

CALDWELL COUNTY
COMMISSIONERS COURT MINUTES
308 West San Antonio St., Lockhart, Texas
Special Meeting October 21, 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 by Commissioner Madrigal as Judge Pro tem.
Judge Bonn not present.

- 2013.10.21.01 Invocation.** Caldwell County Christian Ministries.
Pastor James C. Greene with First Presbyterian Church opened the meeting with prayer.
- 2013.10.21.02 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).
Commissioner Madrigal led all present in the Pledge to both Flags.
- 2013.10.21.03 Announcements:** Items or comments from Court Members or Staff.
Commissioner Madrigal comments that we are all grateful for the abundance of rain that we have been getting in the area. Neiderwald has gotten almost 7" inches. Let's all hope that it continues.
- 2013.10.21.04 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 spoke to the court in opposition of the landfill in the area. He represents the group "EPICC" (Environmental Protection in the Interest of Caldwell County) He comments that both the environmental quality of the water and air and the effect on property values and the community will be damaged for present and future generations. He and his wife sold their individual homes and purchased land in Caldwell County to retire and leave a legacy to children and grandchildren but own property very close to the proposed site. He gave the Commissioners handouts with pictures of the run off and spoke of the effects that this will have on the drinking water, the aquifer and Plum Creek Watershed. The property is also located on the edge of the 100 year flood plain. It will change the area.
John T. Dechene signed up but passed during comments.
Kaylon Robinson spoke about the plans to raise her family in a clean and safe environment but if the dump is built, it will contaminate the water and have negative impact on the air and environment. The ground in the area is unstable and will contaminate the air and ground for decades.
Frank Sugrue told the court that even though this generation will be gone when the dump will continue to contaminate for decades. It will have an effect on future generations.

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Lou Mac Naughton spoke to the court about the public image of Caldwell County and that allowing this will stop positive growth and cause property values to decrease and loss of quality life for Caldwell County.

Jimmy Bertram spoke to the court with concerns about the effects on our legacy and the extreme negative for our children and our County. He asks for County Government to pass an ordinance to prevent this. He addressed the proposals and the effects on our County that may be in the works for any other company. His concerns are for future generations.

Jessica A. Neymon encouraged the Court to do their due diligence and speak with their Attorney to prohibit the landfill. She said that this is the crucial time to be visionary and stop the landfill before future generations are impacted. She said that she was unaware until now but in Caldwell County, there were 7 school districts to be of concern. Landfills are decreasing and recycle and reuse is a growing way.

David Gratz signed a form but passed.

Belinda Rivera shared concerns not only for the ground and air contaminations but the effects on our area that rodents and living conditions for the citizens that live in the area around the landfill. She spoke to the people that live near the landfill in a nearby county. It will have an impact on not only the quality of life but the financial impact on homeowners. This will have impact on the families, children and the quality of life in Caldwell County for generations. Explaining that she did not usually speak in public, she felt she had to help prevent this and make a difference for our county now and for generations to come.

Aleshia Thorton spoke about her concerns of impacting the Edwards Aquifer and the Plum Creek Watershed. She feels that the Host Agreement that was offered by GreenGroup Holdings, LLC., would be signing away any rights for our County. She specified the part in the agreement that refers to third party. This landfill will always be here to impact our community.

Billy Bertram shares not only environmental concerns but speaks about the increase of traffic and the law enforcement issues that will arise due to the many trucks and trailers entering and exiting. The traffic will use Hwy 21 and FM 1185 to access the Hwy 183 entrance. He asks the Court to think with their heads and their hearts. Our County is worth much more than the impact that this will have on us.

Ann Collier approaches the court explaining that they purchased their land to retire and pass on to family. Now with signs for the proposed landfill, it cannot be sold and the property value is decreasing. They sold property elsewhere to invest all they owned into Caldwell County. They both have health problems and if built, the wind from the landfill will blow directly into their front yard. Her family will also be affected by the traffic, environmental conditions and the physical effects. She asks Commissioners to stop the landfill.

2013.10.21.05 Commissioners Court Minutes. Approval of October 14, 2013 Minutes. Motion made by Commissioner Roland, second by Commissioner Muñoz to approve minutes with correction discussed, dated October 14, 2013. All Present Voting "Aye"

2013.10.21.06 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.
None

2013.10.21.07 Reports. None

2013.10.21.08 Special Presentations. None

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(ALL OTHER AGENDA ITEMS)

Motion made by Commissioner Muñoz, second by Commissioner Roland that deliberation in an open meeting would have a detrimental effect on the position of the Commissioners Court in negotiations with Walton Texas, LP. They will be go into Executive Session. All Present Voting "Aye"

Executive Session began: 9:45 a.m.

2013.10.21.09 **EXECUTIVE SESSION:** pursuant to section 551.0725 of the Texas Government Code to deliberate business and financial issues relating to negotiations regarding a proposed development agreement between Caldwell County and Walton Texas, LP for regulation of subdivision and approval for Cotton Center

NOTE: Prior to conducting the executive session, the Commissioners Court must vote unanimously that deliberation in an open meeting would have a detrimental effect on the position of the Commissioners Court in negotiations with Walton Texas, LP. In addition, the attorney advising the commissioner's court must issue a written determination that deliberation in an open meeting would have a detrimental effect on the position of the Commissioners Court in negotiations with Walton Texas, LP.

Ended discussion: 10:14 a.m.

Began new item: 10:14 a.m.

2013.10.21.10 **EXECUTIVE SESSION:** pursuant to section 551.071 of the Texas Government Code for consultations with attorney regarding proposed landfill in Caldwell County. No action will be taken in executive session.

Executive Session ends: 10:30 a.m.

2013.10.21.11 **Discussion/Action** relating to negotiations regarding a proposed development agreement between Caldwell County and Walton Texas, LP for regulation of subdivision and approval for Cotton Center.

Motion made by Commissioner Madrigal, second by Commissioner Buchholtz to approve continuation of negotiations regarding a proposed development agreement between Caldwell County and Walton Texas, LP for regulation of subdivision and approval for Cotton Center to present back to Commissioner Court. All Present Voting "Aye"

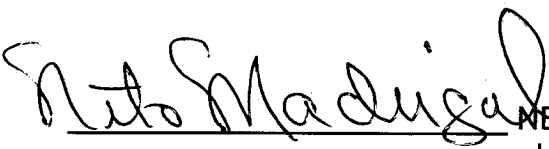
2013.10.21.12 **Discussion/Action** regarding proposed landfill in Caldwell County. Assistant District Attorney Mack Harrison explains that there are 4 parts of the application to file with TCEQ and the Green Group has submitted the first two parts, however if an ordinance was passed, they would be grandfathered in. Commissioner Roland says that whatever we can do to deter them from coming into our County but he does have to abide by the law. Motion made by Commissioner Roland, second by Commissioner Buchholtz to approve for Commissioner Roland and Commissioner Madrigal to work with Mack Harrison on an ordinance. All Present Voting "Aye"

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- 2013.10.21.13** **Discussion/Action** concerning replication equipment for the New Judicial Center located on South Colorado Street, Lockhart.
Mark Hinnenkamp discusses the equipment backup for the county if anything should ever happen to shut down or destroy the main equipment. Discussion concerned the purchase of equipment at this time so that both systems were functioning and running smoothly by the time that the new Judicial Center was ready to move into. Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to approve replication equipment for the New Judicial Center located on South Colorado Street, Lockhart, at a cost of \$108,094.19. All Present Voting "Aye"
- 2013.10.21.14** **Discussion/Action** to terminate current contract and obtain provider for consulting services for data center to be located in the new Judicial Center.
Motion made by Commissioner Muñoz, second by Commissioner Roland to wait until Tuesday to terminate current contract and to allow Mark Hinnenkamp to obtain new provider for consulting services for data center to be located in the new Judicial Center and return to Commissioners Court for approval. All Present Voting "Aye".
- 2013.10.21.15** **Discussion/Action** to approve Resolution No. 28-2013 for the appraisal roll with the amount due totaling \$12,501,326.31 for the 2013 tax roll.
Motion made by Commissioner Roland, second by Commissioner Buchholtz to approve Resolution No. 28-2013 for the appraisal roll with the amount due totaling \$12,501,326.31 for the 2013 tax roll. All Present Voting "Aye"
- 2013.10.21.16** **Discussion/Action** to approve Resolution No. 29-2013 for the appraisal roll with the amount due totaling \$1,809.81 for the tax roll for the Farm to Market Road for the 2013 tax roll.
Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to approve Resolution No. 29-2013 for the appraisal roll with the amount due totaling \$1,809.81 for the tax roll for the Farm to Market Road for the 2013 tax roll. All Present Voting "Aye"
- 2013.10.21.17** **Discussion/Action** to request the County Auditor and his staff to conduct an audit of the District Attorney's Chapter 59.06 of the Code of Criminal Procedure, Fund for the year ended August 31, 2013.
Larry Roberson, Caldwell County Auditor explained that the statutes have changes and now require him to be asked by Commissioners Court to perform the audit. Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to request the County Auditor and his staff to conduct an audit of the District Attorney's Chapter 59.06 of the Code of Criminal Procedure, Fund for the year ended August 31, 2013. All Present Voting "Aye"
- 2013.10.21.18** **Discussion/Action** to request the County Auditor and his staff to conduct an audit of the Caldwell County Sheriff's Chapter 59.06 of the Code of Criminal Procedure Fund for the year ended September 30, 2013.
Larry Roberson, Caldwell County Auditor explained that the statutes have changes and now require him to be asked by Commissioners Court to perform the audit. Motion made by Commissioner Roland, second by Commissioner Muñoz to request the County Auditor and his staff to conduct an audit of the Caldwell County Sheriff's Chapter 59.06 of the Code of Criminal Procedure Fund for the year ended September 30, 2013. All Present Voting "Aye"

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- 2013.10.21.19 Discussion/Action** to approve work order changes to Reyna's Drywall Contract on the Luling Annex.
Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to approve work order changes to Reyna's Drywall Contract on the Luling Annex. All Present Voting "Aye"
- 2013.10.21.20 Discussion/Action** to approve a roof contract to install a new roof at the Luling Annex. Commissioner Buchholtz tells the court that the roof repair that was originally planned had no warranty. Motion made by Commissioner Buchholtz, second by Commissioner Munoz to go with KENTEX Roofing Systems, subject to everything with the engineers and architects to make sure it's all done properly, at a cost of \$41,155.00. All Present Voting "Aye"
- 2013.10.21.21 Discussion/Action** to approve Interlocal Cooperation Contract Mobile EIC Operations. The interlocal contract is between Caldwell County and the Texas Department of Public Safety (TXPDS). The purpose of this contract is to authorize the County to perform the initial processing of the applications for TXPS election identification certificate (EICs) at one or more sites selected by the County using mobile identification equipment (mobile EIC centers) provided by TXDPS.
Motion made by Commissioner Muñoz, second by Commissioner Roland to approve Interlocal Cooperation Contract Mobile EIC Operations. The interlocal contract is between Caldwell County and the Texas Department of Public Safety (TXPDS). The purpose of this contract is to authorize the County to perform the initial processing of the applications for TXPS election identification certificate (EICs) at one or more sites selected by the County using mobile identification equipment (mobile EIC centers) provided by TXDPS. All Present Voting "Aye"
- 2013.10.21.22 Adjournment**
Motion made by Commissioner Muñoz, second by Commissioner Roland to Adjourn. All Present Voting "Aye"



NETO MADRIGAL Commissioner Pct. 3
Judge Pro Tem