

**CALDWELL COUNTY
COMMISSIONERS COURT MINUTES
1403 Blackjack Street, Lockhart, Texas
Regular Meeting August 19, 2013 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

Call Meeting to order.

Commissioner Madrigal not present.

- 08.19.01 Invocation.** Caldwell County Christian Ministries.
Pastor James Green with First Presbyterian opened the meeting with prayer.
- 08.19.02 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 the Pledge to the Flags.
- 08.19.03 Announcements:** Items or comments from Court Members or Staff.
Sheriff Law presented an award to Captain Mike Lane for completing the training at the Law Enforcement Management Institute of Texas. He is the first in Caldwell County to have achieved this.
Commissioner Madrigal arrived.
New Judicial Center Update by Judge Bonn. He reported that there have been 2 weeks of demolition completed by maintenance and the help from the inmates.
Caldwell County recipient of the \$30,000 CHAMP Grant, a/k/a the Hogout Program. It is a team effort between Hays and Caldwell County.
Commissioner Roland announced that there will be a fund raiser for the Carver High School Alumni. It will be a golf tournament on Monday Sept 16, 2013. For more information please contact Commissioner Roland.
- 08.19.04 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).
None
- 08.19.05 Commissioners Court Minutes.** Approval of August 6, 2013 and August 12, 2013 Minutes.
Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to approve minutes dated August 6, 2013 and August 12, 2013. All Voting "Aye"

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- 08.19.06 Consent Agenda.** (Any member of the Court may request that an item within the Consent Agenda be moved to the Regular Agenda for further discussion and action).
- A.** To approve Surety Bond #15663555, Arthur Villarreal, Constable Precinct #4, renewal in the amount of \$1,000.00 commencing on September 18, 2013 and ending on September 28, 2014. **Cost:** \$50.00
 - B.** To accept the 990EZ form from Dale Volunteer Fire Department as required by Paragraph 8 of the Rural Fire Protection Service Contract with Caldwell County to comply with the yearly reporting to the Caldwell County Judge's Office.
 - C.** To approve consolidated Polling Places for the Constitutional Amendments.
Commissioner Buchholtz would like to remove "C" from the Consent Agenda.
Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to approve "A" and "B" on Consent Agenda. All Voting "Aye"

08.19.07 Reports. None

08.19.08 Special Presentations. None

"C" from Consent Agenda

- C.** To approve consolidated Polling Places for the Constitutional Amendments.
Commissioner Buchholtz asked for clarification by Elections Administrator Pamela Ohlendorf on which precincts would be consolidated. Motion made by Commissioner Buchholtz, second by Judge Bonn to approve the consolidation of the polling places for the November 2013 Constitutional Amendments. All Voting "Aye"

(ALL OTHER AGENDA ITEMS)

- 08.19.09 Discussion/Action** concerning HB 1513 regarding Records Archive Fee increase from \$5.00 not to exceed \$10.00 beginning September 1, 2013 and approve the County Clerk's archive plan.
Motion made by Commissioner Muñoz, second by Commissioner Roland to approve Order Approving \$10 Records Archive Fee and approve the County Clerks archive plan.
All Voting "Aye"
- 08.19.10 Discussion/Action** to consider the renewal of Caldwell County Employees Health Insurance with Texas Association of Counties.
Motion made by Commissioner Roland, second by Commissioner Madrigal to approve the renewal of Caldwell County Employees Health Insurance with Texas Association of Counties. All Voting "Aye"
- 08.19.11 Discussion/Action** concerning adoption of employer retirement contribution rate for fiscal year 2013-2014.
Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve adoption of employer retirement contribution rate for fiscal year 2013-2014. All Voting "Aye"

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Break at 9:26 a.m.
Public Hearing at 9:30 a.m.

- 08.19.12** **Public Hearing 9:30 A.M.** 2013-2014 Caldwell County Budget
Recaps of key tax points by Judge Bonn. He speaks of changes that have been made so far. Susan Stewart asked about the County Administrator position still on the budget and was told that it would be addressed in Executive Session. Commissioner Roland is concerned with the departments with no budgets. Judge Bonn speaks about maybe sometime having a parks department for the Wetlands in Caldwell County. County Auditor Larry Roberson explains that they are there from the previous year. He explained how any surplus amount at the end of the budget year is rolled into the reserve account. Commissioner Buchholtz asks about the fund that may be there for first responders and would like to see that still made available.

PUBLIC HEARING CLOSED-9:48 A.M.

BEGINS 9:52 A.M.

- 08.19.13** **Executive Session** pursuant to section 551.087 of the Texas Government Code to discuss or deliberate regarding commercial or financial information the county has received from a business prospect that the county seeks to have locate, stay, or expand in or near the county and to deliberate the offer of a financial or other incentive to the business prospect. No action will be taken in executive session.

ENDS 10:22 A.M.

BEGINS 10:24 A.M.

- 08.19.14** **Executive Session** for consultation with attorney pursuant to Texas Government Code § 551.071 regarding *Katharina Harper v. Caldwell County*; Cause Number 1:10-CV-00631 in the United States District Court for the Western District of Texas, Austin Division. No action will be taken in executive session.

ENDS 10:10:42 A.M.

BEGINS 10:42 A.M.

- 08.19.15** **Executive Session** for consultations with attorney pursuant to Texas Government Code § 551.071 regarding employee grievance filed by former county administrator. No action will be taken in executive session.

ENDS 11:37 A.M.

Recess 11:37 A.M.

Court Reconvenes 11:44 A.M.

- 08.19.16** **Discussion/Action** regarding the offer of a financial or other incentive to the business prospect. **Cost:** TBD. **Speaker:** Commissioner Madrigal/ Mike Hammerlander-V. P. Greater San Marcos Partnership. Motion made by Commissioner Madrigal, second by Commissioner Buchholtz for Greater San Marcos Partnership and the County to work together to develop, and begin working on an agreement for a prospect to bring back to Commissioners Court. They will continue to be in contact with County Attorney Mack Harrison.
- 08.19.17** **Discussion/Action** regarding *Katharina Harper v. Caldwell County*; Cause Number 1:10-CV-00631 in the United States District Court for the Western District of Texas, Austin Division.
No Action.
- 08.19.18** **Discussion/Action** regarding employee grievance filed by former county administrator.
No Action.

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- 08.19.19** **Discussion/Action** to rewrite Section 3.03 of Caldwell County Personnel Policy to clarify role of Commissioners Court in the selection and reporting procedure of non-elected personnel/departments, including the responsibility of elected officials in the selection of staff employees for their departments. Motion made by Commissioner Roland, second by Commissioner Muñoz to table this item until the next meeting and for Commissioner Roland, Commissioner Buchholtz, Assistant District Attorney Mack Harrison and Human Resource Director Deborah Kortan to meet and prepare a document for Commissioners Court to review. All Voting "Aye"
- 08.19.20** **Discussion/Action** to approve Interlocal agreement with Hays County for right-of-way acquisition for FM 110 Project consisting of proposed improvements for the approximately 11.3-mile corridor from SH 123 to I-35 at Yarrington Road. Commissioner Madrigal recognizes Hays County Assistant District Attorney Mark Kennedy and Michael J. Weaver, Prime Strategies, Inc. and former Commissioner John Cyrier. Mr. Kennedy gave an overview of the project and the entities involved. Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve the Interlocal agreement with Hays County for right-of-way acquisition for FM 110 Project consisting of proposed improvements for the approximately 11.3-mile corridor from SH 123 to I-35 at Yarrington Road. All Voting "Aye"
- 08.19.21** **Discussion/Action** to approve Resolution No. 19-2013 requesting that the Texas Transportation Commission allocate \$1 million of the county's \$10 million SH 130 concession payment toward the FM 110 Project. **Cost:** \$1 million from SH 130 concession payment. Speaker: Michael J. Weaver, Prime Strategies, Inc. Michael Weaver spoke to the court explaining more details about this project. John Cyrier spoke about the increased growth of Caldwell County and the benefit of this project to our residents. Judge Bonn adds that the County would like more time to digest all of the details and would like to touch as many projects as possible with the concession money. Discussions will continue. Motion made by Commissioner Madrigal, second by Commissioner Buchholtz to table this item until the next meeting. All Voting "Aye"
- 08.19.22** **Discussion/Action** regarding vehicle sold/not sold at auction/govdeals.com and vehicle count by departments. Motion made by Judge Bonn, second by Commissioner Madrigal to approve for the County to place the non-running vehicles at the county pit to allow the Volunteer Fire departments to use for training and then sell the scrap. All Voting "Aye"
- 08.19.23** **Discussion/Action** to approve Proposed 2014 Appraisal District Budget. Motion made by Commissioner Roland, second by Commissioner Muñoz to approve the Caldwell County Appraisal District Budget in the amount of \$ 387,111.49. All Voting "Aye"
- 08.19.24** **Discussion/Action** to set 2014 Sheriffs' and Constables' fees to take effect on January 1, 2014. Motion made by Commissioner Buchholtz, second by Commissioner Madrigal to remain the same for 2014. All Voting "Aye"
- 08.19.25** **Discussion/Action** to approve the additional division of the Sheriff Department "Judicial Center Courtroom Security" for the budget year 2013- 2014 that will increase the courtroom security to ten deputies to be implemented 2 positions every six months until the plan is complete. **Cost:** \$380,505.06 Sheriff Law speaks to the court about the vacancies and the need for additional deputies that will be required for the Judicial Center and current positions. Motion made by Commissioner Roland, second by Commissioner Muñoz to table this item until the meeting on September 4, 2013. All Voting "Aye"

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- 08.19.26 Discussion/Action** to approve Budget Amendment No. 11 which reflects the estimated operating costs of the Fleet Maintenance Department for the current year.
Motion made by Commissioner Roland, second by Commissioner Muñoz not to approve Budget Amendment No. 11 which reflects the estimated operating costs of the Fleet Maintenance Department for the current year. Role Vote- Commissioner Muñoz-Yes, Commissioner Buchholtz-No, Commissioner Madrigal-Yes, Commissioner Roland-Yes, Judge Bonn-No. Motion Passed
- 08.19.27 Discussion/Action** to place the maintenance department at the new judicial center under the supervision of the Unit Road Department.
Motion made by Commissioner Roland, second by Commissioner Madrigal to approve placing the fleet maintenance department at the new judicial center under the supervision of the Unit Road Department. Roll Vote- Commissioner Muñoz-Yes, Commissioner Buchholtz-No, Commissioner Madrigal-Yes, Commissioner Roland-Yes, Judge Bonn-No. Motion Passed
- 08.19.28 Discussion/Action** to move the money received from Flint Hills Resources in which FHR paid the county to pave part of Old Lockhart Road (CR 176) near the intersection of FM 1854 and State Highway 21 and to move balance of paving line to the Unit Road Seal Coating Line.
Motion made by Commissioner Roland, second by Commissioner Buchholtz to move the money received from Flint Hills Resources in which FHR paid the county to pave part of Old Lockhart Road (CR 176) near the intersection of FM 1854 and State Highway 21 and to move balance of paving line to the Unit Road Seal Coating Line. All Voting "Aye. County Auditor Larry Roberson said that he would prepare a budget amendment for the transfer of \$125,154.00 to bring before the Court.
- 08.19.29 Discussion/Action** concerning all keys and master keys for County building and offices being retained in the County's Judge's office.
Motion made by Commissioner Madrigal, second by Commissioner Roland to make a copy of all keys and master keys for County building and offices and have a set for maintenance, the Sheriff's Office and the Judges Office for security and accessibility. All Commissioners Voting "Aye" Judge Bonn Voting "No"
- 08.19.30 Discussion/Action** regarding Burn Ban.
Motion made by Commissioner Roland, second by Commissioner Muñoz to leave the Burn Ban in place. All Voting "Aye"
- 08.19.31 Adjournment**
Motion made by Commissioner Muñoz, second by Commissioner Roland to Adjourn. All Voting "Aye"



TOM D. BONN, County Judge