

CALDWELL COUNTY
COMMISSIONERS COURT MINUTES
1403 Blackjack Street, Lockhart, Texas
Regular Meeting October 13, 2014 9:00 a.m.



TOM D. BONN County Judge
CAROL HOLCOMB County Clerk

ALFREDO MUÑOZ Commissioner Pct. 1
FRED F. BUCHHOLTZ Commissioner Pct.2
NETO MADRIGAL Commissioner Pct. 3
JOE IVAN ROLAND Commissioner Pct.4

Commissioner Roland arrived 8:37 a.m.
Commissioner Madrigal arrived 8:57 a.m.

8:30 A.M.

WORKSHOP (No Action): Report from program manager on remodeling of the new Caldwell County Judicial and Service Center. No action will be taken at this time.

Project Manager Les Reddin presented an update of the Caldwell County Justice Center. The project is still on schedule and slides of several areas in the building were shown. Les showed the picture of an outside awning that will be discussed during an agenda item. Captain Mike Lane and Captain Jesse Hernandez spoke about the testing of radio equipment throughout the building. There are concerns that the communication is little or none in some parts of the new Justice Center. Captain Lane requested for the Court to consider the purchase of (13) thirteen, 800 MGZ radios for the Justice Center. The next workshop is scheduled for Monday October 27, 2014

Workshop ended: 9:12 A.M.

Call Meeting to order. Meeting Began: 9:22 A.M.

Judge Bonn offers condolences to Karen McCrary for her loss.

2014.10.13.01 Invocation. Lockhart Ministry Alliance.
Pastor Randy Frye opened the meeting with prayer.

2014.10.13.02 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 Bonn led all present in the Pledge to both Flags.

2014.10.13.03 Announcements: Items or comments from Court Members or Staff.
Commissioner Muñoz recognized the State Fire Fighters and the Fire Marshalls were in the area this past weekend. Commissioner Muñoz also announced that the groundbreaking for Fashion Glass & Mirror was this past Friday and they announced that the beginning hiring numbers are increasing from approximately 50 new positions, to 75-77.
Commissioner Buchholtz recognized that today is Columbus Day and he had helped to hang Flags in the Luling area. Commissioner Roland had been to Lubbock to complete his continuing education hours.

2014.10.13.04 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).
1.Oscar Fogle explained the map that he submitted to the Court. He is concerned that changes in the ordinance changing the flood plain restrictions for development will kill future growth that is needed. He said that with the changes, it would prevent 27% of Caldwell County from being developed.

COMMISSIONERS COURT MINUTES
Regular Meeting on October 13, 2014

2014.10.13.05 Consent Agenda. (Any member of the Court may request that an item within the Consent Agenda to be moved to the Regular Agenda for further discussion and action).

- A. Pay Bills in the amount of \$1,090,537.21 for October 13th, 2014.
- B. To approve Commissioners Court Minutes for October 3rd, 2014, September 22nd, 2014 and amended minutes for August 25th, 2014.
- C. To approve Resolution No. 15-2014 certifying Caldwell County has made a grant to Combined Community Action that provides home-delivered meals to homebound persons in Caldwell County in the amount of \$1,300.00.
- D. To approve a donation to CAMPO for the 2015 fiscal year in the amount of \$1,130.
- E. To approve continuation certificate Bond No. 14771315 for Court Clerk, Melanie Bowden, for Justice of the Peace 1 in the amount of One Thousand for the term beginning November 21, 2014 and ending November 21, 2015. **Cost:** \$50.
- F. To approve Invoice #211 for September 2014 timesheet for Les Reddin, LongLife Projects in the amount of \$8,400 for the Justice Service Center project management work.
- G. To approve Application and Certificate for Payment #9 for Braun and Butler Construction in the amount of \$528,495.45 the Caldwell County Justice Center.
- H. To designate the location for Commissioners Court meetings on October 20th and October 27th, 2014 to be at the Glosserman Room, City of Lockhart, 308 West San Antonio Street to accommodate early voting in the Commissioners Courtroom.
Motion made by Commissioner Muñoz second by Commissioner Buchholtz to approve Consent Agenda items A-H. All Voting "Aye"

2014.10.13.06 Reports.

IT Supervisor Mark Hinnenkamp updated the Court on the three week delay that Time Warner has had for installing the equipment needed at the new Justice Center. Project Manager Les Reddin explains that this could cause a possible extension of contracts with himself and Braun & Butler. There will be a meeting this afternoon to discuss this.

Septic and Subdivision Report – Kasi Miles

Kasi Miles presented the Septic and Subdivision Report for September 2014. She reported that she had exceeded the yearly budget for 2013-2014 in the amount of \$15,747.00.

Elections Report – Pamela Ohlendorf

Pamela Ohlendorf reported that they are working on the ballots by mail at this time. They will be mailed out by Tuesday at 5:00 p.m.

Treasurer's Report – Lori Rangel

Lori Rangel presented the Treasurer's report for the month ending August 2014.

Update on status of County Surplus Property – Curtis Weber

Curtis Weber explained he and Larry Roberson were working together to begin the process needed to clean up the surplus.

2014.10.13.07 Special Presentations. None.

COMMISSIONERS COURT MINUTES
Regular Meeting on October 13, 2014

(ALL OTHER AGENDA ITEMS)

- 2014.10.13.08 Discussion/Action** to approve a Proclamation acknowledging the month of October 2014 as National Domestic Violence Awareness Month.
Judge Bonn read the Proclamation. Motion made by Commissioner Buchholtz, second by Commissioner Roland to approve a Proclamation acknowledging the month of October 2014 as National Domestic Violence Awareness Month. All Voting "Aye"
- Public Hearing began: 9:47 A.M.
- 2014.10.13.16 PUBLIC HEARING @ 9:30 AM** regarding setting a new speed limit of 30 mph on County Road 172 in Lytton Springs.
No speakers.
Public Hearing ended: 9:48 A.M.
- 2014.10.13.09 Discussion/Action** to extend 60-day period for final action on preliminary plat application of 130 Environmental Park as allowed by section 3.4(G) of the Caldwell County Development Ordinance. This extension will provide the applicant additional time to respond to comments from the county's engineer consultant and the county's engineer consultant additional time to review the updated information. Kasi Miles explained that she and Tracy Bratton had no objection for the extension. Motion made by Commissioner Roland, second by Commissioner Muñoz to approve 60-day extension period for final action on preliminary plat application of 130 Environmental Park as allowed by section 3.4(G) of the Caldwell County Development Ordinance. All Voting "Aye"
- 2014.10.13.10 Discussion/Action** to set public hearing for approval of preliminary plat for 130 Environmental Park subdivision located north of FM 1185 between U.S.183 and Hommanville Trail at 9:30 a.m. on October 27, 2014, if the extension is not approved by commissioners court.
No Action Taken.
- 2014.10.13.11 Discussion/Action** to approve Invoice #8 from Aulick & Associates in the amount of \$4,000 (40 hours at \$125/hour) for consultant services for the period of September 1st – 30th, 2014, regarding transportation projects for Caldwell County.
Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve Invoice #8 from Aulick & Associates in the amount of \$4,000 (40 hours at \$125/hour) for consultant services for the period of September 1st – 30th, 2014, regarding transportation projects for Caldwell County. All Voting "Aye"
- 2014.10.13.12 Discussion/Action** to approve extending the services of Aulick and Associates, LLC for fiscal year 2015 beginning October 1, 2014 for six months ending March 31, 2015 in the amount of \$5,000 per month, as approved by the court on February 24, 2014 and consistent with the contract signed on April 24, 2014.
Motion made by Commissioner Muñoz, second by Commissioner Madrigal approve extending the services of Aulick and Associates, LLC for fiscal year 2015 beginning October 1, 2014 for six months ending March 31, 2015 in the amount of \$5,000 per month, as approved by the court on February 24, 2014. Judge Bonn asked Mr. Aulick if his position was self directed? Commissioner Madrigal explains that Mr. Aulick works very closely with the Commissioners and that he communicates with the Court before decisions are made. Judge Bonn asks when the need for a consultant stops? He said that the County is not receiving deliverables. The County should not continue to pay a consultant \$5,000.00 a month. Mr. Aulick explains that through the grant, the County will be reimbursed for the cost of the Consultant. Judge Bonn said that having used the services of Mr. Aulick to this point but doesn't feel that they need to be extended past this point. That the County Judge, the Commissioners and TXDOT can do everything going forward, if needed, Mr. Aulick services can be used at that time and that the County cannot continue this expense monthly. Mr. Aulick assures Judge Bonn that he can see that the County is refunded for the Cost and Judge Bonn assures him that the auditor can take care of that. Commissioner Muñoz reminds the Court that the contract with Mr. Aulick can be terminated at any time. Motion made by Judge Bonn, second by Commissioner Buchholtz to table this item. Commissioner Buchholtz and Judge Bonn Vote "Aye", Commissioner Muñoz, Commissioner Madrigal and Commissioner Roland Vote "No" Motion Failed. Vote on original motion by Commissioner Muñoz, seconded by Commissioner Madrigal. All Commissioners Voting "Aye". Judge Bonn Voting-No. Motion Passed

COMMISSIONERS COURT MINUTES
Regular Meeting on October 13, 2014

2014.10.13.13 Discussion/Action to approve adding a canopy structure to the new Caldwell County Justice Center. Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to not add a canopy structure to the new Caldwell County Justice Center. All Voting "Aye"

2014.10.13.14 Discussion/Action to approve funds for two-way communications enhancements to the Caldwell County Justice Center for the Sheriff's office, not to exceed \$64,016. **Cost:** Not to exceed \$64,016; Motion made by Judge Bonn, second by Commissioner Muñoz to purchase 10 (ten) of the 800 MGZ radios and for the Sheriff to pay for the other 3 (three) from the forfeiture fund. Chief Deputy David Brent spoke to the Court and explained that this has very strict guidelines and cannot be purchased with the funds. Commissioner Madrigal offered a friendly amendment that the County purchase the 13 radios and then settle the matter with the Sheriff's office. Judge Bonn and Commissioner Muñoz both accepted the friendly amendment. Commissioner Madrigal said that he will check into it. Judge Bonn and Commissioner Muñoz amend the motion to table this item and return it to Agenda on October 20, 2014. All Voting "Aye"

Reports Continued

Accident Report – Captain Mike Lane

Captain Mike Lane explained that the vehicle that backed up into the patrol car was not a County employee and that the other drivers insurance will be paying for the damage. Judge Bonn commented that the procedure for the agency was to notify the Judge of the accident, then the auditor. The auditor would then file the report with TAC. The Sheriff's office does not file directly.

2014.10.13.15 Discussion/Action to consider approval of an electronic key control device for the Caldwell County Justice Center. Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve an electronic key control device for the Caldwell County Justice Center. All Voting "Aye"

2014.10.13.17 Discussion/Action to approve setting the new speed limit of 30 mph on County Road 172 in Lytton Springs. Motion made by Commissioner Roland, second by Commissioner Madrigal to approve setting the new speed limit of 30 mph on County Road 172 in Lytton Springs. All Voting "Aye"

Executive Session began: 10:48 A.M.

2014.10.13.18 EXECUTIVE SESSION for consultation with attorney pursuant to Texas Government Code § 551.071 regarding *Ron Heggemeier v. Caldwell County Commissioners Court et al*; Civil Action No. 1:13-cv-00746 in the United States District Court for the Western District of Texas, Austin Division. No action will be taken in executive session.

Executive Session ended: 11:48 A.M.

2014.10.13.19 Discussion/Action regarding *Ron Heggemeier v. Caldwell County Commissioners Court et al*; Civil Action No. 1:13-cv-00746 in the United States District Court for the Western District of Texas, Austin Division. Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to approve Judge Bonn or Judge Pro-Tem Commissioner Madrigal to sign an Interrogatory for the Attorneys today. All Voting "Aye"

2014.10.13.20 Discussion/Action to approve Conflict of Interest Statement for committee members of the SH 130 Concession Fund projects. Motion made by Commissioner Buchholtz, second by Commissioner Roland to approve Conflict of Interest Statement for committee members of the SH 130 Concession Fund projects. All Voting "Aye"

2014.10.13.21 Discussion/Action to authorize the county auditor to solicit requests for proposals to retain a broker regarding the sale of the tax office at 100 E. Market Street and the judicial center at 201 E. San Antonio Street. Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to authorize the county auditor to solicit requests for proposals to retain a broker regarding the sale of the tax office at 100 E. Market Street and the judicial center at 201 E. San Antonio Street. All Voting "Aye"

COMMISSIONERS COURT MINUTES
Regular Meeting on October 13, 2014

2014.10.13.22 Discussion/Action to consider selection of committee members to be named by commissioner's court regarding adoption of proposed amendments to Caldwell County Development Ordinance. Motion made by Commissioner Roland, second by Commissioner Buchholtz to select the following citizens for selection of committee members regarding adoption of proposed amendments to Caldwell County Development Ordinance. All Voting "Aye"

They were selected by Precinct:

Pct. 1-	Pct. 2	Pct. 3	Pct. 4	Judge Bonn
Oscar Fogle	Linda Hinkle	Bobby Schmidt	Frank Sugrue	Kasi Miles
Hoppy Haden	Susan Stewart	Bobby Mendez	David Gratz	
Kathleen Clough	Trey Bailey	Alecia Thornton	Byron Fredrich	
			Marcos Viallobas	

2014.10.13.23 Discussion/Action to consider approval of two invoices for the brush truck repairs and the purchase of a fire tanker truck per the contract with the City of Luling to be disbursed through 2013-2014 fiscal year budget.

Motion made by Judge Bonn, second by Commissioner Buchholtz to table this item until October 20, 2014. All Voting "Aye"

2014.10.13.24 Discussion/Action regarding Burn Ban for Caldwell County.

Motion made by Commissioner Roland, second by Commissioner Buchholtz to leave the Burn Ban off. All Voting "Aye"

2014.10.13.25 Discussion/Action to consider approval of a used vehicle for Constable #3, not to exceed \$5,000 of which \$13,000 will come from the sale of truck scales approved at the January 27th, 2014 commissioners court meeting.

Commissioner Madrigal said that the scales have been sold to Wilson County. Motion made by Commissioner Madrigal, second by Commissioner Muñoz approving Constable Zapata to look for a vehicle not to exceed \$5,000. All Voting "Aye"

2014.10.13.26 Discussion/Action to consider approval of change order for additional work to be done at 505 Fannin building, Luling for a total amount of \$17,375.00.

Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to table this item until October 20, 2014.

2014.10.13.27 Discussion/Action to consider approval for a new John Deere Z915B gas lawn mower for maintenance department at a cost of \$6,150.00.

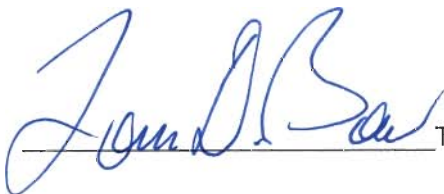
Motion made by Commissioner Muñoz, second by Commissioner Roland to table for October 20, 2014 and Curtis will return with comparable quotes. All Voting "Aye"

2014.10.13.28 Discussion concerning a petition to pave Oak Trail Drive (CR 400).

Commissioner Roland explained that the road is partially paved. The remaining unpaved part is 8/10 of gravel. There is a lot of traffic and it causes an extreme amount of dust for the 40 residents on the street. He would like to talk to Unit Road supervisor Dwight Jeffrey and return to Court with the petition. Commissioner Buchholtz explains that the unit road department has a schedule and he would also like to talk to Mr. Jeffrey.

2014.10.13.29 Adjournment

Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to Adjourn. All Voting "Aye"



TOM D. BONN, County Judge