

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting October 12, 2015 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 9:03 a.m. All members of the Court were present.

2015.10.12.01 **Invocation.** Lockhart Ministerial Alliance.

A member of the Lockhart Ministerial Alliance opened the meeting with prayer.

2015.10.12.02 **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.

2015.10.12.03 **Announcements.** Items or comments from Court Members or Staff.

Commissioner Muñoz congratulated the "Meeting the Authors" event this past Saturday on their big success. He also gave a shout out to the Lockhart Lions for their great sportsmanship. **Commissioner Moses** attended the McMahan VFD auction and reported they had raised approximately \$11,000. He also attended Night in Old Luling in support of St. John Church raising an estimated \$6,600. He also stated both Nation Night Out events for Luling and McMahan had great turn outs. He then wanted to remind others of the Delhi Chili Cook Off happening October 24. **Commissioner Madrigal** attended the Fentress 5K Run and Fentress' 11th Annual Festival and Parade and reported both events had a very big turnout and big success. He also stated a great game for the Lockhart Lions. **Commissioner Roland** announced he had went to look at local subdivisions that are in construction and stated he is very impressed with the improvements. He also reminded others of the Lockhart Cemetery Tour hosted by the Historical Society that is taking place on October 23 and October 24. **Commissioner Madrigal** then added that the Court makes their decisions based on the best interest of the citizen of the County. He stated that he is disappointed that when he makes a decision for the County that he is then threatened and asked others to stick with the Court as decisions are made.

2015.10.12.04 **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).

James Abshier, a chairman of EPICC handed the Court a letter from the TCEQ addressed to Green Group Holdings regarding their application in Waller County. He read the letter aloud and stated the importance of administrative hearings.

COMMISSIONERS COURT MINUTES
Regular Meeting on October 12, 2015

Claudia Brown shared her concerns about this past years flooding and the dangers if the proposed landfill were to be in Caldwell County with those same flooding conditions. She thanked Commissioner Madrigal and Commissioner Roland for standing strong against the landfill.

Leslie Holder, a member of EPICC, spoke about the dangers of entering into a host agreement. She thanked the Judge for his time and effort he expended in trying to get a better deal for Caldwell County citizens. She gave praise to Commissioner Roland for his previous comments in regards to refusing the host agreement.

Lou MacNaughton shared her and her husband's concerns about the Court negotiating a possible host agreement with a company she says has no intentions of following through with the promises in the agreement.

Alicia Thornton stated to the Court that the permit for the proposed Pintail Landfill in Waller County had been denied to Green Group Holdings. She asked the Court to continue opposing this landfill. She also requested a vote be taken to change the temperature in the courthouse.

2015.10.12.05

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. To pay county invoices in the amount of \$385,762.00.

Motion made by Commissioner Muñoz, second by Commissioner Roland to approve Consent Agenda item A. All Voting "Aye"

(ALL OTHER AGENDA ITEMS)

2015.10.12.06

Discussion/Action regarding the burn ban for Caldwell County.

Judge Schawe read a message from Martin Richey who stated the weather conditions in the County are still at dangerous levels and recommends leaving the burn ban on.

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

2015.10.12.07

Discussion/Action to approve a Proclamation to acknowledge October 2015 as National Domestic Violence Awareness Month.

Judge Schawe read a proclamation aloud that acknowledges October 2015 as National Domestic Violence Awareness Month. Members of the Hays Caldwell Women's Center thanked the Court for its support.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve a Proclamation to acknowledge October 2015 as National Domestic Violence Awareness Month. All voting "Aye".

2015.10.12.08

Discussion/Action to approve Resolution 13-2015 to provide a grant to Combined Community Action, Inc., that provides home delivered meals to homebound persons in the county who are elderly and/or disabled.

COMMISSIONERS COURT MINUTES
Regular Meeting on October 12, 2015

Kelly Franke, executive director of Combined Community Action, spoke about the Meals on Wheels program in Caldwell County. She addressed the Court to request funding as match for the program. It is required by the Texas Department of Agriculture to receive match funding from each County served in order to receive a grant. The Meals on Wheels Program serves an average of 1,948 meals per month which averages 23,376 meals per year. She stated she is requesting \$1,700 from the County to match funding for this upcoming year. Commissioner Madrigal and Commissioner Muñoz acknowledged the importance of the Meal on Wheels Program.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to give Community Action, Inc. \$1,700 for this year. All voting "Aye".

2015.10.12.09

Discussion/Action to approve a budget amendment for fiscal year 2014-2015, in the amount of \$500.00 from line item 001-8700-4260 to line item 001-8700-4251 for purposes of travel expenses for Carissa Wilhelm, Extension Agent.

Commissioner Muñoz spoke with Carissa Wilhelm in regards to this requested amendment. Commissioner Madrigal asked if there were any state programs that would pay for these types of expenses. Commissioner Muñoz replied there currently is not.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve a budget amendment for fiscal year 2014-2015, in the amount of \$500.00 from line item 001-8700-4260 to line item 001-8700-4251 for purposes of travel expenses for Carissa Wilhelm, Extension Agent. All voting "Aye".

2015.10.12.10

Discussion/Action to approve a budget amendment for fiscal year 2015-2016, in the amount of \$1,065.44 from line item 001-4310-1052 to line item 001-4300-1033 for purposes of increasing a Sheriff's Office dispatcher's salary.

Chief Deputy, David Brent explained the dispatch office is moving an employee back into their original position as a dispatcher. This employee has many years' experience and Chief Brent is asking the Court to approve of giving this employee their original salary which is higher than the current one by \$1,065.44. Judge Schawe asked for benefits to be added to the motion. Commissioner Muñoz asked for clarification on the amendment process.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve a budget amendment for fiscal year 2015-2016, in the amount of \$1,065.44, plus the amount of benefits, from line item 001-4310-1052 to line item 001-4300-1033 for purposes of increasing a Sheriff's Office dispatcher's salary. All voting "Aye".

2015.10.12.11

Discussion/Action to approve a budget amendment for fiscal year 2015-2016, in the amount of \$4,490.32 from line item 001-3200-4810 to line item 001-3200-1040 for purposes of funding cross-training of the new Child Protective Services Prosecutor in the Criminal District Attorney's Office.

Judge Schawe and Civil Attorney, Jordan Powell explained the cross-training that is occurring in the District Attorney's Office and the need for this amendment. Commissioner Madrigal received clarification on why additional funding is needed.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve a budget amendment for fiscal year 2015-2016, in the amount of \$4,490.32 from line item 001-3200-4810 to line item 001-3200-1040 for purposes of funding cross-training of the new Child Protective Services Prosecutor in the Criminal District Attorney's Office. All voting "Aye"

COMMISSIONERS COURT MINUTES
Regular Meeting on October 12, 2015

2015.10.12.12 **Discussion/Action** to authorize the County Auditor to manage timely payment of routine and reoccurring claims against the County.

Judge Schawe explained to the Court this has always been done but needs approval.

Motion made by Commissioner Muñoz, second by Commissioner Moses to authorize the County Auditor to manage timely payment of routine and reoccurring claims against the County. All voting "Aye"

2015.10.12.13 **Discussion/Action** to accept public improvements in Highland Ranch Phase II Subdivision for permanent county maintenance and to release maintenance bond posted for public improvements by Dale Lowden Excavating Inc., in Highland Ranch Phase II Subdivision, as provided by sections 3.8.5(G) and 3.8.5(H) of the Caldwell County Development Ordinance.

Unit Road Administrator, Dwight Jeffrey addressed the Court explaining the performance period of two years have ended and is requesting for approval on permanent County maintenance on Highland Ranch Phase II Subdivision roads. Commissioner Roland acknowledged he was very impressed with the roads in the area.

Motion made by Commissioner Roland, second by Commissioner Madrigal to accept public improvements in Highland Ranch Phase II Subdivision for permanent county maintenance and to release maintenance bond posted for public improvements by Dale Lowden Excavating Inc., in Highland Ranch Phase II Subdivision, as provided by sections 3.8.5(G) and 3.8.5(H) of the Caldwell County Development Ordinance. All voting "Aye"

2015.10.12.14 **Discussion/Action** to consider USFon Inc. / Time Warner Cable for the County's fiber system.

Mark Tran, a representative with Time Warner Cable answered questions regarding the proposed contract. Judge Schawe clarified the 5 year proposed contract will cost \$1300 per site, while the 10 year proposed contract will cost \$750 per site. Mark Tran stated the County is tax exempt from certain fees but is liable for universal surcharges, which the County would be liable for no matter who they contract with. Jordan Powell, civil counsel, clarified for the Court that these proposed contract amendments were not in relation to the telephone services provided by Time Warner. Per the Court's request, Mark Hinnenkamp addressed the Court to share his thoughts and concerns regarding the matter. He stated he has concerns over a lease versus buying equipment if the County is paying all the costs up front. When asked what his recommendation was, Mr. Hinnenkamp stated that his recommendation would be to stay with Time Warner based on the consistency and reliability the County has had with Time Warner, as well as the cost decrease they are offering to the County. He stated that he was in no position to say yay or nay to USFon because he knows nothing about the company. Commissioner Munoz added that it seems like USFon is still trying to develop their own system and doesn't want the County to fall into a position where they are struggling to get issues fixed. Commissioner Moses added that he is concerned with new companies going belly-up and that is not a concern with Time Warner. Commissioner Roland thanked Mr. Hinnenkamp for all his work on this issue.

Motion made by Commissioner Muñoz, second by Commissioner Moses to stay with Time Warner Cable with a ten year contract amendment. All voting "Aye"

COMMISSIONERS COURT MINUTES
Regular Meeting on October 12, 2015

2015.10.12.15 **Discussion/Action** to award a contract for construction of the following three county roads: Old Fentress Road (CR217), Westwood Road (CR 215), and Cherryville Parkway (CR110) per the Invitation to Bid authorized by the Court on August 28, 2015, and the bids received by September 28, 2015.

Michael Aulick, consultant for the County working on transportation projects, explained they have not received approval from TXDOT to move forward with construction and recommended tabling this item.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to table this item until next meeting of October 26, 2015. All voting "Aye"

2015.10.12.16 **Discussion/Action** in regards to Auditors salary.

Judge announced he is abstaining from voting. Judge Blomerth suggested to the Court to give the current County Auditor the same salary that the previous County Auditor was making when they departed. That salary amount is \$64,146.00.

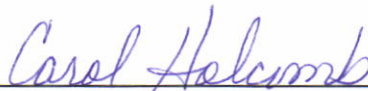
Motion made by Commissioner Muñoz, second by Commissioner Roland to pay the County Auditor a salary of \$64,146.00. Commissioner Muñoz, Commissioner Madrigal, Commissioner Roland voting "Aye", Commissioner Moses voting "No".

2015.10.12.17 **Adjournment.**

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

Meeting adjourned at 10:26 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 October 12, 2015.



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

