

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting September 14, 2015 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 by Judge Schawe at 9:01 a.m. Commissioner Madrigal Absent.

2015.09.14.01 Invocation. Lockhart Ministerial Alliance.

Judge Brady of Precinct 3 Justice of Peace opened the meeting with prayer.

2015.09.14.02 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.

2015.09.14.03 Announcements. Items or comments from Court Members or Staff.

Commissioner Madrigal present at 9:03 a.m.

Commissioner Muñoz congratulated the Greater Caldwell County Hispanic Chamber of Commerce for another great Diez y Sies celebration on the square this past weekend. Commissioner Moses stated he attended the McMahan Breakfast event which had a great turn out. He also attended the Luling Oil Museum Art Exhibit which runs through September 22nd and recommended others to stop by to enjoy art as well as watch an informative video from GBRA explaining the importance of the Guadalupe River. Commissioner Moses also went to the Go Texan meeting in Columbus and is very proud of Caldwell County for being the second highest scholarship contributor. Commissioner Madrigal also attended the Go Texan meeting as well as the Martindale Cleanup with a good turnout. Commissioner Roland announced he went to the Diez y Sies celebration and also stated the roads in his precinct looked great. Judge Schawe had a meeting with LCRA who he said is a great partner to approximately 20 other counties. They discussed things including electrical and water situations. Commissioner Muñoz attended a Lone Star Rail District meeting and is working on some dates to have a presentation for the Court.

2015.09.14.04 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).

Randy Laney responded to the Green Group presentation by adding that Lytton Springs will not be added to the Host Agreement unless negotiated by the Court. He asked the Court to include and verify that Lytton Springs is listed in the Host Agreement.

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Ben E. Brady shared his thoughts about the item on the agenda suggesting moving the pay dates forward. Judge Brady believes this is a management issue. He stated that he contacted some counties adjacent to Caldwell County and that they stated they had no issues meeting their deadlines for payments on the 1st and 15th of each month.

Lou MacNaughton expressed her concerns about the County Auditors salary. She stated Judge Schawe should abstain from voting on the matter. Judge Schawe spoke in response to Lou MacNaughton clarifying that the item on the agenda is not in regards to the County Auditors salary and that the District Judges oversee that salary.

Pamela Ohlendorf asked the Court if they have spoken to the employees of the County to see how moving the pay schedule will affect them.

Debra French addressed the Court to explain how the County Auditors salary is voted upon. She stated she is not employed by the Court and if there are any questions, to address the matter with the District Judges.

2015.09.14.05

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. Pay county invoices in the amount of \$590,794.11.

B. Pay Ohlendorf Insurance for blanket bond of District Clerks in the amount of \$394.00.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve Consent Agenda items A-B. All Voting "Aye"

(ALL OTHER AGENDA ITEMS)

2015.09.14.06

Discussion/Action regarding the burn ban for Caldwell County.

Martin Richey addressed the Court explaining the County is still in a threat for fires and recommends leaving the burn ban on.

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

2015.09.14.07

Discussion/Action to consider giving financial assistance to Guadalupe Blanco River Authority (GBRA) for river clean up and debris removal related to the May 2015 floods.

Oscar Fogle, the representative for Caldwell County from GBRA along with Mary Newman who is a budget coordinator for GBRA, addressed the Court to speak about cleanup of debris from the May floods earlier this year. He stated that GBRA reached out to NRCS (National Resources Conservation Service) for assistance. Under the EWP agreement, NRCS is providing for 75% of the cost for a total of \$150,000. Oscar Fogle then asked the Court to contribute \$25,000 with GBRA matching \$25,000 to meet the remaining 25% needed. Commissioners shared concerns for the amount and the Courts budget. Mary Newman stated the costs may be cheaper than \$50,000 but will not know until bids go out. Martin Richey shared his concerns for using County funds outside the County. Civil Attorney, Jordan Powell asked for clarity about the interlocal agreement that would be required if the Court is to move forward. Commissioner Moses mentioned using company equipment as a way of contributing. Mary Newman stated they would need a commitment by September 23rd.

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Motion made by Commissioner Madrigal, second by Commissioner Muñoz to consider working with Guadalupe Blanco River Authority (GBRA) for river clean up and debris removal related to the May 2015 floods. All Voting "Aye".

2015.09.14.08

Discussion/Action to approve salary changes for two employees effective September 1, 2015 from cost centers #2150 and #3000 due to the elimination of one county clerk position and the re-allocation of positions and salaries.

Judge Schawe explained this is just a line item change and no money is being added or lost. County Clerk, Carol Holcomb clarified the reason for moving the funds stemming from the loss of an employee.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve salary changes for two employees effective September 1, 2015 from cost centers #2150 and #3000 due to the elimination of one county clerk position and the re-allocation of positions and salaries. All Voting "Aye."

2015.09.14.09

Discussion/Action to consider procedures and nominations for the Caldwell County Appraisal District directors.

Judge Schawe stated this procedure is done every two years and said the matter is brought upon today to discuss nominations. Commissioner Muñoz asked to nominate Miguel Islas for one of the positions. The Court discussed waiting until a future date to nominate the other four positions.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to nominate Miguel Islas for the Caldwell County Appraisal District directors. All Voting "Aye."

2015.09.14.10

Discussion/Action to open bids for aggregate, asphalt materials, flexible base, fuel (regular unleaded and #2 diesel), oil and lubricants for the budget year 2015-2016.

Judge Shawe announced bid proposals. Centex Materials placed a bid on 1-½" commercial base for \$9.00 and Aggregate for \$19.50. Brauntex Materials placed a bid on Type A Black Base, Type B Coal Mix \$60.00, and Type D Coal Mix each for \$60.00. Cemex placed a bid on ¾" Base for \$5.00 at plant or \$ 9.72 delivered, 1-½" commercial base \$4.85 at plant or \$9.72 delivered. Sun Coast placed a bid on regular unleaded for \$2.1452 per gallon, and #2 diesel for \$1.903 per gallon. Industrial Asphalt placed a bid on Type A Black Base and Type B Coal Mix each for \$60.00 and Type D Coal Mix for \$62.00. They also placed a bid on ¾" Base for \$9.00 pick up or \$19.25 delivered and 1-½" commercial base for \$8 pickup or \$18.25 delivered. Mansfield placed a bid on regular unleaded for \$2.03 per gallon and for Diesel at \$1.78 per gallon. Additional pricing was also listed at \$1.6933 per gallon for regular unleaded and \$1.7588 per gallon for diesel with additional tax and fee charges. Schmidt and Sons placed a bid on regular unleaded for \$1.71 per gallon and for Diesel at \$1.78 per gallon. They also placed a bid on Oil and Lubricant Motor Oil for \$7.19 per gallon, Hydraulic Fluid in bulk at \$7.98 per gallon, grease \$2.29 per cartridge, 5 gallon pale is \$72.90 per pale, 55 gallon automatic transmission fluid at \$8.90 per gallon. Petroleum Traders Corporation placed a bid on regular unleaded at \$1.63 per gallon and Diesel at \$1.65 per gallon. Argon Asphalt and Emulsion placed a bid on slow setting emulsion for \$1.52 per gallon, rapid set emulsion at \$1.52 per

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gallon, HFRS2P rapid set at \$1.80; all delivered. A company out of Temple, Texas placed a bid for emulsion at \$1.42 per gallon, rapid set emulsion at \$1.42 per gallon and HFRS2P at \$1.58 per gallon. Ports Petroleum Regular placed a bid for regular unleaded at \$1.63 per gallon and Diesel for \$1.62 per gallon. Arnold Oil Company placed a bid on oil for \$7.50 per gallon, hydraulic fluid at \$6.80 per gallon, chassis grease at \$2.81 per cartridge, 5 gallon pale at \$1.0290 per pale, 55 gallon drum of Antifreeze for \$462.00 or \$8.94 per gallon, and multipurpose automatic transmission fluid in bulk at \$12.65 per gallon. Johnson Oil placed a bid for regular unleaded at \$2.05 per gallon, Diesel at \$1.80 per gallon, Motor Oil at \$7.20 per gallon, Hydraulic Fluid at \$6.35 per gallon, chassis grease at \$2.59 per cartridge, 5 gallon cans at \$81.83, 55 gallon drum of Antifreeze for \$489.06 or \$9.13 per gallon, and automatic transmission fluid at \$8.91.

No action taken.

2015.09.14.11

Discussion/Action to accept public improvements in Highland Ranch Phase II Subdivision for permanent county maintenance and to release maintenance bond posted for public improvements by Dale Lowden Excavating Inc., in Highland Ranch Phase II Subdivision, as provided by sections 3.8.5(G) and 3.8.5(H) of the Caldwell County Development Ordinance.

Unit Road Administrator, Dwight Jeffrey asked the Court to post pone this item until some other issues are resolved by Mr. McDonald.

Motion made by Commissioner Roland, second by Commissioner Madrigal to table this item until September 28th. All Voting "Aye."

2015.09.14.12

Discussion/Action to consider USFon Inc. for the County's fiber system.

Judge Schawe explained the process and benefits of the need for a fiber system in the County. Mark Hinnenkamp in the IT department for Caldwell County, was asked to approach the Court to elaborate on this process as well. The estimated cost for fiber is \$110,000 which does not include equipment or service. Judge Schawe stated we could still use Time Warner for equipment and service and that there is a deadline approaching. He expressed there would be a great savings for the County if switched to fiber. Civil Attorney, Jordan Powell shared her concerns about the cancellation of current contracts with Time Warner. Judge Schawe is waiting on those charges of early termination. Commissioner Muñoz stated he would like to see everything on paper before moving forward.

Motion made by Commissioner Muñoz, second by Judge Schawe to table this item. All Voting "Aye."

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2015.09.14.13

Discussion/Action to approve Early Voting location and hours, and approve Election Day location and hours.

Election Administrator, Pam Ohlendorf discussed the locations and hours for early voting and Election Day. For the November 3rd Constitutional Elections, two early voting sites will be held at the election's office at the Scott Annex building. The first week of voting, October 19th-October 23rd, the hours will be 8am to 5pm. These sites will also be open Saturday, October 24th from 7 a.m. to 7p.m. and Sunday, October 25th from 10 a.m. to 3 p.m. During the last week, the main center will be open from 7 a.m. to 7 p.m. The Civic Center in Luling will be used as the alternate location. The first week, October 19th through October 23rd, the hours will be 8 a.m. to 5 p.m. and closed on weekends. The following week, October 26th through October 28th, the hours will remain 8 a.m. to 5 p.m. leaving Thursday and Friday to be open 7 a.m. to 7 p.m. The Election Board met and voted on 10 locations for Election Day. The Committee agreed upon The First Lockhart Baptist Church hall, The VFW Post #8927, McMahan Community Center, Luling Civic Center, Three Rivers Community Center, Maxwell Fire Station, Trinity United Church, St. Marks, St. Mary's Catholic Church, and Lytton Springs Chisolm Fire and Rescue.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve Early Voting location and hours, and approve Election Day location and hours. All Voting "Aye."

2015.09.14.14

Discussion/Action authorizing the County Judge to execute an Interlocal Cooperation Contract with the State of Texas for the utilization of a driver's license office.

Judge Schawe stated he was approached by DPS regarding placing a driver's license office in Caldwell County. He announced this would be a full time position and is looking at putting this office on the first floor of the courthouse. He explained DPS would supply the person to run that office and perform all training. He stated that the office would need a part-time County employee to help cover the office with the DPS employee is out of the office. Commissioner Moses is concerned about the spacing to park trucks when testing for CDL's and other special licenses.

Motion made by Commissioner Roland, second by Commissioner Madrigal to authorize the County Judge to execute an Interlocal Cooperation Contract with the State of Texas for the utilization of a driver's license office. All Voting "Aye."

2015.09.14.15

Discussion/Action to consider Caldwell County joining the Lone Star Rail District (LSRD), authorize the County Auditor to submit the annual membership fee, and appoint a member of the Commissioners Court as a LSRD Board member.

Commissioner Muñoz explained the Lone Star Rail District is still moving forward with the idea of coming through Caldwell County. He is waiting on dates for the community meetings and is also working on a presentation for Commissioners Court. Judge Schawe suggested waiting till the budget is approved.

Motion made by Commissioner Muñoz, second by Commissioner Moses to table this item until next week. All Voting "Aye."

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2015.09.14.16 **Discussion/Action** authorizing the County Judge to execute a new License Agreement with Camp Gladiator for use of the Justice Center Grounds.

Civil Attorney, Jordan Powell stated the current license agreement for Camp Gladiator has expired and they are requesting to renew. She mentioned there have been no issues or damaged property. She did receive the new tax certificate stating it will be valid for one year and asked the Court to decide on the length of the new agreement.

Motion made by Commissioner Muñoz, second by Commissioner Moses to authorize the County Judge to execute a new License Agreement with Camp Gladiator for use of the Justice Center Grounds for 6 months. All Voting "Aye."

2015.09.14.17 **Discussion/Action** to approve Resolution Number 10-2015 permitting the change of the official authorized as the County's grantee for the Challenge Court grant from the Office of the Governor, Criminal Justice Division.

Civil Attorney, Jordan Powell explained she was approached by the District Judge in relation to this grant the County had received from the Governor. The funding from this grant is being withheld due to the resolution that was passed last year having Judge Tom Bonn's name on it, who is no longer the County Judge. She stated in order to receive funding and to prevent future issues, she recommended having the title County Judge as the authorized official for the county.

Motion made by Commissioner Muñoz, second by Commissioner Roland to approve Resolution Number 10-2015 permitting the change of the official authorized as the County's grantee for the Challenge Court grant from the Office of the Governor, Criminal Justice Division. All Voting "Aye."

2015.09.14.18 **Discussion/Action** to consider development fees associated with withdrawing a preliminary plat or final plat application.

Civil Attorney, Jordan Powell explained the options the Court has in regards to fees associated with plats that are withdrawn. The Commissioners shared their concerns over the possible loss of funds from the County. Sanitation Director, Kasi Miles addressed the Court to explain the extent of work required when a plat gets filed or re-filed.

Motion made by Commissioner Moses, second by Commissioner Muñoz to finalize that applicants withdrawing plats lose all fees paid and must pay all fees again if resubmitted. All Voting "Aye."

2015.09.14.19 **Discussion/Action** to move the County payday schedule starting October 1st by one day and continue moving by one day for the next 5 months until it is payable on the 7th and 22nd of each month in order to give the Human Resources Department, the County Treasurer's Office, and County Auditor's Office sufficient time to complete payroll procedures.

Judge Schawe apologized for the way this item was written. The issue is funds being paid to employees for time and hours they have not yet worked. He stated the need to find a solution and recommended electing a committee to work on this issue.

Motion made by Commissioner Madrigal, second by Commissioner Roland to set up a committee to discuss this item appointing the County Auditor, the Human Resources Director, Judge Schawe, and the Treasurer to the committee. All Voting "Aye."

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2015.09.14.20

Discussion/Action to approve the 2016 Sheriff and Constable fees report as required by Texas Local Government Code Section 118.131. (No change from prior year).

Chief Deputy Brent checked with surrounding counties and the current fees are comparable to others. Due to the budget constraints and lack of raises, he recommended not increasing the fees at this time.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve the 2016 Sheriff and Constable fees report as required by Texas Local Government Code Section 118.131. (No change from prior year). All Voting "Aye."

2015.09.14.21

Adjournment. Motion made by Commissioner Muñoz, second by Commissioner Moses to adjourn. All voting "Aye" Meeting adjourned at 11:08 a.m.

I, CAROL HOLCOMB, 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 14, 2015.



Carol Holcomb

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