



CARRIE GREGOR
AUSTIN COUNTY CLERK

COMMISSIONERS COURT MINUTES

On **February 27, 2012** Austin County Commissioners Court met in the Commissioners Courtroom at the Austin County Courthouse with the following present:

Carolyn Bilski, County Judge
David Ottmer, Commissioner, Precinct 1
Robert "Bobby" Rinn, Commissioner, Precinct 2
Randy Reichardt, Commissioner, Precinct 3
Douglas King, Commissioner, Precinct 4
Cyndi Gomez, Deputy County Clerk

Opening – 8:30 a.m.

Call to Order
Invocation
Pledges of Allegiance
Certification of Quorum

Consideration/Adoption of Agenda

Motion to Adopt: Commissioner Reichardt, 2nd Commissioner Ottmer, passed (4-0).
Order #12-62

Court recessed at 8:31 a.m.

EXECUTIVE SESSION

A closed meeting will be held concerning the following items:

- 1. Consultation with attorney regarding current or pending litigation. (This is accordance with the Texas Government Code Section 551.071)**

Court reconvened at 9:05 a.m.

a. Action as appropriate from Executive Session

No action.

2. Proclamations/Special Recognitions

a. Intellectual & Developmental Disabilities Month

Kevin Backer, Manager of Texana Center updated the court with regard to group homes and workshops in Bellville.

3. Petitions or Requests from the Public

None.

4. Presentation by Perdue, Brandon, Fielder, Collins & Mott regarding property tax/fine/fee collections

Mike Darlow presented updated graph reports of fines and fees.

5. Request to pay vacation Law Enforcement employees totaling \$37,380.18 and action as appropriate

Sheriff Burger and Jerry Green, Jail Captain, requested paid vacation for deputies and jailers be the same as EMS employees. Their concern is fairness among all departments.

Per Debra Mergel, Legal Counsel, "The policy is what the policy is", if you want to change the policy you can, but it can't act retroactively. The employee in EMS was a one-time deal.

Per Judge Bilski and Commissioner Reichardt, vacation should be zeroed out if not used by employee's anniversary dates.

Chief Richard Holloman noted it was not one person in EMS, there were several people who were paid.

Per Judge Bilski, everybody can take a day off here and there; you don't have to take it all at one time. If budgeted for a full staff and the department is under staffed, extra money should be in the budget.

Per Sheriff Burger, there are paid part-time employees who show up when someone is sick. He cannot mandate usage of vacation time when they are under staffed.

Commissioner Reichardt asked if there were any suggestions other than paying over-time. We can't raise the salary just to compete with other counties

Per Captain Green, they have very few full-time employees to fill shifts 24/7. He questioned why this situation was excused for EMS and not their department? He added that SCAAP Funding (State Criminal Alien Assistance Program) will help while staffing is low.

Per Commissioner Reichardt, EMS was a one-time payment of \$5,000.00. We don't have a solution; something needs to be figured out through your budget.

Per Commissioner Ottmer, need to study options so nothing is done illegally, and we regret it later.

Sheriff Burger requested that if nothing is done today, keep this in mind for July. Don't punish employees that want to work and do their jobs. Paying comp-time would be a big help, or give them an extension as to not lose vacation time.

Commissioner Reichardt does not think it is in the policy, may have to be built in the budget.

Lt. Al Cordeiro suggested the court re-exam the 171 Rule under the FLSA and change to the 160 Rule for over-time.

Motion to Postpone: Commissioner Ottmer, 2nd Commissioner Reichardt, passed (4-0).
Order #12-63

6. Consideration and possible action to award bid for construction of Industry Road Bridge at Mill Branch Creek in Precinct 2

Wakefield Bridge, Inc. - \$122,199.25 – 105 days.

Motion to Award: Commissioner Rinn, 2nd Commissioner King, passed (4-0).
Order #12-64

7. Consideration and possible action to award bid for construction of West Ueckert Road Bridge at Millseat Branch in Precinct 2

Wakefield Bridge, Inc. - \$127,123.25 – 105 days.

Motion to Award: Commissioner Rinn, 2nd Commissioner King, passed (4-0).
Order #12-65

8. Consideration and possible action to authorize engineering proposals for construction of bridges in Precinct 2

- a. Star Hill Road @ Post Oak Point Creek
- b. Post Oak Point Road @ Draw
- c. Shupak Road @ Draw

Motion to Authorize: Commissioner Rinn, 2nd Commissioner King, passed (4-0).
Order #12-66

9. Presentation by Gordon Memorial Library Board Representative

Bill Moehl, President, Board of Trustees presented the 2011 Budget and Financial /Activity Summary.

10. Discussion regarding Law Enforcement vehicle replacement, review of Lease Purchase option and action as appropriate

Lt. Al Cordeiro discussed pulling of parts from non-drivable surplus vehicles and a lease purchase for three (3) new vehicles.

Junk vehicles #1-5 on Fleet Maintenance list for surplus and send off for auction.

Motion to Authorize: Commissioner Ottmer, 2nd Commissioner Reichardt, passed (4-0).
Order #12-67

Start lease purchase process in September 2012.

Motion to Authorize: Commissioner Ottmer, 2nd Commissioner Reichardt, passed (4-0).
Order #12-68

Lease purchase option of four (4) payments.

Motion to Amend: Commissioner Ottmer, 2nd Commissioner Reichardt, passed (4-0).
Order #12-69

11. Presentation by Texas AgriLife Extension regarding Hog-Out Contest results

Philip Shackelford discussed the Hog-Out Program for feral hogs and education on hog control. Austin County collected 261 tails, finishing in 15th place.

Philip introduced the top three prize winners in the county, 1st place, Russell Reichardt – 51 hogs; 2nd place, Phillip Kmiec – 33 hogs; 3rd place, Billy Schaffner – 26 hogs.

12. Open bid proposals for removal of outbuildings (house and mobile home) located at 915 and 955 Frydek Road, Sealy and action as appropriate

There were no bids, declaring all property as salvage.

Motion to Declare: Commissioner Reichardt, 2nd Commissioner King, passed (4-0).
Order #12-70

13. Consideration and possible action to authorize resolution endorsing an application for grant funding through the Governor's Criminal Justice Division for Fiscal Year 2012 for inmate transport and patrol technology upgrade

Motion to Authorize: Commissioner Reichardt, 2nd Commissioner Rinn, passed (4-0).
Order #12-71

14. Consideration and possible action to authorize resolution endorsing an application for grant funding through the Governor's Criminal Justice Division for Fiscal Year 2012 for Crime Victims Liaison Officer

Motion to Authorize: Commissioner Reichardt, 2nd Commissioner Ottmer, passed (4-0).
Order #12-72

15. Consideration and possible action to accept Racial Profiling Report 2011 for Austin County Constables Precincts 2, 3, & 4

Motion to Accept: Commissioner Ottmer, 2nd Commissioner Rinn, passed (4-0).
Order #12-73

16. Consideration and possible action to approve Right-of-Way installation by Industry Telephone Company on Bernard Road in Precinct 2

Motion to Approve: Commissioner Rinn, 2nd Commissioner Ottmer, passed (4-0).
Order #12-74

17. Consideration and possible action to define water line access easement for West End Library/Precinct 2 building and authorize conveyance

Motion to Authorize: Commissioner Rinn, 2nd Commissioner Reichardt, passed (4-0).
Order #12-75

18. Consideration and possible action to authorize electrical upgrade for Precinct 2 barn

Motion to Authorize: Commissioner Rinn, 2nd Commissioner Ottmer, passed (4-0).
Order #12-76

19. Consideration and possible action to authorize application for subdivision request and processing fee

Motion to Authorize: Commissioner Ottmer, 2nd Commissioner Rinn, passed (4-0).
Order #12-77

20. Discussion regarding employee identification badges and action as appropriate

Motion to Authorize: Commissioner Ottmer, 2nd Commissioner Reichardt, passed (4-0).
Order #12-78

21. Consideration and possible action to declare bulldozer surplus property in Precinct 4

Motion to Declare: Commissioner King, 2nd Commissioner Rinn, passed (4-0).
Order #12-79

22. Consideration and possible action to approve application for required schooling reimbursement for Carrie Gregor, County Clerk, to be held April 25-27 in Round Rock, Texas

Motion to Approve: Commissioner Reichardt, 2nd Commissioner King, passed (4-0).
Order #12-80

23. Consideration and possible action to authorize purchase of three (3) Swintec 4600 DP calculators for Tax Office

Swintec 4600 calculators \$205.00 each.

Motion to Authorize: Commissioner Ottmer, 2nd Commissioner Rinn, passed (4-0).
Order #12-81

Court recessed at 10:55 a.m.

Court reconvened at 11:02 a.m.

24. Budgetary and Financial Claims – action as appropriate

a. Payment of Claims

Motion to Authorize: Commissioner Reichardt, 2nd Commissioner Rinn, passed (4-0).
Order #12-82

b. Budget Amendments

Motion to Authorize: Commissioner Reichardt, 2nd Commissioner Ottmer, passed (4-0).
Order #12-83

c. County Auditor's review of finances

In 2011 the county had \$5,858,083.00, this year the county has \$7,549,774.00 in the General Fund.

d. County Treasurer review of finances

i. Certificate of Deposit Investments

Invest \$1 million for 1 year, \$1 million for 6 months and two at \$1 million for 3 months for General Fund.

Motion to Authorize: Commissioner Ottmer, 2nd Commissioner Reichardt, passed (4-0).
Order #12-84

Road and Bridge – Invest \$500,000.00 for 3 months.

Motion to Authorize: Commissioner Ottmer, 2nd Commissioner Rinn, passed (4-0).
Order #12-85

F/M & Lateral Road Fund – Invest \$500,000.00 for 3 months.

Motion to Authorize: Commissioner Ottmer, 2nd Commissioner Rinn, passed (4-0).
Order #12-86

25. Written end-of-the month reports submitted by County Offices

- e. OSSF Activity – January 2012
- f. Constable Precincts 1, 2, 3, & 4
- g. Justice of The Peace, Precincts 1, 2, 3, & 4

Court recessed at 11:25 a.m.

EXECUTIVE SESSION

A closed meeting will be held concerning the following items:

- 1. Deliberation regarding Real Property. (This is in accordance with the Texas Government Code Section 551.072).**
- 2. Personnel Matters regarding County Judge Staff. (This is in accordance with the Texas Government Code Section 551.074).**

Court reconvened at 12:00 p.m.

26. Action as appropriate from Executive Session

Issue RFP's for possibility of leasing county owned land to Oil Company in the Cat Spring area.

Motion to Authorize: Commissioner Ottmer, 2nd Commissioner Reichardt, passed (4-0).
Order #12-87

Rescind the determination letter and amend the contract with inspection, insurance and sub-leases with BNSF railroad.

*Motion to Authorize: Commissioner Reichardt, 2nd Commissioner Ottmer, passed (4-0).
Order #12-88*

Per Judge Bilski, will wait on personnel matter until next agenda.

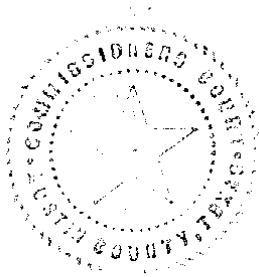
27. Commissioners Court Inquiry

No discussion.

Court adjourned at 11:45 a.m.

**ALL SUPPORTING DOCUMENTS ON FILE WITH COUNTY CLERK AS
PROVIDED BY COMMISSIONERS COURT**

I, Carrie Gregor, Austin County Clerk, attest to the accuracy of the record of the Commissioners Court proceedings for February 27, 2012.



Date: March 7, 2012

Carrie Gregor

Carrie Gregor, Austin County Clerk
Clerk of Commissioners Court
Austin County, Texas
By: Cyndi Gomez, Deputy

FILED

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Carrie Gregor

COUNTY CLERK
AUSTIN COUNTY, TEXAS