Schawe/Elsie Lacy; **Cost:** None; **Backup:** 1.

AgriLife Extension Agent, Elsie Lacy, introduced the three volunteers that were present and read the Proclamation.

Motion made by Commissioner Madrigal, second by Commissioner Roland to approve the Proclamation declaring October 4-10, 2016 as Texas Extension Education Association Week in Texas. All voting "Aye".

2016.09.26.10

Discussion/Action regarding scheduling a presentation by NetData and Linebarger Goggan Blair & Sampson, LLP on services for collecting fees and taxes. **Speaker:** Commissioner Munoz; **Cost:** None; **Backup:** None.

A representative from NetData was present to give a presentation about their services. The presentation was then paused at 9:49 AM for the Public Hearing and continued afterward at 9:50 AM with the Linebarger Goggan Blair & Sampson, LLP representatives speaking about their services. Questions from the court were answered by the respective representatives. Handouts given in court were not given to the clerk for the minutes. Judge Horne, Treasurer-Lori Rangel, Auditor-Debra French, Civil Attorney-Jordan Powell, Judge Brady and Judge DeLeon addressed the court with comments and concerns. No action was taken. This item was for discussion only.

2016.09.26.18

CALL FOR PUBLIC HEARING at 9:30 AM concerning the approval of a Final Plat for Forister Ranch, Section 4 subdivision to include 51 lots on approximately 72.46 acres located off FM 1185 & FM 1854. **Cost:** None; **Speaker:** Commissioner Roland/Kasi Miles; **Backup:** 9.

Kasi Miles was present to recap the status on the Final Plat for Forister Ranch, Section 4 subdivision to include 51 lots on approximately 72.46 acres located off FM 1185 & FM 1954.

Public Hearing started at 9:49 AM and closed at 9:50 AM with no comments.

2016.09.26.11

Discussion/Action to consider entering into an Interlocal Agreement with the Central Texas Dispute Resolution Center for the purpose of mediating court cases. **Speaker:** Commissioner Munoz; **Cost:** None; **Backup:** 19.

Representatives for the Central Texas Dispute Resolution Center were present to explain their mediating services and the fees involved were explained to the court. Judge Horne, Pct. 2 voiced his concerns regarding the fees and loss of money to the county. The court and Civil Attorney, Jordan Powell, had questions answered regarding these services.

Motion made by Commissioner Munoz, second by Commissioner Madrigal to enter into an Interlocal Agreement with the Central Texas Dispute Resolution Center for the purpose of mediating court cases for a year. All voting "Aye"

2016.09.26.12

Discussion/Action to award the bids for aggregate, asphalt materials, flexible base, fuel (regular unleaded and #2 diesel), oil and lubricants for the budget year 2016-2017. **Speaker:** Judge Schawe; **Cost:** TBD; **Backup:** None.

Auditor-Debra French read the following recommended bid results: Flexible Base Type A Black Base and Type D Cold mix bid by Industrial Asphalt, Flexible Base ¾" Base and 1-1/2" Commercial Base bid by Cemex, Aggregate bid by Brauntex, Asphalt Materials by Ergon Asphalt & Emulsions, Inc., Oil & Lubricants bid by Allied Sales Co. and Fuel & Diesel by Petroleum Traders Corporation.

Motion made by Commissioner Munoz by stating "so moved", second by Commissioner Madrigal to award the bids.

2016.09.26.13

Discussion/Action regarding filling the Unit Road Administrator position. **Speaker:** Judge Schawe; **Cost:** TBD; **Backup:** None.

Dwight Jeffrey expressed his thanks to the court for their support throughout the years and introduced the committee's recommendation for his replacement Donald LeClerc. Mr. LeClerc expressed his desire to continue to work with the commissioner's court and the county to make the roads safe.

Motion made by Commissioner Moses, second by Commissioner Madrigal to nominate Donald LeClerc for the Unit Road Administrator. The court discussed the options of an assistant administrator to be determined by the Administrator or the court. It was agreed that the administrator would decide about the assistant. All voting "Aye".

2016.09.26.14

Discussion/Action to consider hiring a temporary part-time clerk assigned to the auditor's department. **Speaker:** Judge Schawe; **Cost:** TBD; **Backup:** None.

Treasurer-Lori Rangel, Auditor-Debra French, Executive Assistant-Karen Sphar, Ezzy Chan from the Auditors Office, Civil Attorney-Jordan Powell and members of the court discussed the duties and concerns of a temporary part-time clerk to be assigned to the auditor's office. It was discussed that this part-time person would need supervision; work up to 29 hours, also, the rate of pay for this person and the length of temporary employment.

Motion made by Commissioner Madrigal, second by Commissioner Roland to consider hiring a temporary part-time clerk assigned to the auditor's office with the compromise that Miss Ezzy will be able to run the HR temporarily and the new hire will be assisting you with her duties in your office.

The rate of pay was discussed with using the rate of pay in the handbook for part-time and the court discussed that the money for this position would come from the HR payroll.

The motion was amended by Commissioner Madrigal for the rate of pay to not exceed \$10.50 an hour. Commissioner Madrigal, Commissioner Roland and Judge Schawe voting for and Commissioner Munoz and Commissioner Moses against. Motion passed.

2016.09.26.15

Discussion/Action to designate the day of the week on which Commissioners Court shall convene in a regular term each month during the fiscal year as required by section 81.005 (a) of the Local Government Code. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** None.

Commissioner Roland stated that he liked court the way it is.

Motion made by Commissioner Roland, second by Commissioner Madrigal to have Commissioner's Court convene on the 2nd and 4th Mondays of the month. All voting "Aye"

2016.09.26.16

Discussion/Action to approve the days of the 2017 calendar year in which county offices shall be closed in observance of holidays. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** 1.

Motion made by Commissioner Munoz, stating "so moved", second by Commissioner Moses to approve the days of the 2017 calendar year. All voting "Aye".

2016.09.26.17

Discussion/Action concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Cappleman Acres fronting State Highway 304. **Cost:** None; **Speaker:** Commissioner Moses / Kasi Miles **Backup:** 12.

Kasi Miles mentioned that everything was in order according to the backup and asked the court for approval.

Motion made by Commissioner Moses, stating "so moved", second by Commissioner Munoz to approve an Order authorizing the filing of a Final Plat (Short Form Procedure) for Cappleman Acres fronting State Highway 304. All voting "Aye".

2016.09.26.19

Discussion/Action to consider approval of a Final Plat for Forister Ranch, Section 4 subdivision to include 51 lots on approximately 72.46 acres located off FM 1185 and FM 1854. **Cost:** None; **Speaker:** Commissioner Roland/Kasi Miles; **Backup:** 16.

Kasi Miles asked for approval from the court with concerns for the roads to be addressed with either a letter of credit or a construction bond before construction of the roads.

Motion made by Commissioner Roland, second by Commissioner Madrigal to approve a Final Plat for Forister Ranch, Section 4. All voting "Aye".

2016.09.26.20

Adjournment.

Motion made by Commissioner Munoz, second by Commissioner Moses to adjourn. All voting "Aye"

Meeting adjourned at 11:46 AM.

I, CAROL HOLCOMB, CALDWELL COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Caldwell County Commissioners' Court on September 26, 2016.

CAROL HOLCOMB, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONER'S COURT OF CALDWELL COUNTY, TEXAS