

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting July 13, 2015 9:00 a.m.



KEN SCHAWWE	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

Present: Commissioner Munoz, Commissioner Moses, Commissioner Roland and Judge Schawe
Absent: Commissioner Madrigal

Call Meeting to Order. Meeting called to order by Judge Schawe at 9:00 a.m.

2015.07.13.01 **Invocation.** Lockhart Ministerial Alliance.

2015.07.13.02 **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.

2015.07.13.03 **Announcements.** Items or comments from Court Members or Staff.

Commissioner Muñoz attended Constable Jr. Zapata's funeral and congratulated the Sheriff's Office for a wonderful job on the honor guard that was present. Commissioner Muñoz stated it was a nice showing with many public officials, constables, and police officers in attendance. **Commissioner Moses** also attended Constable Jr. Zapata's viewing and was amazed and thankful for the honor guard. He thanked the Sheriff's Office for their service. He also gave thanks to Judge Schawe, the Commissioners, District Attorney, Fred Weber, Sheriff Danny Law, Darla Law, Judge Blomerth as well as some other friends for their donations towards this year's Watermelon Thump. It was a very successful event. He then commended McMahan's Fourth of July Parade for a great event. **Commissioner Roland** wanted to thank Commissioner Moses for his hospitality during the Watermelon Thump. He mentioned he attended the Martindale Fourth of July Parade for the third year. **Judge Schawe** also thanked Commissioner Moses for his hospitality during the Watermelon Thump and enjoyed throwing out candy during the Martindale Fourth of July Parade.

2015.07.13.04 **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).

Janet Odell lives on CR 177 where the proposed Compostela Subdivision is to be placed. She is opposed to the placement of this subdivision and stated this property has been in her family for over a hundred years. She expresses the many safety hazards including multiple power lines, petroleum pipe lines and poor road conditions. Mentioned also was the standing water and flood issues that occur. Stray animals around the area cause a health hazard as well.

COMMISSIONERS COURT MINUTES
Regular Meeting on July 13, 2015

Dianna Winkey living on CR 177 is also opposed to the proposed Compostela Subdivision. She expresses her concern about security and increased crime due to the increased population. Safety hazards were also a concern with mention of the property only consisting of one fire hydrant, pot holes on the roads, and fiber optic cables that are on the property.

Lyndon Homann owns property across from the proposed Compostela Subdivision. He states the safety concerns he has including the pipe lines and electrical substations. He presented the Court with pictures of flooding that occurs in that area and expressed concern over the poor road conditions. He fears a liability issue may arise with these safety hazards.

Gene Galbraith is head of the Southwest Museum of Clocks and Watches located in downtown Lockhart. He has traveled throughout Texas and has seen how Street Clocks compliment the city's square. He then presents a program that recommends that a street clock in the old style of the 1890's be mounted on a corner of the square permanently and prominently. The cost of this clock is \$4500.00 with \$1500.00 already raised by the Museum. It is requested that Caldwell County and the City of Lockhart give a contribution of \$1000.00 towards the purchase of the street clock. The Museum will own and maintain the clock.

2015.07.13.05

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.** Pay county invoices in the amount of \$349,804.57.
- B.** Approve payment to Rucker Ohlendorf Insurance for Bond coverage for Chief Deputy Clerk, Diana Mendieta.
- C.** Approve payment to Rucker Ohlendorf Insurance for Bond coverage for Deputy Constables.
- D.** Approve budget Amendment 2014-14 for video recorders in Constables Vehicles.
- E.** Approve budget Amendment 2014-15 for fees reimbursed to employees who incurred expenses due to county payroll issues.

Judge Schawe announces that it has come to his attention that the County is not able to be a member of the Chamber of Commerce. Therefore, the County will not be paying the \$100.00 annual membership fee. Motion made by Commissioner Muñoz, second by Commissioner Moses to approve Consent Agenda items A –E upon deleting \$100.00 membership to the Chamber of Commerce. All present voting "Aye"

2015.07.13.06

Reports.

Environmental Code Report – Michael Bittner gave the Environmental Investigator Report for May and June, 2015. Judge Schawe asked Michael Bittner if they were able to use the remaining of the budget on the removal of tires. Michael Bittner replied yes, stating the grant had helped pick them up.

COMMISSIONERS COURT MINUTES
Regular Meeting on July 13, 2015

(ALL OTHER AGENDA ITEMS)

2015.07.13.07 **Discussion/Action** regarding the burn ban for Caldwell County. **Cost: None. Speakers: Judge Schawe/Martin Richey. Backup 0.**

Martin Richey stated there has been some fire activity in the past few weeks. The County is slowly moving out of the "safe" range. The County has experienced high winds above 23 mph. Social media and the Sheriff's Office have been used to notify residents of the hazardous conditions when needed. He does not recommend putting the burn ban in place.

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

2015.07.13.08 **Discussion/Action** to donate to the Children's Care-A-Van for the benefit of Caldwell County children. **Cost: \$1,500.00 Speaker: Judge Schawe. Backup 1.**

Judge Schawe states he was approached about a donation to the Seton Children's Care-A-Van. He explains there is \$4,070 left in the budget with a few items still left that the County donates to each year. Commissioner Roland mentioned that two Commissioners go over these expenditures each year and report back with recommendations. Commissioner Muñoz adds that we are hitting the end of the fiscal year in the County's budget. Judge Schawe states there is a donation made to Carts in the amount of \$1500.00. Commissioner Moses explains that this Care-A-Van travels the entire county treating children and believes this is a great asset to the County. Judge Schawe recommends tabling the item until next meeting.

Motion made by Commissioner Muñoz, second by Commissioner Roland to table the discussion/action to donate to the Children's Care-A-Van for the benefit of Caldwell County children. All present voting "Aye"

2015.07.13.09 **Discussion/Action** to approve annual service contract for maintenance of the Seth Thomas tower clock in the courthouse. **Cost: \$1,750.00 (no increase). Speaker: Judge Schawe. Backup 1.**

Judge Schawe talked to the maintenance department about the tension bars and they will have them fixed if needed sometime next week. Motion made by Commissioner Muñoz, second by Commissioner Moses to approve annual service contract for maintenance of the Seth Thomas tower clock in the courthouse. All present voting "Aye"

2015.07.13.10 **Public hearing at 9:30am** to discuss consideration of a preliminary plat for the Compostela subdivision to include approximately 58 lots on 78.437 acres located on Williamson Road (CR 177).

Public hearing beginning at 9:30 a.m.

Septic and Sanitation Director, Kasi Miles, and Judge Schawe opened the public hearing requesting persons who wish to address the Court about the proposed Compostela Subdivision to speak now. With no one requesting any discussion, Judge Schawe closed the public hearing.

Public Hearing closed at 9:31 a.m.

COMMISSIONERS COURT MINUTES
Regular Meeting on July 13, 2015

2015.07.13.11

Discussion/Action to consider approval for the preliminary plat for Compostela subdivision to include approximately 58 lots on 78.437 acres located on Williamson Road (CR 177). **Cost: None. Speakers: Judge Schawe/Kasi Miles/Jordan Powell. Backup 1.**

Septic and Sanitation Director, Kasi Miles announced that a preliminary plat has been submitted and all fees collected. She told the Court about a letter from Tracy Bratton which listed 12 non-compliant issues in regards to the proposed Compostela Subdivision. In a follow up letter, she explained that none of these issues had been addressed. At this time, no one on behalf of the Compostela Subdivision has made an effort to correct there issues, therefore, she suggested the Court turn down the approval of the preliminary plat and request the Court order a new re-submittal if they wish to do so. She agreed with those who spoke during the citizen's comments that there are many issues including the amount of power lines and easements as well as a drainage issue. Civil Attorney, Jordan Powell explained to the Court their option in regards to this plat. The Court may approve the plat as is or they may offer an extension. The Court may also reject the plat but must have reason for doing so in which Tracey Bratton's letter expresses good reason for rejecting. Jordan Powell also stated the Court can decide to not take action which she does not recommend. She explains that a re-submittal is optional but will be treated as a new plat. Commissioner Roland added that he believes this subdivision is a disaster because of the amount of issues it has.

Motion made by Commissioner Roland to turn down the preliminary plat for Compostela Subdivision to include approximately 58 lots on 78.437 acres located on Williamson Road (CR 117).

Judge Schawe asks to amend motion to include that all fees must be paid again.

Motion made by Commissioner Roland to turn down the preliminary plat for Compostela Subdivision to include approximately 58 lots on 78.437 acres located on Williamson Road (CR 117) and is required to pay all fees over again.

Septic and Sanitation Director, Kasi Miles requested that it be stated in the motion to refer back to June 20, 2015, action items 1-12 of non-compliance.

Motion made by Commissioner Roland, second by Commissioner Muñoz to turn down the preliminary plat for Compostela Subdivision to include approximately 58 lots on 78.437 acres located on Williamson Road (CR 117) for not addressing action items 1-12 of non-compliance from June 20, 2015 per Bowman Consulting's and is required to pay all fees over again. All present voting "Aye"

2015.07.13.12

Discussion/Action for direction regarding additional moneys expended as a result of county payroll issues on April 15, 2015. **Cost: \$1,885.28. Speakers: Judge Schawe/Debra French. Backup: 0.**

County Auditor, Debra French asked the court for direction on an outstanding item in the books in the amount of \$1885.28. No line item for this expense. She suggested placing this amount in the miscellaneous line item in order to clear it.

Motion made by Commissioner Muñoz, second by Commissioner Moses to move additional moneys in the amount of \$1885.28 be placed in miscellaneous. All present voting "Aye"

COMMISSIONERS COURT MINUTES
Regular Meeting on July 13, 2015

2015.07.13.13 **Discussion/Action** to consider budget amendment for Unit Road for the 2014-2015 fiscal year. **Cost: None. Speaker: Judge Schawe/Dwight Jeffrey/Debra French. Backup: 1.**

Unit Road Administrator, Dwight Jeffery explained to the Court he is trying to obtain more money for gravel and is requesting the movement of funds. He requested \$87,000 be moved from dust control to gravel and \$15,000 from seal coating to culverts. He also requested to move \$10,000 from seal coatings to tires and \$2,000 from operating supplies to flex base materials. Judge Schawe commended Dwight Jeffery for a great job handling the budget and making it easy to see where the money is going to. County Auditor, Debra French adds that there is no cost for moving funds.

Motion made by Commissioner Moses, second by Commissioner Muñoz to amend the budget for Unit Road for the 2014-2015 fiscal year. All present voting "Aye"

2015.07.13.14 **Discussion/Action** to consider budget amendment for Justice of the Peace, Precinct 3 for the 2014-15 budget. **Cost: \$950.10. Speaker: Judge Schawe/Judge Brady/Debra French. Backup: 1.**

Justice of the Peace Pct. 3, Judge Brady explained he attended an educational seminar down in South Padre Island for educational hours. The expenses he incurred included expenses for lodging, meals and transportation. He stated he is not requesting reimbursement for meals. Judge Brady then requested to change the motion to exclude transportation cost and to only receive reimbursement for hotel expenses. He changed the amount from \$950.10 to a cost of \$488.60. He had attended several other trainings throughout this year and has surpassed his required educational hours. Judge Schawe expressed his concern that these items need to be discussed and approved before the money is spent to make sure it is allowed within the County's budget. County Auditor, Debra French added that there are insufficient funds in the budget to cover the entire bill of \$950.10. There would be a shortage in the amount of \$212.24. Judge Schawe acknowledges there is enough to cover the amended amount of \$488.60.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve the budget amendment for Justice of the Peace, Precinct 3 for the 2014-2015 budget by using \$337.86 left in training and the remainder coming from the transportation line item. All present voting "Aye"

2015.07.13.15 **Discussion/Action** to consider budget amendment for Caldwell County Tax Assessor for the 2014-15 budget. **Cost: \$938.40. Speakers: Judge Schawe/Darla Law/Debra French. Backup: 1.**

Tax Assessor, Darla Law requested reimbursement for traveling expenses used form traveling between the Luling and Lockhart offices in the amount of \$938.40. Judge Schawe is told by County Auditor, Debra French that it is hard to tell which line item the money will come out of. Judge Schawe reminds all department heads to be knowledgeable about their budgets. Darla Law stated that this is a projected total for the next 4 months.

Motion made by Commissioner Muñoz, second by Commissioner Moses to amend the 2014-2015 budget for the Caldwell County Tax Assessor in the amount of \$938.40. All present voting "Aye"

COMMISSIONERS COURT MINUTES
Regular Meeting on July 13, 2015

2015.07.13.16

Discussion/Action to approve an amendment to the Caldwell County Employee Handbook regarding law enforcement personnel and 207(k) exemptions under the Fair Labor Standards Act, with amendment to take effect immediately. **Cost: None Speakers: Judge Schawe/Deborah Kortan Backup:1**

Human Resources Director, Deborah Kortan requested the County adopt this exemption called the Fair Labor Standards Act 207(k) exemption and place in the County's handbook. This affects how Law Enforcement personnel are paid. She stated that only Law Enforcement personnel are affected. Civil Attorney, Jordan Powell stated that because this exemption is currently being practiced, it is best to adopt it and have it placed in the County's handbook and the Court can evaluate each position at a later date.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve an amendment to the Caldwell County Employee Handbook regarding law enforcement personnel and 207(k) exemptions under the Fair Labor Standards Act, with amendment to take effect immediately. All present voting "Aye"

2015.07.13.17

Discussion/Action to enter into an Interlocal Agreement with the Capital Area Council of Governments (CAPCOG) for purposes of possible reimbursement related to disaster debris management from the May 2015 flood, and authorize the County Judge to sign the Agreement. **Cost: None Speakers: Judge Schawe/Jordan Powell Backup1.**

Civil Attorney, Jordan Powell explained CAPCOG can be used to help reimburse the County up to \$12,000 for its efforts in removing debris from the May 2015 flood. She stated CAPCOG received its funding from the state and that this interlocal agreement will not interfere with FEMA but instead will help with items not covered by FEMA.

Motion made by Commissioner Roland, second by Commissioner Moses to enter into an Interlocal Agreement with the Capital Area Council of Governments (CAPCOG) for purposes of possible reimbursement related to disaster debris management from the May 2015 flood, and authorize the County Judge to sign the Agreement. All present voting "Aye"

2015.07.13.18

Discussion/Action to authorize the County Judge to execute a License Agreement, once finally approved by counsel, with the Management & Training Corporation for use of the old Judicial Center. **Cost: None Speakers: Judge Schawe/Jordan Powell. Backup 0.**

Civil Attorney, Jordan Powell explains the license agreement states this company would be required to pay \$1,500.00 per month in addition to all utility cost in exchange for use of the Old Judicial Center up until September 30th, 2015. Also added in the agreement is a termination clause stating the County may terminate this agreement at any time due to the building currently being up for sale. Judge Schawe mentions that this agreement would be a good way of saving expenses for the next several months.

Motion made by Commissioner Roland, second by Commissioner Muñoz to authorize the County Judge to execute a License Agreement, once finally approved by counsel, with the Management & Training Corporation for use of the old Judicial Center. All present voting "Aye"

COMMISSIONERS COURT MINUTES
Regular Meeting on July 13, 2015

2015.07.13.19

Executive Session pursuant to Section 551.071 and 551.074 of the Texas Government Code: consultation with counsel and deliberation regarding the employment, evaluation, performance, duties, or dismissal of the Emergency Management Office Part-time Employee. Possible action may follow in open court.
Speaker: Judge Schawe.

Executive Session beginning at 10:06 a.m.

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

Executive Session ended at 10:38 a.m.

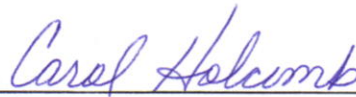
No action was taken in closed court.

Motion made by Commissioner Muñoz, Second by Commissioner Moses to set the pay rate of \$12.00 for the Part-Time Emergency Management Office Employee and authorize back pay for hours previously worked. All present voting "Aye"

2015.07.13.20

Adjournment. Motion made by Commissioner Muñoz, second by Commissioner Moses to adjourn. All voting "Aye" Meeting adjourned at 10:39 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 July 13, 2015.



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

