

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting February 22, 2016 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 9:02 a.m. All members of the court present.

2016.02.22.01 **Invocation.** Lockhart Ministerial Alliance.

Judge Schawe opened the meeting with prayer.

2016.02.22.02 **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.

2016.02.22.03 **Announcements.** Items or comments from Court Members or Staff.

Commissioner Moses gave an update on the GoTexan event stating they raised approximately \$38,000.00. He thanked Caldwell County, Hays County, and Bastrop County for their support. He announced February 27th is the 13th Annual Chili Cook Off at the American Legion. He attended the Feral Hog program at the Foundation Farms and learned their process on trapping hogs. He reported over 900 jumpers were present at the Lone Star Parachute Center at the Luling Airport on President's Day weekend. He welcomed Cal-Maine to Caldwell County who recently purchased a building in Luling and will be operating out of, bringing in approximately 30 jobs to the area. He announced the Foundation Farms will be hosting the Angus Alliance sale March 5th and the Caldwell County Livestock Show will begin March 3rd through March 5th. He stated the Food Bank in Luling will be having a cake sale February 28th to raise funds. **Commissioner Roland** attended a Black History Banquet and thanked everyone who donated and were involved with the event. He announced members of his church celebrated the 90th birthday of their eldest member. **Commissioner Muñoz** reminded others that this is the last week for early voting.

2016.02.22.04 **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).

Fredrica Kinnard spoke of the damage feral hogs cause to property and how they have impacted her personally. She commended the Feral Hog Task Force who have greatly helped with this problem.

Judge Schawe reminded everyone of a Job Fair taking place on February 26th at the Justice Center. Commissioner Madrigal stated he met with an inventor who is inventing a trap to be used by the Feral Hog Task Force. He stated the inventor would like to meet with the court and that the county would be able to use these traps at no cost.

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2016.02.22.05 **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 \$365,822.72.
- B. Approve payment for renewal of Bond Policy number # 61287183 for Pamela Ohlendorf, Elections Administrator.

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

(ALL OTHER AGENDA ITEMS)

2016.02.22.06 **Discussion/Action** regarding the burn ban for Caldwell County. **Cost:** None; **Speaker:** Judge Schawe/Martin Ritchey; **Backup:** None.

Martin Ritchey stated after review, he recommended removing the burn ban.

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

2016.02.22.07 **Discussion/Action** regarding amending the Criminal District Attorney's Office forfeited funds budget. **Cost:** TBD; **Speaker:** Commissioner Munoz/Fred Weber; **Backup:** 1.

District Attorney, Fred Weber requested approval from the court to purchase software that allows an online discovery process. He spoke of the benefits of this software including the county being more efficient. He stated the approximate cost would be between \$30,000.00 and \$40,000.00 to come from the forfeiture fund account. Commissioner Roland agreed it was a great idea.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve amending the Criminal District Attorney's Office forfeited funds budget to purchase this program not to exceed \$40,000.00. All voting "Aye".

2016.02.22.08 **Discussion/Action** to consider making a donation to the Tri-Community Library in an amount not to exceed \$81.00. **Cost:** TBD; **Speaker:** Judge Schawe/Clara Smith; **Backup:** 1.

Clara Smith, President of the Tri-Community Library gave information about the library and explained current fees the library pays for. She described the importance of the text share database and said there is an annual fee of \$81.00 to join. She asked the court for their consideration to pay the text share fee.

Motion made by Commissioner Muñoz, second by Commissioner Moses to donate to the Tri-Community Library in an amount not to exceed \$81.00. All voting "Aye".

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2016.02.22.09

Discussion/Action to approve Resolution #04-2016 regarding the submission of Grant #2667604 to the Office of the Governor, Criminal Justice Division for the funding of the Caldwell County Challenge Court. **Cost:** None; **Speaker:** Judge Schawe /Steve Thomas; **Backup:** None.

Steve Thomas with the Caldwell County District Court asked the court to approve the submission of a \$57,000.00 grant application to the Governor's office that would support the probation office including the salary of a probation officer. He stated this resolution provides for the submission and any corrections or additional information the Governor's office asks for. Judge Schawe explained current issues with grants and asked that all paperwork be turned in in a timely matter.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve Resolution #04-2016 regarding the submission of Grant #2667604 to the Office of the Governor, Criminal Justice Division for the funding of the Caldwell County Challenge Court. All voting "Aye".

2016.02.22.10

Discussion/Action to consider waiving all site construction and septic fees for the new department facility of the Delhi Volunteer Fire Department **Cost:** None; **Speaker:** Commissioner Moses/Kasi Miles; **Backup:** None.

Kasi Miles asked the court to consider waiving fees for the new facility being built for the Delhi Volunteer Fire Department. The cost for the site construction is estimated between \$250.00 and \$350.00 and an estimated septic fee of \$450.00. Commissioner Moses reviewed blueprints of the new building and said it was a nice facility. Kasi Miles said there will be a \$10.00 state fee that will still be owed by Fire Department.

Motion made by Commissioner Moses, second by Commissioner Muñoz to waive all site construction and septic fees for the new department facility of the Delhi Volunteer Fire Department. All voting "Aye".

2016.02.22.11

Discussion/Action regarding the appointments of four new members to the Caldwell County Historical Commission. **Cost:** None; **Speaker:** Judge Schawe; **Backup:** 1.

Judge Schawe presented a list of prospective new members.

Motion made by Commissioner Muñoz, second by Commissioner Roland to appointment four new members to the Caldwell County Historical Commission, Jeff Durst, Kevin Thuerwaechter, Chas Judge and Ryan Shinto. All voting "Aye".

2016.02.22.12

Discussion/Action regarding filling the Agriculture & Natural Resource (AG/NR) Agent position with the County Extension Office. **Cost:** None; **Speaker:** Judge Schawe/Kathleen Greer; **Backup:** None.

Kathleen Greer, District Extension Administrator for District 10 of Texas A&M Agriculture Life Extension Service introduced Julie Zimmerman to be appointed as the Agriculture and Natural Resource Agent. She stated Julie Zimmerman's start date would be March 4th, 2016.

Motion made by Commissioner Muñoz, second by Commissioner Moses to fill the Agriculture & Natural Resource Agent position with the County Extension Office by Julie Zimmerman. All voting "Aye".

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2016.02.22.13

Discussion/Action regarding filling the Family & Consumer Sciences (FCS) Agent position with the County Extension Office. **Cost:** None; **Speaker:** Judge Schawe/Kathleen Greer; **Backup:** None.

Kathleen Greer stated they held interviews Friday for filling the Family and Consumer Sciences Agent position and is continuing to search for someone to fill that position. She explained the process of keeping the position open internally before opening it externally to others.

Motion made by Commissioner Roland to fill the Family and Consumer Sciences Agent position with the County Extension office. Judge Schawe explained the position is still open and this item is for discussion only. Commissioner Roland withdrew his motion.

2016.02.22.14

Discussion/Action authorizing payment in the amount of \$750.00 to Val Ramirez for bounty related to feral hogs harvested from October through December 2015. **Cost:** TBD; **Speaker:** Commissioner Moses/Nick Dornak; **Backup:** 1.

Nick Dornak commended Fredrica Kinnard for her citizen's comment about the Feral Hog Program and thanked the Commissioner's for their support. He explained an issue involving Val Ramirez who is seeking reimbursement of \$750.00 for trapped hogs but the receipt had been lost. He suggested paying Val Ramirez an amount that he averages on hogs collected. He stated the Feral Hog Task Force had agreed but wanted approval by the Court to proceed. The company who gave the original receipt would not go through records to provide another. Judge Schawe asked about grant procedures. Nick Dornak responded stating this payment would not come from grant funds, instead it would be paid by the remaining funds left from donations and money allocated to the program by the county. He explained how the program documents the number of feral hogs trapped using vouchers. Commissioner Madrigal suggested better tracking procedures.

Motion made by Commissioner Madrigal, second by Commissioner Moses to authorize payment in the amount of \$750.00 to Val Ramirez for bounty related to feral hogs harvested from October through December 2015. All voting "Aye".

2016.02.22.15

Discussion/Action regarding a \$6,566.00 payment to Wireless Traps for replacement of equipment lost in the October 2015 flood. **Cost:** TBD; **Speaker:** Commissioner Moses/Nick Dornak; **Backup:** 2.

Nick Dornak explained the traps used to catch feral hogs have been damaged and not been used since the flooding in October. He requested the county pay for replacement costs instead of waiting for FEMA to pay for them. He stated the estimated \$6,566.00 is incorrect and expects the replacement costs to be closer to \$5,000.00. Commissioner Moses received confirmation from Nick Dornak that the county will be reimbursed by FEMA for the cost of replacement traps. Nick Dornak requested tabling this item until the next meeting to get accurate cost information.

Motion made by Commissioner Muñoz, second by Commissioner Roland to table this item until the next meeting. All voting "Aye".

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2016.02.22.16

Discussion/Action regarding the purchase of one new ambulance as soon as possible, and a second unit for the 2016-2017 fiscal year. **Cost:** TBD; **Speaker:** Judge Schawe/Vance Rogers/Erik Olufs; **Backup:** 1.

City Manager, Vance Rogers spoke of the contract Caldwell County has with the City of Lockhart to provide EMS services and the contract with Seton to also provide EMS services. He stated in June of 2015, the EMS Department lost funding from a Medicaid waiver and went before the court to renew a previous contract which states the county will pay half the cost of any losses. He said there is a need for a replacement of an ambulance and introduced Director of EMS, Erik Olufs and Shift Captain, Chris Shomell to give a presentation on the reasons why a replacement is needed. Erik Olufs stated the ambulances accrue approximately 100,000 miles per year. The last purchase of an ambulance was in 2013 for an estimated \$135,000.00. He also explained Government standards that are required and the approximate maintenance and up-keep costs of \$45,000.00. Shift Captain, Chris Shomell spoke of the current conditions of the ambulances and the safety features needed on them. Judge Schawe said he is unsure whether the county can afford the ambulance at this time. Erik Olufs stated the EMS Department wants to purchase one new ambulance immediately and another next fiscal year. Commissioner Madrigal received clarification from Chris Shomell the current price for the new ambulance is \$199,215.00. Vance Rogers explained the City of Lockhart has set aside funds for this purchase. He proposed the City of Lockhart pay for the new ambulance needed now and the County would then purchase the next one. Judge Schawe requested tabling this item until next meeting to decide how to move forward.

Motion made by Commissioner Muñoz, second by Commissioner Moses to table this item until March 14, 2016. All voting "Aye".

2016.02.22.17

Discussion/Action regarding the lease of property at 1403 Blackjack in Lockhart to the Texas Health & Human Services Commission. **Cost:** TBD; **Speaker:** Judge Schawe; **Backup:** 1.

Judge Schawe stated the lease is coming up on the property located at 1403 Blackjack by the Scott Annex Building. The Texas Health and Human Services Commission is requesting to renew the lease dating back from February 29, 2013. Civil Attorney, Jordan Powell said she has several questions and concerns for the Commission and is waiting for a response.

Motion made by Commissioner Muñoz, second by Commissioner Moses to table this item until March 14, 2016. All voting "Aye".

2016.02.22.18

Discussion/Action regarding the lease of property at 510 E. Pierce Street in Luling to Bluebonnet Trails. **Cost:** None; **Speaker:** Judge Schawe; **Backup:** None.

Judge Schawe announced this item is for discussion only to let the Commissioners know that the property located at 510 Pierce Street in Luling is not being used to full capacity and is available for county use if needed. Commissioner Moses said it was a nice building. Commissioner Muñoz received confirmation from Judge Schawe that the building could be rented and that the current employees at that location are not requesting to be moved.

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2016.02.22.19 **Discussion/Action** regarding an update on the Request for Qualifications (RFQ) for transportation planning and management services. **Cost:** None; **Speaker:** Judge Schawe; **Backup:** 1.

Judge Schawe stated there has been a change in TXDOT staff and wanted to make the Commissioners aware that a Request for Qualifications (RFQ) is required but has not been completed. Commissioner Muñoz said he has been working with Civil Attorney, Jordan Powell and a RFQ has been submitted to TXDOT to look over and are waiting on approval.

2016.02.22.20 **Discussion/Action.** Regarding the contract renewal with Time Warner. **Cost:** TBD; **Speaker:** Judge Schawe; **Backup:** 1.

Judge Schawe explained changes that were made by Time Warner Cable to its servicing contract which was the Non-Appropriation of Funds Clause. He received the county's usage report from Time Warner Cable and stated other than at the Justice Center, these services are rarely being used. He said Time Warner Cable has given the County new options on a 3 year and 5 year contract with a 10 year contract still available. He asked the Commissioners whether they would like to continue with a 10 year agreement or put this back out for bid. Commissioner Muñoz stated the 10 year contract was approved last October. Judge Schawe explained the previous contract approved did not have the Non-Appropriation of Funds Clause. Commissioner Muñoz requested the Judge move forward with signing the 10 year contract. Civil Attorney, Jordan Powell explained the Non-Appropriation of Funds Clause and stated the court, if desired, would need to approve this as a new contract due to the added clause. Commissioner Roland added he would like more time to consider both sides and does not feel comfortable voting on this item. Judge Schawe said he does not believe they have a choice due to the numbers but did not want to sign the original contract until the changes were made.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve the 10 year contract with Time Warner Cable with corrections that the Judge has made. All voting "Aye".

2016.02.22.22 **Executive Session** pursuant to Sections 552.071 and 552.072 of Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, lease, or value of County-owned property located at 100 E. Market Street. Possible action may follow in open court. **Cost:** TBD; **Speaker:** Judge Schawe; **Backup:** None

Judge Schawe passed this item stating the counter offer was accepted.

2016.02.22.21 **Discussion/Action.** Regarding the elevator maintenance contract renewal. **Cost:** TBD; **Speaker:** Judge Schawe/Commissioner Roland; **Backup:** 1.

Judge Schawe explained the current service agreement for the elevators in county buildings. He suggested talking with the company who services the elevators to reduce the cost and wanted approval to renegotiate the contract of the elevator located at the courthouse. He asked the Commissioners if they want to cease the contract for the elevator located at the old tax office that is for sale. Commissioner Muñoz said he is concerned to cease the maintenance agreement at the old tax office building in case the pending sale fell through and would not have coverage. Judge Schawe responded stating they may enter back into the contract if needed.

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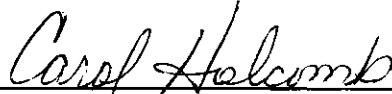
Motion made by Commissioner Madrigal, second by Commissioner Roland to authorize the County Judge to start negotiations on a new maintenance contract for the elevator at the courthouse and to cease the one on Market Street. Commissioner Moses, Commissioner Madrigal and Commissioner Roland voting "Aye" in favor and Commissioner Muñoz voting "Aye" opposing.

2016.02.22.23

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

Meeting Adjourned at 10:43 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 February 22, 2016.



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

