

CALDWELL COUNTY
COMMISSIONERS COURT MINUTES
1403 Blackjack Street, Lockhart, Texas
Regular Meeting October 14, 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.
All Court members present

- 2013.10.14.01 Invocation. Caldwell County Christian Ministries.
Randy Frye, First Christian Church opened the meeting in prayer.
- 2013.10.14.02 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 Bonn led everyone in the Pledge to both Flags.
- 2013.10.14.03 Announcements: Items or comments from Court Members or Staff.
Judge Bonn said that question of enforcement had been clarified for the weight restrictions and that the constables authorized by Commissioners Court able to enforce the weight limits, could on the County Roads and a Sheriff's Deputy can enforce it on State Roads, and that they could possibly work together. Chief Deputy David Brent conveyed that at this time, the Caldwell County Sheriff Department does not have the manpower for working with the weights.
- 2013.10.14.04 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).
Ann Smith spoke to the court members concerning the 1350 feet of her property that was taken while building the corner of CR 217 and SH 130. She will be leaving her phone number for the Judge to look into this for her.
Kaylon Robinson spoke against the proposed 130 Environmental Park. She asks the Commissioners not to sign a host agreement with Green Group Holdings, LLC due to the uphill location. The unstable soil located at the proposed site which is Post Oak Savannah and Blackland Prairie transitional zone. The runoff will have an effect on Lockhart and Caldwell County residents for many generations.
Deborah Bissonnet spoke to the court with concerns that the 130 Environmental Park could have on the environment, the aquifer and the livestock downstream and locally of the Lockhart area. She also states that the first exposure of Caldwell County will be the landfill. She is very concerned with the effects that it may have on the health and welfare of the community, wildlife and the future generations.
Sarah Hoover with the Clean Air Task Force of Central Texas spoke to the Court concerning the air quality and thanks the Commissioners Court for working with the Task Force.

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- 2013.10.14.05 Commissioners Court Minutes. Approval of September 23, 2013 Minutes.
Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to approve the minutes dated September 23, 2013. Commissioner Muñoz, Commissioner Buchholtz and Judge Bonn, Voting "Aye" Commissioner Madrigal and Commissioner Roland Abstained due to the absence of the September 23rd meeting.
- 2013.10.14.06 Consent Agenda. (Any member of the Court may request that an item within the Consent Agenda to be moved to the Regular Agenda for further discussion and action).
Commissioner Muñoz would like to remove item "M" for discussion. Commissioner Roland would like to remove item "L" for discussion.
- A. To approve continuation certificate Bond No. 14771315 for Court Clerk, Melanie Bowden, for Justice of the Peace 1 in the amount of One Thousand for the term beginning November 21, 2013 and ending November 21, 2014.
- B. To approve an Interlocal Agreement between Lubbock County acting through the Regional Public Defender, and Caldwell County for Capitol Cases effective October 1st, 2013 and continue through September 30, 2014 and renew automatically through September 30, 2017 Cost: \$7,479
- C. Pay Bills - \$407,890.49
- D. To approve a Proclamation to designate the month of October 2013 as Breast Cancer Awareness Month.
- E. To approve a proclamation to declare October 6-12, 2013 as National 4-H Week.
- F. To approve short form plat for Dry Creek Subdivision (part of the John P. Bell Survey, A-41) along Dry Creek Road (County Road 182).
- G. To approve short form plat for Little Acres Subdivision (part of the Ester Berry Survey, A-1) at intersection of US 183 N and Westwood Road (CR 215).
- I. To approve audit of the Caldwell County Inmate Trust Account dated September 23, 2013.
- J. To approve audit of the Caldwell County Jail Commissary Fund dated September 23, 2013.
- K. To approve a proclamation to declare October 19-26, 2013 as Red Ribbon Week.
Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to approve Consent Agenda items "A thru "K". All Voting "Aye"
- 2013.10.14.07 Reports.
- Septic and Subdivision – Kasi Miles, Sanitation Officer presented the report for September 2013. As of August 30th, 2013 the totals have exceeded the 2012-2013 budgeted amount.

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Federal Inmate – Larry Roberson, County Auditor presented the report for September 2013. It has exceeded the 2012-2013 Caldwell County Budget.

Sales Tax – Larry Roberson, County Auditor presented the report for September 2013. A shortfall of \$51, 239.00 was reported for the 2012-2013 budgeted amount.

Tax Collection Report-Larry Roberson, County Auditor presented the report for September 2013.

Treasurer's Report-Lori Rangel-Pompa, County Treasurer presented the report for the month ending August 31, 2013.

2013.10.14.08 Special Presentations. None.

Consent Agenda Items

L. To approve Resolution No. 27-2013 to express gratitude to John Cyrier for his services.

No Action Taken

M.To endorse the current directors of the Caldwell County Appraisal District for the 2014-2015 term.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to continue the board with the exception of Doug Shomette and add Miguel Islas in his place. Judge Bonn would like to keep the board as is. A friendly amendment from Commissioner Buchholtz to keep the present board members for the endorsement, Judge Bonn seconds the friendly amendment but it is declined.

Roll Vote for the amended motion Commissioner Muñoz-No, Commissioner Buchholtz-Yes, Commissioner Madrigal-No, Commissioner Roland- No, Judge Bonn-Yes Motion Failed.

Roll Vote for original motion for replacement of nominee, Commissioner Muñoz-Yes, Commissioner Buchholtz-Yes, Commissioner Madrigal-Yes, Commissioner Roland- Yes, Judge Bonn-No Motion Passed.

(ALL OTHER AGENDA ITEMS)

2013.10.14.09 Update on Estimated Costs of Construction for the future Judicial Center. Kenton Heinze with Braun & Butler gave the Court members a revised handout of costs for the project. He recognized and thanked the Maintenance team for working so well with his office and doing a great job on the demolition at the future Judicial Center. It has saved the County \$121,000.00 worth of demolition costs. Commissioner Munoz also thanked the Sheriff for working with the team to provide inmate labor. He said that there were still ways that they could successfully save more on the costs to the County. He answered questions from the Court concerning the next step for the project and explained how he would like to handle the step for bids to begin construction.

2013.10.14.10 Discussion/Action to terminate current contract and obtain provider for consulting services for data center to be located in the new Judicial Center. Mark Hinnenkamp IT Director and Robert Steinbomer explained the frustration of the lack of communication and answers from Angel Mena for the Data Center. It will begin to cost the County money if the flow of communication is not started. Motion made by Commissioner Munoz to have Mack Harrison send a demand letter to Angel Mena that gives a week to respond and produce the documents required or he will be terminated from project. Friendly amendment from Judge Bonn was accepted for the letter to be dated and set out today October 14, 2013. All Voting "Aye"

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- 2013.10.14.11 Discussion/Action concerning the implementation of the 8-Hour Ozone Flex Plan, as part of the clean region's Ozone Advance Program Action Plan under Clean Air- Coalition. Bill Gill gave a brief overview of the Action Plan and then answered some of the questions from the court. Motion made by Commissioner Buchholtz, second by Commissioner Roland to approve the implementation of the 8-Hour Ozone Flex Plan, as part of the clean region's Ozone Advance Program Action Plan under the Clean Air-Coalition. All Voting "Aye"

Hearing began 10:30 a.m.

- 2013.10.14.12 Public Hearing 9:45 A.M. on naming the portions of the northbound and southbound State Highway 130 frontage roads that extend about 3,300 feet from the Lockhart city limits to Boggy Creek Road/Fentress Road. Matthew Allen, Caldwell County Appraisal District explained the process when the City of Lockhart adopted the name. He spoke about the continuity of road names for not only the residents that used the addresses, but the emergency entities that are affected when called. Judge Bonn said that if not for H. T. Wright, Caldwell County would have had to pay for the right of way. He should be honored by naming it after him. Commissioner Madrigal mentioned to possibly name the new Judicial Center after H. T. Wright. Ann Smith, a property owner in this area spoke to the court with concerns about emergency situations.

Public Hearing ends: 10:48 a.m.

- 2013.10.14.13 Discussion/Action regarding changing the name of the 3,300 feet of frontage road of SH 130 from Old Fentress Road to South Cesar Chavez Parkway. The City of Lockhart adopted the change by ordinance No. 2012-04 (March 2012) to officially name the SH 130 frontage road to be named Cesar Chavez Parkway, this change affected 4 properties owners. Motion made by Commissioner Muñoz, second by Commissioner Madrigal to name the 3300 feet of both the northbound and the southbound of frontage road of SH130 naming it continuously Cesar Chavez Parkway. Judge Bonn offers a friendly amendment for "H. T. Wright to be the name for the "Northbound direction of the South side of the highway, stating that will have no effect on residents. Commissioner Muñoz does not accept. Commissioner Roland does not think that there should be any possibility for confusion. Roll Vote: Commissioner Muñoz-Yes, Commissioner Buchholtz-Yes, Commissioner Madrigal-Yes, Commissioner Roland-Yes, Judge Bonn-No. Motion Passed

- 2013.10.14.14 Discussion/Action to designate a day of the week on which the Commissioners Court shall convene in a regular term each month during the fiscal year as required by section 81.005 (a) of the Local Government Code. Motion made by Commissioner Madrigal, second by Commissioner Munoz for Commissioners Court to continue meeting on the second, third and fourth Monday of the month. All Voting "Aye"

- 2013.10.14.15 Discussion/Action to revisit the appointment of Judge Bonn to the Capital Area Metropolitan Planning Organization (CAMPO) as approved on September 4, 2013. Commissioner Madrigal would like to have former Commissioner Cyrier remain as representative with CAMPO. He said the County has been represented well. Judge Bonn reminds the Court that the County should be represented with an elected official that will be accountable to the public. Motion made by Commissioner Madrigal, second by Commissioner Muñoz to rescind Judge Bonn from the CAMPO Board and to appoint ex Commissioner John Cyrier as our council representative from today going forward to the end of December 2014, with request of Commissioner Muñoz as alternate.

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Friendly amendment offered from Commissioner Buchholtz for December 2013 was not accepted. The Court was reminded by a citizen that County Engineer Bill Gardner was the alternate for John Cyrier, but Mr. Gardner tells the court that he gives technical advice but has not voted on the board.

Roll Vote: Commissioner Muñoz-Yes, Commissioner Buchholtz-Abstains, Commissioner Madrigal-Yes, Commissioner Roland-Yes, Judge Bonn-No. Motion Passed. Judge Bonn states for the record that he believes that for the sake of the County, it should be an elected official.

Brief Recess

Executive Session begins- 11:24 a.m.

2013.10.14.16 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.

Topic end-11:40 a.m.

New Topic begins- 11:40 a.m.

2013.10.14.17 EXECUTIVE SESSION pursuant to section 551.072 of the Texas Government Code to deliberate purchase, exchange, lease, or value of real property related to right-of-way acquisition near existing County property. No action will be taken.

Executive Session ends- 11:56 a.m.

Court Reconvenes- 11:59 a.m.

2013.10.14.18 EXECUTIVE SESSION pursuant to section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. No Action Taken.

2013.10.14.19 Discussion/Action regarding the purchase, exchange, lease, or value of real property related to right-of-way acquisition near existing County property. Motion made by Commissioner Buchholtz, second by Commissioner Madrigal based upon the property discussed in Executive Session, we get an appraisal for the property discussed and continue under the County real estate guidelines. All Voting "Aye"

2013.10.14.20 Discussion/Action to approve change order # 4 for roof repairs on the Caldwell County Courthouse-Alpha Building Corporation. \$11,370.00 Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve change order # 4 for roof repairs on the Caldwell County Courthouse-Alpha Building Corporation at a cost of \$11,370.00. All Voting "Aye"

2013.10.14.21 Discussion/Action regarding Caldwell County Election Office: travel, training and purchasing; Budget Amendment No. 2013-01 in the amount of \$3,000.00 for travel and training only and early voting location for November 2013 election. Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve Budget Amendment No. 2013-01 in the amount of \$3,000.00 for travel, training and early voting location for November 2013. The County will be reimbursed thru Chapter 19 funds. All Voting "Aye"

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2013.10.14.22 **Discussion/Action** to amend section 2.08 of the Personnel Policies of Caldwell County by inserting the underlined text as follows:

2.08 Chain of Command. Individual County employees are responsible to the appropriate elected or appointed department head or to a supervisor designated by the elected official or department head. Non-elected department heads selected by the Commissioners Court are responsible to the Commissioners Court. The Commissioners Court and other elected officials are responsible to County voter. Direction regarding work to be done, expected results, the adequacy of work performance and grievances will follow the chain of command. Motion made by Commissioner Muñoz, second by Commissioner Roland to approve amending section 2.08 of the Personnel Policies of Caldwell County by inserting the underlined text as follows:

2.08 Chain of Command. Individual County employees are responsible to the appropriate elected or appointed department head or to a supervisor designated by the elected official or department head. Non-elected department heads selected by the Commissioners Court are responsible to the Commissioners Court. The Commissioners Court and other elected officials are responsible to County voter. Direction regarding work to be done, expected results, the adequacy of work performance and grievances will follow the chain of command. All Voting "Aye"

2013.10.14.23 **Discussion/Action** to delegate the supervisory authority of the Commissioners Court by placing non-elected county department heads under supervision of individual members of the Commissioners Court as follows:

County Judge: Emergency Management and Veterans Services

Commissioner Pct. 1: Human Resources

Commissioner Pct. 2: 911

Commissioner Pct. 3: Unit Road and Code Inspector

Commissioner Pct. 4: Maintenance

Motion made by Judge Bonn, second by Commissioner Muñoz to have an open workshop on October 28, 2013 after the meeting with the entire court to discuss this to include all of the departments. All Voting "Aye"

2013.10.14.24 **Discussion/Action** to designate location for the Commissioners Court meeting on October 21, 2013 and October 28, 2013.

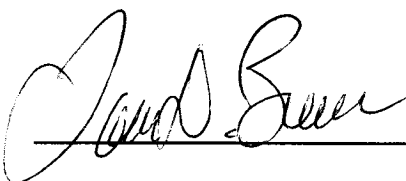
Motion made by Commissioner Muñoz, second by Judge Bonn to have the Commissioners Court meeting on October 21st, 2013 in Lockhart City Hall and October 28th, 2013 in Luling at Zedler Mill. This is to allow early voting at Scott Annex. All Voting "Aye"

2013.10.14.25 **Discussion/Action** regarding Burn Ban.

Motion made by Commissioner Roland, second by Commissioner Madrigal to leave the burn ban off at this time. All Voting "Aye"

2013.10.14.26 **Adjournment**

Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to adjourn. All Voting "Aye"



TOM D. BONN, County Judge