

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting June 27, 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 9:00 a.m. Commissioner Madrigal present at 9:01 a.m.

2016.06.27.01 **Invocation.** Lockhart Ministerial Alliance.

Pastor James Greene of First Presbyterian Church in Lockhart, Texas opened the meeting with prayer.

2016.06.27.02 **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.

2016.06.27.03 **Announcements.** Items or comments from Court Members or Staff.

Commissioner Muñoz read a statement from Jones and Carter in regards to the progress of construction on Westwood Road and Old Fentress Road. He announced that Deborah Kortan is leaving her position as Human Resource Director for the county and thanked her for her work. **Commissioner Moses** also thanked Deborah Kortan for her services. He reported that the Thump event this past weekend in Luling was very successful this year. He thanked the Foundation Farm for allowing him to borrow their equipment. He announced McMahan's 4th of July Celebration will be taking place this Saturday. **Commissioner Madrigal** thanked Deborah Kortan for her work and said the Thump event was excellent this year. **Commissioner Roland** said he had a great time at all the events this June.

2016.06.27.04 **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).

City of Martindale's Mayor, Randy Bunker announced the City's 4th of July Parade this Monday and welcomed everyone to attend.

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2016.06.27.05

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 \$253,069.01.
- B. Accept \$400 donation from Caldwell County Farm Bureau No. 028 defined as "Caldwell Cty Feral Hog Task Force Donation" to be used to partially offset the cost of the "BBQ Supper."
- C. Accept \$150 total cash donations from anonymous persons to be used to offset expenses of the feral hog program.
- D. Accept \$3,000 unrestricted grant/donation from Koch Companies Public Sector, LLC defined as "2015 Helping Hand Incident Com" to be used by Emergency Management / Homeland Security, Department 6650.
- E. 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 said they are still working on audit reports and requested pulling Item E.

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

SPECIAL PRESENTATIONS - Introduction of 4-H State Roundup Participants and recognize scholarship recipients by County Extension Agent, Julie Zimmerman

Judge Schawe stated Julie Zimmerman was unable attend today's meeting and said there would not be a special presentation.

(ALL OTHER AGENDA ITEMS)

2016.06.27.06

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

Martin Ritchey stated there has been additional fire behavior but said the KBDI index does not indicate a need for a burn ban at this time.

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

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2016.06.27.07

Discussion/Action to reclassify (from reserves to current year budget) the \$7,000 unrestricted grant - donation from Koch Industries received in January 2015 to be used by Emergency Management - Homeland Security, Department 6650 and approve as budget amendment #2015-15. **Cost:** \$7,000.00; **Speaker:** Judge Schawe/Debra French/Martin Ritchey; **Backup:** 1.

County Auditor, Debra French explained the court accepted the donation last year and it was not recognized properly to be used by Homeland Security. Martin Ritchey stated the funds will be used for identification and hazard materials response.

Motion made by Commissioner Muñoz, second by Commissioner Moses to reclassify the reserves from current year budget the \$7,000 unrestricted grant by Koch Industries for Homeland Management Security. All voting "Aye".

2016.06.27.08

Discussion/Action to amend the current (FY2015-16) budget for Emergency Management - Homeland Security office supplies, training, and Emergency Operations Center to correct for purchases made in late FY 2014-15 but paid in FY 2015-16 and approve as budget amendment #2015-16. **Cost:** \$3,332.45; **Speaker:** Judge Schawe/Debra French/Martin Ritchey; **Backup:** 9.

County Auditor, Debra French explained that there were items purchased by the Emergency Management Department last fiscal year that were paid using current budget funds. She stated Martin Ritchey had funds available for those purchases using last year's budget. Due to the timing issue, she requested adjusting the Emergency Management budget. She shared her concern for departments making purchases too close to the end of the fiscal year. Commissioner Muñoz and Commissioner Madrigal asked that this issue be looked into so that it does not occur again.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve budget amendment #2015-16 cost of \$3,332.45 for Emergency Management Homeland Security office supplies. All voting "Aye".

2016.06.27.09

Discussion/Action to amend the current (FY2015-16) budget for Emergency Management/Homeland Security Line Item 001-6650-3110 (Office Supplies) to adjust for additional funds requested by department and approve as budget amendment #2015-17. **Cost:** \$800.00; **Speaker:** Judge Schawe/Debra French/Martin Ritchey; **Backup:** 1.

County Auditor, Debra French explained that when two departments were combined together, the budget for office supplies was also combined and reduced. She further stated that once the court decided to separate the two departments, the cut in the office supplies budget was not recognized. She requested the court replace the funds that were deleted once the departments were split.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve budget amendment 2015-17 cost of \$800.00 to go back into Emergency Management Homeland Security line item 001-6650-3110. All voting "Aye".

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2016.06.27.12 **Discussion/Action** regarding construction of Sage Hollow Road (CR 96) in Lytton Springs. **Cost:** Approximately \$51,000.00; **Speaker:** Commissioner Roland; **Backup:** 3.

Motion made by Commissioner Roland, second by Commissioner Madrigal to not do the construction on Sage Hollow Road. All voting "Aye".

2016.06.27.13 **Discussion/Action** to dispose of salvage or surplus property located at the Unit Road building pursuant to Section 263.151 of the Texas Local Government Code. **Cost:** TBD; **Speaker:** Judge Schawe; **Backup:** None.

Judge Schawe changed the wording of the agenda item to read Unit Road site instead of building. He said there is salvage that needs to be disposed of and mentioned options for the court to proceed. Unit Road Director, Dwight Jeffery said it was all junk iron and estimated a value of \$4,000. He requested a recycle company come out to clean up the property which is what the county has approved in years past. Judge Schawe recommended having a contract with a company to have them clear the site on a routinely basis. Civil Attorney, Jordan Powell discussed the options available for the court. She stated as long as the court is recycling the material and not selling, the court does not have to place it up for a bid. She recommended making a motion to destroy that property by means of recycling it. Commissioner Muñoz said he makes that motion. Judge Schawe stated he believes the court needs to bid out to recycling companies. Jordan Powell explained further the statute regarding disposing of the materials. Commissioner Roland did not agree with rushing this matter.

Motion made by Commissioner Muñoz, second by Commissioner Moses to destroy that property by means of recycling it.

Commissioner Madrigal asked Jordan Powell's opinion on moving forward. She stated she would look into the statute further.

Commissioner Muñoz withdrew his motion.

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

2016.06.27.10 **PUBLIC HEARING at 9:30 AM** concerning the approval of a Final Plat for Dale Oaks subdivision to include approximately 49.033 acres located off Thompson Road (CR 189). **Cost:** None; **Speaker:** Commissioner Roland/Kasi Miles; **Backup:** 6.

Kasi Miles with the Sanitation Department opened the meeting at 9:38 a.m. for discussion. She explained this property is for a proposed subdivision of 35 lots. No comments. Meeting closed at 9:40 a.m.

2016.06.27.11 **Discussion/Action** to consider approval of a Final Plat for Dale Oaks subdivision to include approximately 49.033 acres located on Thompson Road (CR 189). **Cost:** None; **Speaker:** Commissioner Roland/Kasi Miles; **Backup:** 23

Kasi Miles with the Sanitation Department stated she has received a letter of approval from County Engineer, Tracy Bratton and that all fees have been collected. She had received a letter from Matthew Allen from the Appraisal District who shared some concerns which are being addressed. Jaclyn Archer, 9-1-1 coordinator with the County's Appraisal District discussed concerns about the street names and suffixes used. She said she is working on getting accurate maps to dispatchers and first responders. Kasi Miles asked for the courts approval.

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Motion made by Commissioner Roland, second by Commissioner Madrigal and Commissioner Moses to approve of a Final Plat for Dale Oaks subdivision. All voting "Aye".

2016.06.27.14

Discussion/Action to authorize the County Judge to execute an Interlocal Agreement with the Guadalupe-Blanco River Authority to restore waterways damaged by the May 2015 flooding event. **Cost:** None; **Speaker:** Judge Schawe; **Backup:** 4.

Judge Schawe explained to the court he needs approval to sign the Interlocal Agreement that would allow Guadalupe-Blanco River Authority (GBRA) to restore waterways.

Motion made by Commissioner Moses stating "So Moved", second by Commissioner Muñoz to authorize the County Judge to execute an Interlocal Agreement. Commissioner Roland absent during vote. All present voting "Aye".

2016.06.27.15

Discussion/Action to amend the order prohibiting the keeping of wild animals. **Cost:** None; **Speaker:** Judge Schawe; **Backup:** 3.

Judge Schawe stated this item is to update and amend the current order prohibiting the keeping of wild animals. Civil Attorney, Jordan Powell explained the draft was edited and that the attached order has been agreed on.

Motion made by Commissioner Moses, second by Commissioner Muñoz to amend the order prohibiting the keeping of wild animals. Commissioner Roland absent during vote. All present voting "Aye".

2016.06.27.16

Discussion/Action regarding overtime in the Unit Road Department. **Cost:** TBD; **Speaker:** Judge Schawe; **Backup:** None.

Judge Schawe explained that many Unit Road Department employees are needing to take extended time off due to the amount of comp time accrued. Judge Schawe suggested paying employees overtime instead of allowing accrued comp time. Unit Road Director, Dwight Jeffrey confirmed the issues regarding overtime in the Unit Road Department. Sheriff Daniel Law stated the Sheriff's Office pays officers overtime. Martin Ritchey said the county does not know at the time of an emergency if the county will be declared and said FEMA requires policies be in place prior to the disaster. Sheriff Daniel Law suggested the court consider paying employees overtime pay. County Auditor, Debra French suggested the court look at all the rules in place before making a decision. Judge Schawe requested tabling this item. Civil Attorney, Jordan Powell said the HR Department needs to be involved in this matter.

Motion made by Commissioner Muñoz, second by Commissioner Moses to table this item and the committee will follow as Judge Schawe, Jordan Powell, Debra French, and Commissioner Muñoz and call in TAC (Texas Administrative Code) to try and resolve this issue. All voting "Aye".

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2016.06.27.17

Discussion regarding the Memorandum of Understanding (MOU) Between Texas State Tubes LLC and RKY Ltd. and the Counties of Caldwell and Guadalupe. **Cost:** None; **Speaker:** Judge Schawe; **Backup:** 8.

Judge Schawe explained to the court that he had received a letter from the Parks and Wildlife about a memorandum of understanding between Texas State Tubes and Don's Fish Camp and the Counties of Caldwell and Guadalupe. Judge Schawe stated he was unaware of this until recently receiving the letter and said this matter should have been initiated by the two companies involved. Civil Attorney, Jordan Powell said this memorandum should have been signed in 2015. Commissioner Madrigal said he is meeting with someone from one of the camps later today. He said the tubing companies have done nothing to accommodate the subdivisions by the river. City of Martindale's Mayor, Randy Bunker stated the tubing industry effects the City of Martindale tremendously. He said the tubing companies have not kept their promises and described the many ongoing issues with these businesses. Sheriff Daniel Law stated the Memorandum is used to stop the current regulations of the tubing companies. He said these companies are causing a detriment to the river and citizens who live along the river and that the Memorandum of Understanding (MOU) was ordered during last year's legislation.

2016.06.27.18

Discussion/Action regarding providing law enforcement services to private companies. **Cost:** TBD; **Speaker:** Judge Schawe; **Backup:** None.

Judge Schawe shared concerns for law enforcement officers that are working private security and not being covered by worker's comp. He said the sheriff's office charges a certain amount of money per patrol vehicle on off duty jobs that need to be accepted by the county. County Auditor, Debra French said there are funds coming in and that the court needs to determine what account they want those funds going into. Sheriff Daniel Law said there's nothing in statute that says the sheriff's office must charge for use of a patrol vehicle but that he has spoken with surrounding counties that do charge and came up with a rate of \$10 per hour per vehicle. Debra French explained the options available on receiving the funds. Sheriff Law recommended putting the funds in a separate account to be used specifically for the vehicles. Judge Schawe suggested tabling this item. Debra French said she can accept the current funds received and apply it to an account manually.

Motion made by Commissioner Muñoz, second by Commissioner Moses to accept the monies received so far and apply it to a revenue fund for the maintenance of sheriff's office vehicles. All voting "Aye".

2016.06.27.19

Discussion/Action to approve a budget amendment to transfer \$10,000 from Line Item 001-6600-4110 to hire temporary part-time law enforcement on the San Marcos River. **Cost:** None, (Budget Amendment); **Speaker:** Judge Schawe; **Backup:** None.

Judge Schawe stated he would like to have additional help from law enforcement to work security on busy days by the river. Commissioner Muñoz discussed the current accounts from the budget. Sheriff Daniel Law discussed the memorandum of understanding and the responsibilities of the tubing companies. He said the security needs to be done regardless and that the tubing companies should be responsible for paying those costs. He stated he has as many guys working security at the river as possible. Judge Schawe said he has spoken with the constable's and they are willing to help. Mayor of the City of Martindale, Randy Bunker discussed the problems with the use of alcohol on the river.

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Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve a budget amendment to transfer \$10,000 from Line Item 001-6600-4110 to hire temporary part-time law enforcement on the San Marcos River and approve overtime. All voting "Aye".

2016.06.27.20

EXECUTIVE SESSION pursuant to Sections 551.071 and 551.087 of the Texas Government Code: Consultation with counsel and deliberation regarding economic development negotiations associated with Project Cast. Possible action may follow in open court. **Cost:** TBD; **Speaker:** Judge Schawe; **Backup:** None.

Persons present in the executive session were: Judge Schawe, Commissioner Muñoz, Commissioner Moses, Commissioner Madrigal, Commissioner Roland, Civil Attorney Jordan Powell.

Executive Session began: 10:38 a.m.
Executive Session ended: 11:27 a.m.
Judge Schawe announced back in session: 11:28 a.m.

No action taken in closed court.

Action taken in open court:

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

2016.06.27.21

EXECUTIVE SESSION pursuant to Sections 551.071 and 551.087 of the Texas Government Code: Consultation with counsel and deliberation regarding economic development negotiations associated with Project Country. Possible action may follow in open court. **Cost:** TBD; **Speaker:** Judge Schawe; **Backup:** None.

Persons present in the executive session were: Judge Schawe, Commissioner Muñoz, Commissioner Moses, Commissioner Madrigal, Commissioner Roland, Civil Attorney Jordan Powell.

Executive Session began: 11:29 a.m.
Executive Session ended: 11:53 a.m.
Judge Schawe announced back in session: 11:54 a.m.

No action taken in closed court.

Action taken in open court:

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

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2016.06.27.22

Budget Workshop regarding the proposed 2016-17 budget.

Judge Schawe explained he would like to give all department heads and elected officials the ability to disperse raises as they see fit. Commissioner Madrigal said he would like a set raise across the table. He spoke of the need for evaluations and write-ups. Sheriff Daniel Law gave his opinion stating he would like to see a 5% increase across the board and more longevity. He also said he currently does annual evaluations with his employees and explained the high turnover rate. He concluded stating he would like to have an input on raises for his department. District Attorney, Fred Weber said he would like discretion to give raises to the employees in his office. County Auditor, Debra French suggested that the court think about a dollar amount raise instead of a percentage. County Clerk, Carol Holcomb said she would like to see a raise across the board to increase salaries and would also like to have an input on raises for the employees in her office. Debra French spoke of the county's current payroll. Judge Schawe discussed the current number of county employees in comparison to surrounding counties stating Caldwell County has a greater amount. He said the reason the county's employees make less is because there are more employees. He proposed doubling the current longevity from \$25.00 per year to \$50.00 per year. He is still working on revenues and said retirement would need to be cut to 6% instead of 7% due to cost. He expressed the importance of evaluations. Commissioner Roland said he wants evaluations to be fair. Judge Schawe said he is working on a five year plan. Fred Weber and Debra French explained the importance of evaluations. Judge Schawe encouraged the court to agree on giving all employees a set raise as well as all department heads a set amount to reward employees at their discretion. He said he hopes to have a draft of the budget ready by next meeting.

2016.06.27.23

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

Meeting Adjourned at 12:27 p.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 June 27, 2016.



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

