

CALDWELL COUNTY
COMMISSIONERS COURT MINUTES
Zedler Mill, 1170 S. Laurel Street, Luling, Texas 78648
Special Meeting October 28, 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.

2013.10.28.01 Invocation. Caldwell County Christian Ministries.

Bryan Dziadik-Willingham from Grace Lutheran Church opened the meeting with prayer.

2013.10.28.02 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 Bonn led all present in the Pledge to both flags.

2013.10.28.03 Announcements: Items or comments from Court Members or Staff.

Judge Bonn acknowledged that Commissioners Court was being held at Zedler Mill in Luling calling it the #2 icon in our County, with the Courthouse being #1. He noted that the Mill property had been offered to Caldwell County at no charge several times. Mayor Mike Hendricks welcomed the Commissioners to the mill and that they are welcome at any time. Judge Bonn was concerned with the acoustics and asked everyone to speak up when addressing the Court.

2013.10.28.04 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).

Robert Steinbomer, County Architect was here to make an announcement for the Construction manager at risk, Kenton Heinze. He let everyone know that there would be an open house at the old Wal-Mart, (New Judicial Building), for bidders to look around inside the building, speak to those in charge to ask questions and get information before placing bids. This will be Tuesday, November 5, 2013 at 10:00 a.m.

James Abshier, (EPICC) voiced his concerns and read an article concerning the building of the Landfill and the Host agreement that the Court has been given by Green-Group. He gave the members of the Court a handout to read.

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Katherine Meneley said that she lives across the street from where the proposed landfill will be. She has great concerns with the contamination of her livestock and the gardening on her land. She told them that she will see the landfill from her front porch.

Deborah Bissonnet asked the Court for their due diligence and to do research and look into the codes for the ordinance to prevent the landfill.

Belinda Rivera spoke with concerns for her family, neighbors and future generations in Caldwell County. She asked the Commissioners to look at this situation not only as a financial deal but also with their hearts for the community.

Jimmy Bertram has concerns and believes that this is setting up a future for failure for our children. The young folks do not come back to the County. The CDC has research and statistics on Cancer clusters surrounding landfills and there is sufficient landfill space in the area and we do not need another one in Central Texas and not in our County. He asks the Court to pass a landfill ordinance and not sign the host agreement.

Lou Mac Naughton tells all present that the Green Group has now applied for a transfer station. She asks how soon will they ask for an incinerator? She has concerns about the Ozone levels and the restrictions that the County could be under, if the limit is exceeded. It will have physical as well as financial impact on the community. The long term cost to our County will be more than the County can afford.

2013.10.28.05 Commissioners Court Minutes. Approval of October 21, 2013 Minutes.

Motion made by Commissioner Roland, second by Commissioner Madrigal to approve minutes for October 21, 2013, with the correction discussed to 2013.10.21.12. All Commissioners Voting "Aye." Judge Bonn abstained from the vote.

2013.10.28.06 Consent Agenda. (Any member of the Court may request that an item within the Consent Agenda be moved to the Regular Agenda for further discussion and action).

A. Pay Bills- 421,687.19

C. To approve the 2013-2014 Budget for the District Attorneys Forfeited Fund Account.

D. To approve the Budget Amendment for the Fleet Maintenance Department for the Fiscal Year 2013-2014.

E. To approve a Proclamation for 2013 Home Care and Hospice for the month of November.

Commissioner Buchholtz would like to have Item B moved from the Consent Agenda. Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to approve Consent Agenda Items A, C, D, E. All Voting "Aye"

2013.10.28.07 Reports.

A. Caldwell County Sheriff Department Accident Reports.

Captain Mike Lane reported the loss of two vehicles due to accidents and discussed the replacements.

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2013.10.28.08 Special Presentations. None

B. To approve Certificate of successfully completed forty hours of continuing Education for Constables, Constable Zapata and Constable Villarreal.
Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to approve Certificate of successfully completed forty hours of continuing education for Constable Villarreal. All Voting "Aye"

(ALL OTHER AGENDA ITEMS)

2013.10.28.09 Discussion on Safety Training and Driver Training completed by all peace officers.

Captain Mike Lane explained to the Court that he would speak to Sheriff Law concerning the Safety Training and Driver Training that the Judge suggested for all peace officers. Chief Deputy David Brent added that the cost of tires and use of vehicles to do the training can be costly. Commissioner Buchholtz asked about the redacted information on the accident reports. Attorney Mack Harrison explains that these items are not public information.

2013.10.28.10 Discussion/Action to purchase Sheriff's office vehicles and equipment with current budgeted funds. Cost \$158,647.80

Captain Mike Lane spoke to the members of the court to amend the total by \$1560.00 for added equipment. Motion made by Commissioner Madrigal, second by Commissioner Muñoz to purchase Sheriff's office vehicles and equipment with current budgeted funds in the amount of \$160,207.80 All Voting "Aye"

2013.10.28.11 Discussion/Action to purchase Sheriff's office vehicle and equipment to replace wrecked trucks.

Captain Mike Lane requested that one more vehicle and the equipment for another one that was presently on patrol would be purchased with the insurance check refunded to the County. Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve purchase of Sheriff's office vehicle and equipment to replace wrecked trucks at a cost of \$43, 679.95. All Voting "Aye"

2013.10.28.12 Discussion/Action to approve provider for consulting service for data center to be located in the new Judicial Center.

Mark Hinnenkamp and Attorney Mack Harrison report to the Court that no response has been received by the previous consultant. There were numerous attempts for contact and the certified letter was not returned. Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to approve the recommendation of DATACOM DESIGN GROUP for consulting service for data center to be located in the new Judicial Center. All Voting "Aye"

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2013.10.28.13 Workshop discussion on supervisory authority of the Commissioners Court by placing non-elected county department heads under supervision of individual members of the Commissioners Court as follows:

County Judge: Emergency Management and Veterans Services
Commissioner Pct. 1: Human Resources
Commissioner Pct. 2: 911
Commissioner Pct. 3: Unit Road and Code Inspector
Commissioner Pct. 2: Maintenance

Departments not assigned: IT, Indigent Burials, Sanitation, Engineer and Elections
Judge Bonn would like open discussion between the Commissioners and appreciates the Commissioners stepping forward. Commissioner Madrigal notes that the Unit Road Department is under TXDOT so they cannot be put under supervision. They can have a contact person and he would like that position. Commissioner Muñoz would like to see a point of contact for non-elected department heads. Judge Bonn asked how the assignments would be decided. Judge Bonn would like to see IT and Maintenance left with him, considering the projects with the new Judicial Center. Commissioner Roland would like maintenance. Discussion will be continued with another session on November 12, 2013.

2013.10.28.14 Discussion/Action to delegate supervisory authority of the Commissioners Court by placing non-elected county department heads under the supervision of individual members of the Commissioners Court.
Motion made by Commissioner Muñoz, second by Commissioner Roland to return at the next meeting for another workshop with the Commissioners having more preparation, Judge Bonn friendly amendment to call the position "sponsorship" and have in writing as to why they want the department. All Voting "Aye"

Executive Session begins: 10:24 a.m.

2013.10.28.15 EXECUTIVE SESSION pursuant to section 551.072 of the Texas Government Code to deliberate lease of 9675 State Highway 142 in Maxwell for Precinct 3 Justice of the Peace and Precinct 3 Constable offices. No action was taken in executive session.

Begin new item: 10:54 a.m.

2013.10.28.16 EXECUTIVE SESSION pursuant to section 551.072 of the Texas Government Code to deliberate purchase, exchange, lease, or value of real property related to right-of-way acquisition near existing County property. No action was taken.

Begin new item: 11:04 a.m.

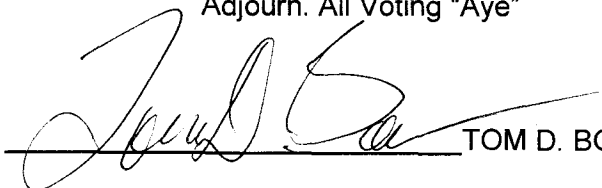
2013.10.28.17 EXECUTIVE SESSION pursuant to section 551.071 of the Texas Government Code for consultations with attorney regarding proposed landfill in Caldwell County and regarding landfill siting ordinance. No action was taken in executive session.

End of Executive Session: 11:34 a.m.

Meeting Reconvene: 11:37 a.m.

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- 2013.10.28.18 Discussion/Action** regarding lease of 9675 State Highway 142 in Maxwell for Precinct 3 Justice of the Peace and Precinct 3 Constable offices.
Motion made by Commissioner Madrigal, second by Commissioner Roland to allow our civil attorney to proceed with negotiations to move forward either to lease or purchase the property. All Voting "Aye"
- 2013.10.28.19 Discussion/Action** regarding the purchase, exchange, lease, or value of real property related to right-of-way acquisition near existing County property
Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to purchase lot "2-C" 1.45 acres in the amount of \$80,000.00 to include the 6'ft strip along the adjoining property up to the front of the Wal-Mart building and that the County pays for the re-plat. All Voting "Aye"
- 2013.10.28.20 Discussion/Action** regarding proposed landfill in Caldwell County and regarding landfill siting ordinance.
Commissioner Roland says that there are many concerns about an ordinance and what property is to be designated. Motion made by Commissioner Roland second by Commissioner Buchholtz to have our attorney to investigate this further and get the answers that we need. All Voting "Aye"
- 2013.10.28.21 Discussion/Action** to approve 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 Roland to approve development agreement between Caldwell County and Walton Texas, LP for regulation of subdivision and approval for Cotton Center. All Voting "Aye"
- 2013.10.28.22 Discussion/Action** to amend the Caldwell County Development Ordinance, Section 3.8.5., Release of Security and Section A.6., Requirements for Flag Lots.
County Engineer Bill Gardner explains to the Court that these are two different items, not associated with each other. He gives overview of the proposed "Release of Security" Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to approve the addition to the Caldwell County Development Ordinance, Section 3.8.5.(B), Release of Security . All Voting "Aye"
Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to approve to add to the Caldwell County Development Ordinance Section A.6. (C),All subdivision with two or more adjacent flag lots shall be platted unless exempted by state law. All Voting "Aye"
- 2013.10.28.23 Adjournment**
Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to Adjourn. All Voting "Aye"



TOM D. BONN, County Judge