



CARRIE GREGOR
AUSTIN COUNTY CLERK

COMMISSIONERS COURT MINUTES

On **December 10, 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 – 9:00 a.m.

Call to Order
Invocation
Pledges of Allegiance
Certification of Quorum

Consideration/Adoption of Agenda

Motion to Adopt: Commissioner Rinn, 2nd Commissioner King, passed (4-0).
Order #12-453

1. Petitions or Requests from the Public

Lynne Anderson, resident, requests new regulations related to safe and appropriate management of animal shelters in Austin County.

Judge Bilski has scheduled a meeting with Representative Lois Kolkhorst and other County Judges to prepare a Resolution and a Bill asking for a population bracket change for animal shelters in Austin County.

2. Consideration and possible action to approve final plat for Kennywood Subdivision

Motion to Postpone: Commissioner Ottmer, 2nd Commissioner Rinn, passed (4-0).
Order #12-454

3. Update on County Health Insurance, and action as appropriate

Craig Murphy, UMR, reviewed claims from January - November 2012 under the County Health Plan.

5. Discussion regarding burn ban, and action as appropriate

Motion to Postpone: Commissioner Ottmer, 2nd Commissioner King, passed (4-0).
Order #12-455

4. Consideration and possible action to authorize purchase/lease purchase of three Chevrolet Tahoes per Budget line item 101-127-5753

Lt. Al Cordeiro, Sheriff's Department, advised the Court that he has seven vehicles which need to be replaced.

The Court will purchase 3 Tahoes at \$106,242.00 plus \$16,784.84 for installation of equipment.

Motion to Authorize: Commissioner Ottmer, 2nd Commissioner Rinn, passed (4-0).
Order #12-456

6. Discussion regarding restriction of certain fireworks/missiles/skyrockets in unincorporated areas of Austin County, and action as appropriate

Motion to Adopt: Commissioner Reichardt, 2nd Commissioner Rinn, passed (4-0).
Order #12-457

7. Consideration and possible action to accept Certificate of Participation for Janice Kokemor in the VG Young Conference held in College Station for Tax Assessor-Collectors, and clarify State Fund reimbursement for hotel expense

Motion to Accept: Commissioner Reichardt, 2nd Commissioner Rinn, passed (4-0).
Order #12-458

8. Consideration and possible action to approve transfer of 2004 Zetron Console to Colorado County for additional dispatch services per Texas Department of Public Safety Property Transfer Record Agreement

Motion to Approve: Commissioner Reichardt, 2nd Commissioner Ottmer, passed (4-0).
Order #12-459

9. Consideration and possible action to authorize hardship variance for Knox Library employee to carry over unused vacation hours earned in Fiscal Year 2011-2012 for an additional 4 weeks

*Motion to Authorize: Commissioner Ottmer, 2nd Commissioner King, passed (4-0).
Order #12-460*

10. Consideration and possible action to authorize contract for the H-GAC Regional Juvenile Mental Health Project

*Motion to Authorize: Commissioner Reichardt, 2nd Commissioner Rinn, passed (4-0).
Order #12-461*

11. Consideration and possible action to authorize purchase of weapon by Sheriff Burger per Local Government Code 170.002

*Motion to Authorize: Commissioner Reichardt, 2nd Commissioner King, passed (4-0).
Order #12-462*

12. Consideration and possible action to authorize maintenance agreement renewal with HAVA funds for AutoMark and electronic recording machine

Election Systems & Software, LLC submitted a 3 year Hardware Maintenance Contract for \$35,798.18.

The Court can use the \$30,000.00 HAVA money and extend contract through 2016 with the County General Funds applying to the last year of maintenance.

*Motion to Authorize: Commissioner Ottmer, 2nd Commissioner Rinn, passed (4-0).
Order #12-463*

13. Consideration and possible action to adopt Consent Agenda Format

See agenda # 14

14. CONSENT AGENDA – Items listed are of routine nature and may be acted on in a single motion unless requested otherwise by member of Commissioners Court

- a. Transmittal of Minutes
 - i. October 1, 2012
 - ii. October 8, 2012
 - iii. October 15, 2012

iv. October 22, 2012

- b. Consideration and possible action to authorize computer upgrades for Sheriff's Office not to exceed \$1,347.00 out of 101-127-5754
- c. Consideration and possible action to authorize computer purchase for Treasurer not to exceed \$1,362.00 out of 101-127-5754
- d. Consideration and possible action to authorize capital expenditure for desk in Treasurer Office not to exceed \$417.00 out of 101-127-5757
- e. Consideration and possible action to amend Court Order 12-367 Order Adopting Payment For Jurors and Jury Commissioners For the 2012-2013 Fiscal Year from \$28.00 to \$30.00
- f. Consideration and possible action to ratify bid reduction from Inland Environmental for recycled cement stabilized base from \$4.00 to \$3.00 per cubic yard
- g. Consideration and possible action to clarify bid from Wright Asphalt Products Co. as proprietary blend product AC-10TR
- h. Consideration and possible action to authorize Resolution authorizing representatives in TexPool investments as Auditor and Treasurer
- i. Consideration and possible action to accept Austin County Emergency Services District No. 1 Annual Financial Report
- j. Consideration and possible action to appoint Johnetta Scheh to the Emergency Services District 2 for a two year term
- k. Consideration and possible action to appoint Doug Staff to the Emergency Services District 3 for a two year term
- l. Consideration and possible action to appoint commissioners for Drainage District 1 for a two year term
 - i. Frank Monk
 - ii. Gordon Goebel
 - iii. Andrew Sowa
- m. Consideration and possible action to appoint representative to Austin County Emergency Communications District for a two year term

- n. Consideration and possible action to appoint representative to Combined Community Action for a one year term
- o. Consideration and possible action to appoint representative to Southeast Texas Housing Corporation for a two year term
- p. Consideration and possible action to renew Service Agreement between Texas Alcohol & Drug Testing Service, Inc. and Austin County at current rate
- q. Consideration and possible action to authorize purchase of official record binders out of Records Management 137-010-0000 in the amount of \$149.97
- r. Consideration and possible action to renew Affiliation Agreement between Wharton County Junior College EMS Training Program and Austin County EMS
- s. Consideration and possible action to renew Indigent Defense Contracts with Calvin Garvie, Stephen R. Longoria and Karli Illich Kennell for a one year term

Commissioner King requests to abstain from item #14k due to being Doug Staff's brother-in-law.

Motion to Abstain: Commissioner King, 2nd Commissioner Ottmer, passed (4-0).
Order #12-464

Adopt items #14a - #14j and #14l - #14s with exemption of #14k.

Motion to Adopt: Commissioner Rinn, 2nd Commissioner King, passed (4-0).
Order #12-465

- k. Consideration and possible action to appoint Doug Staff to the Emergency Service District 3 for a two year term

Motion to Appoint: Commissioner Reichardt, 2nd Commissioner Rinn, passed (3-0).
Abstained: Commissioner King
Order #12-466

15. Budgetary and Financial Claims – action as appropriate

a. Payment of Claims

Motion to Authorize: Commissioner Rinn, 2nd Commissioner King, passed (4-0).
Order #12-467

b. Budget Amendments

*Motion to Authorize: Commissioner Rinn, 2nd Commissioner Ottmer, passed (4-0).
Order #12-468*

c. County Auditor's and Treasurer's review of finances

None.

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

- a. Monthly Fees and Commissions from Tax Assessor-Collector – July – August – September 2012**
- b. Jail Population Report – November 2012**
- c. Austin County Library System – November 2012**

Court recessed at 10:20 a.m.

Court reconvened at 10:38 a.m.

10:30 A.M. PUBLIC MEETING REGARDING REGULATION OF ON-SITE SEWAGE FACILITIES

Commissioner King presented a list of questions regarding size of acreage, use of property, quality of water emitted by the Aerobic System, increasing requirements and review of new order by our County Engineer.

Alfonso Acosta was present to answer questions and informed the Court there are approximately 1200 Aerobic Systems in Austin County.

Per Commissioner Ottmer, with regard to the Above Ground Aerobic System, as an ex-builder he wouldn't want anyone telling him what to do on a piece of property that doesn't belong to the County, and as an adjacent homeowner, he wouldn't want neighbors stuff blowing on his yard. He suggested the court find out if there can be restrictions as to what kind of systems could be used.

Per Judge Bilski, the big issue is to get away from untreated water in the air. They have taken a Constitutional Oath to protect the public health and safety of the citizens.

Al Konvicka, resident, feels someone needs to call the State and let them know their requirements of half (½) an acre is not good. The State's regulations have changed eight (8) times in the last ten (10) years.

Reese Turner, resident, asked if the county could set up a rule using an alternative watering system on one acre of land or less? Increasing property size requirements would

only encourage owners to use the Aerobic System, why not encourage alternative systems?

Dan Anderson, resident, wanted to know how these systems are monitored and enforced to be working properly?

Commissioner Reichardt wanted to know the size of acreage that would be big enough that adjacent properties would not be affected in any way?

Per Judge Bilski, they have a new Electronic Safe Program. It's a computer generated system to help track expired and renewals.

Per Commissioner King, Aerobic Systems are a burden to the County. Adding a half (1/2) acre will not make a difference.

Public Hearing closed at 11:45 a.m.

17. Consideration and possible action to adopt proposed On-Site Sewage Facilities Order

*Motion to Postpone: Commissioner Ottmer, 2nd Commissioner Rinn, passed (4-0).
Order #12-469*

Court recessed at 11:50 a.m.

EXECUTIVE SESSION

A closed meeting will be held concerning the following items:

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

Court reconvened at 11:57 a.m.

18. Action as appropriate from Executive Session

Per Commissioner Ottmer, reduce the salary of Switchboard/Administrative Assistant from \$23,523.00 to \$19,905.00, 32 hour work week/part-time with benefits. Increase Part Time Assistants from \$9.79/hr to \$10.50/hr.

*Motion to Authorize: Commissioner Ottmer, 2nd Commissioner Rinn, passed (4-0).
Order #12-470*

19. Commissioners Court Inquiry

- Need more discussion/information regarding On-Site Sewage
- Meeting December 21, 2012 to close out year
- Oaths and Administrations for Elected Officials - January 1, 2013 at 10:00 a.m.
- Bellville High School still in the Playoffs

Court adjourned at 12:05 p.m.

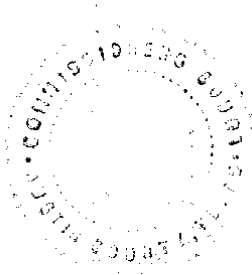
**ALL SUPPORTING DOCUMENTS ON FILE WITH COUNTY CLERK AS
PROVIDED BY COMMISSIONERS COURT**

I, Carrie Gregor, Austin County Clerk, attest to the accuracy of the record of the Commissioners Court proceedings for December 10, 2012.

Date:

January 9, 2013

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



FILED

13 JAN -9 PM 2: 11

Carrie Gregor
COUNTY CLERK
AUSTIN COUNTY, TEXAS