

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting September 12, 2016 9:00 a.m.



KEN SCHAWÉ
CAROL HOLCOMB

County Judge
County Clerk

ALFREDO MUÑOZ
EDDIE MOSES
NETO MADRIGAL
JOE IVAN ROLAND

Commissioner Pct. 1
Commissioner Pct. 2
Commissioner Pct. 3
Commissioner Pct. 4

Call Meeting to Order. Meeting called to order by Judge Schawe at 9:00 a.m. All members of the court present.

2016.09.12.01 **Invocation.** Lockhart Ministerial Alliance.

Judge Schawe opened the meeting with prayer.

2016.09.12.02 **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.

2016.09.12.03 **Announcements.** Items or comments from Court Members or Staff.

Commissioner Moses announced the Caldwell County Clean-up on September 24th at the County Barn beginning at 8:00 a.m. He also announced the St. John's Catholic Church Benefit on October 1st and 2nd and the McMahan Volunteer Fire Department Benefit on October 1st. He mentioned the new art exhibit available at the Oil Museum in Luling from September 11th through September 23rd. Commissioner Muñoz said the Greater San Marcos Hispanic Chamber of Commerce along with the City of Lockhart are hosting their Annual Diez y Seis de Septiembre event downtown Lockhart on September 16th and September 17th. Commissioner Madrigal asked for a moment of silence in remembrance of the lives lost on September 11, 2001. He stated he attended a meeting with CAMPO where they discussed transportation plans for the upcoming years. He met with GBRA at the San Marcos River who is helping with cleanup around the river due to previous flooding. Commissioner Roland said he was very proud to be born and raised on St. John's Colony in Caldwell County and shared details of a family event. Martin Ritchey said the Gaslight Baker Theatre provided a great tribute to first responders this past weekend. Judge Schawe attended a conference that discussed affordable housing and the new apartment complex being built off of San Antonio St.

2016.09.12.04 **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 comments.

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2016.09.12.05

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 \$436,946.643.
- B. Approve payment of bond renewal for the Deputy District Clerks.
- C. Accept the August 2016 Tax Collection Report from the Caldwell County Appraisal District.
- D. Approve payment of bond renewal for Constable Precinct #4, Arthur Villareal.

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

(ALL OTHER AGENDA ITEMS)

2016.09.12.06

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

Martin Ritchey said the KBDI index has increased but is not at a threatening stage. He cautioned the public to notify the Sheriff's Office before burning.

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

2016.09.12.07

Discussion/Action to approve the annual service contract for maintenance of the Seth Thomas tower clock in the courthouse. **Speaker:** Judge Schawe; **Cost:** \$1,750.00; **Backup:** 1.

Judge Schawe said the maintenance of the Seth Thomas Tower Clock is an ongoing contract.

Motion made by Commissioner Moses, second by Commissioner Muñoz to approve the service contract. All voting "Aye".

2016.09.12.08

Discussion/Action to open 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.

The court announced bids for unit road materials. Industrial Asphalt and Aggregates Austin Materials placed a bid on ¾" base at \$8.50 per ton at the plant and \$19.20 delivered, ½" commercial base at \$8.25 at the plant and \$18.95 delivered, Type A black base \$60.00, Type D cold base \$62.00. Cemex placed a bid on ¾" base at \$5.25 for pick-up and \$14.97 delivered, 1½" commercial base at \$4.85 pick-up and \$14.57 delivered. Centex Materials placed a bid for 1½" commercial base at \$9.00 at the plant. Brauntex Materials placed a bid for aggregate grade 4 at \$20.00 at the plant and \$30.00 delivered, 1½" commercial based at \$5.75 at the plant and \$15.75 delivered, type D cold mix at \$60.00. Asphalt Inc. placed a bid for type B black base at \$52.00 at the plant and type D cold mix \$57.00. Johnson Oil Company placed a bid for regular unleaded at \$2.0513 per gallon, diesel at \$1.8221 per gallon, motor oil \$7.0125 per gallon, hydraulic fluid at \$5.9150 per gallon, chassis grease at \$2.39 per

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cartridge and \$86.32 per 5 gallon, anti-freeze at \$454.95 per 55 gallon drum and \$8.51 per gallon, transmission fluid at \$9.30 per gallon. Allied Sales placed a bid for motor oil at \$6.43 per gallon, hydraulic fluid at \$4.49 per gallon, chassis grease at \$1.87 per cartridge and \$67.52 per 5 gallon, anti-freeze at \$397.04 per 55 gallon drum and \$8.00 per gallon, transmission fluid at \$8.63 per gallon. Gold Star Petroleum Inc. placed a bid for regular unleaded at \$1.5854 per gallon and diesel at \$1.5721 per gallon. Western Emulsions placed a bid for asphalt material slow set emulsion at \$1.30 per gallon at the plant and \$1.42 per gallon delivered, rapid set emulsion at \$1.25 per gallon at the plant and \$1.32 gallon delivered, regular unleaded gas at \$2.03 per gallon, diesel at \$1.788 per gallon, pump and hose charge at \$95.00 per load, demurrage after the second hour of \$65.00 per hour and layovers at \$450.00 per night, scrub seal at \$2.91 per gallon delivered, fog seal at \$2.41 per gallon delivered, fast-set fog seal at \$2.01 per gallon delivered, pro-flex soil stabilizer at \$2.50 per gallon delivered and Pass on base at \$2.93 per gallon delivered. Schmidt & Sons, Inc. placed a bid for regular unleaded at \$1.424 per gallon, diesel at \$1.4698 per gallon, motor oil \$6.99 per gallon, hydraulic fluid at \$7.88 per gallon, chassis grease at \$2.39 per cartridge and \$73.29 per 5 gallon, anti-freeze at \$369.00 per 55 gallon drum and \$7.50 per gallon, transmission fluid at \$8.59 per gallon. Sun Coast placed a bid for regular unleaded at \$2.1088 per gallon and diesel at \$1.8666 per gallon. Ergon Asphalt & Emulsions, Inc. placed a bid for slow set emulsion at \$1.23 per gallon at the plant and \$1.34 delivered, rapid set emulsion at \$1.23 per gallon at the plant and \$1.34 delivered. Arnold Oil Company placed a bid for regular unleaded gas at \$2.0103 per gallon, diesel at \$1.7681 per gallon, motor oil \$6.80 per gallon, hydraulic fluid at \$6.41 per gallon, chassis grease at \$2.43 per cartridge and \$7.86 per gallon, anti-freeze at \$419.38 per 55 gallon drum, transmission fluid at \$11.07 per gallon, regular unleaded at \$1.4596 per gallon and diesel at \$1.4836 per gallon. Petroleum Traders Corporation placed a bid on regular unleaded at \$1.6034 per gallon and diesel at \$1.6037 per gallon. Judge Schawe received clarification that no action will be taken at this time pending review from Unit Road Administrator, Dwight Jeffrey.

2016.09.12.09

Discussion/Action regarding the transfer of all payroll functions from the Treasurer's Office to the Human Resources Department. **Speaker:** Commissioner Munoz; **Cost:** None; **Backup:** None.

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

2016.09.06.18

CALL FOR PUBLIC HEARING at 9:30am: regarding the proposed tax rate pursuant to Section 111.007 of the Local Government Code. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** None.

Public hearing opened at 9:30 a.m.

No comments

Public hearing closed at 9:30 a.m.

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2016.09.12.10 **Discussion** to consider entering into an Interlocal Agreement with the Central Texas Dispute Resolution Center for the purpose of mediating of court cases. **Speaker:** Commissioner Munoz; **Cost:** None; **Backup:** 13.

Jason Irlle, executive director of the Central Texas Dispute Resolution Center explained the organization and the importance of mediation services within the court system. 421st District Court Judge, Judge Blomerth agreed that mediation services are a great asset to the courts. Jason Irlle specified the fee as \$15 per civil case for use of mediation services. Judge Schawe requested more information including the approximate amount of fees that would be collected annually for this service in Caldwell County. Commissioner Madrigal and Commissioner Roland expressed the importance of having a mediation service available in our court system.

2016.09.12.11 **Discussion/Action** regarding an ongoing audit by the State Comptroller. **Speaker:** Judge Schawe/Debra French; **Cost:** TBD; **Backup:** None.

County auditor, Debra French explained the current status of the ongoing audit by the State Comptroller's office. The audit is being conducted on the District Clerk's office, County Clerk's office and the Justice of the Peace offices. She said the audit should be completed in October of this year and that the county may owe money to the state estimated at \$350,000. She said the offices use codes that assess which fees should be payable to the state and said they may not have been designated properly to ensure the state was receiving their funds. County Treasurer, Lori Rangel discussed the process of remitting fees in her office. District Clerk, Tina Freeman explained how she operates the coding system and reports in her office. Commissioner Muñoz shared concern for the different software programs used. Lori Rangel suggested elected officials contact their individual software companies to make sure the fees and codes are correct. The auditor's office is looking over the codes and fee schedule to correct the matter.

No action taken. Discussion only.

2016.09.12.12 **Discussion** regarding filling the Unit Road Administrator position. **Speaker:** Judge Schawe; **Cost:** TBD; **Backup:** None.

Commissioner Moses said they received two internal applications for the Unit Road Administration position. He said he discussed the applications with Judge Schawe, Commissioner Madrigal and Daniel Fowler, Director of Human Resources. Daniel Fowler said they unanimously agreed upon Donald Leclerc. Commissioner Roland requested another interview with both applicants to discuss their plans with the Unit Road Department.

2016.09.12.13 **Discussion/Action** to approve local funding request from the Juvenile Board for FY 2017. **Speaker:** Judge Schawe/Jay Monkerud; **Cost:** TBD; **Backup:** 2.

Chief Juvenile Probation Officer, Jay Monkerud said the Caldwell County Juvenile Board is requesting \$501,465.00 in local funding for Fiscal Year 2017. He said that would be an increase of \$17,774.00 or 3.7% from last year.

Motion made by Commissioner Moses, second by Commissioner Muñoz to approve the request from the Juvenile Board for FY 2017. All voting "Aye".

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2016.09.12.14 **Discussion/Action** to approve the request for funding by the Information Technology Department to extend the warranties of the EqualLogic's Storage Area Network devices. **Speaker:** Judge Schawe/Mark Hinnenkamp; **Cost:** \$4,520.91; **Backup:** 4.

IT Director, Mark Hinnenkamp stated there is a failing piece of equipment that is critical for information storage that is not under warranty. He explained the company will fix the issue if the warranty is purchased and will remain under warranty for one year. The new piece of equipment costs \$1,300.00.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve the IT Department to extend the warranties of the EqualLogic's Storage area network devices. All voting "Aye".

2016.09.12.15 **Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Moore Acres Subdivision located off FM 1185. **Cost:** None; **Speaker:** Commissioner Munoz/Kasi Miles; **Cost:** None; **Backup:** 11.

Kasi Miles explained the Moore Acres Subdivision that will be made up of 4 tracts for a total 4.2208 acres. She said there are no flood concerns and all fees have been paid with a letter of recommendation from Tracy Bratton.

Motion made by Commissioner Roland, second by Commissioner Muñoz to approve the order authorizing the filing of a final plat, short form procedure for Moore Acres Subdivision. All voting "Aye".

2016.09.12.16 **Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for McKean Acres located off Taylorsville Road (CR 158). **Speaker:** Commissioner Moses/Kasi Miles; **Cost:** None; **Backup:** 8.

Kasi Miles gave information about McKean Acres. She said the property will consist of 1.1898 acres. There is no flood plain concern and all fees have been paid with a letter of recommendation from Tracy Bratton.

Motion made by Commissioner Moses stated "so moved", second by Commissioner Muñoz to approve of the order authorizing the filing of a final plat, short form procedure for McKean Acres. All voting "Aye".

2016.09.12.17 **Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for McKean Acres located off Taylorsville Road (CR 158). **Speaker:** Commissioner Munoz/Kasi Miles; **Cost:** None; **Backup:** 13.

Judge Schawe corrected a typo on this item and said this final plat is pertaining to Birdie's Acres. Kasi Miles explained the property as a 1 acre tract with no flood plain concerns. All fees have been paid and a letter of recommendation from Tracy Bratton has been received.

Motion made by Commissioner Moses stated "so moved", second by Commissioner Muñoz to approve of the order authorizing the filing of a final plat for Birdie's Acres. All voting "Aye".

2016.09.12.20 **Discussion/Action** to approve the 2016-17 Caldwell County Proposed budget as required by Section 111.008(a) of the Local Government Code. Pursuant to Section 111.008(b), the Commissioners Court may make any changes in the proposed budget that it considers warranted by the law and required by the interest of the taxpayers.

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NOTE: The vote to adopt the budget must be a roll call vote. **Speaker:** Judge Schawe;
Backup: None.

Commissioner Muñoz received clarification that the current proposed budget includes the amendments to the Elections office.
Motion made by Commissioner Muñoz, second by Commissioner Moses to approve the 2016-17 Caldwell County Proposed budget as required by Section 111.008(a) of the Local Government Code. Pursuant to Section 111.008(b).

Roll Call Vote: Commissioner Muñoz; "Yes", Commissioner Moses, "Yes"; Commissioner Madrigal, "yes"; Commissioner Roland, "Yes"; Judge Schawe, "Yes".
All voting "Aye".

2016.09.12.19

Discussion/Action to consider adopting an order setting the tax rate of \$0.7753 per \$100.00 of assessed valuation for the fiscal year 2016-2017. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** 1.

Motion made by Commissioner Muñoz, second by Commissioner Moses to adopt an order setting the tax rate of \$0.7753 per \$100.00 of assessed valuation for the fiscal year 2016-2017.

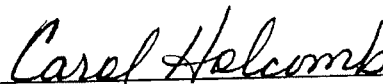
Roll Call Vote: Commissioner Muñoz; "Yes", Commissioner Moses, "Yes"; Commissioner Madrigal, "yes"; Commissioner Roland, "Yes"; Judge Schawe, "Yes".
All voting "Aye".

2016.09.12.21

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

Meeting Adjourned at 10:32 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 12, 2016.



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