

CALDWELL COUNTY  
AMENDED COMMISSIONERS COURT MINUTES  
110 S. Main St. 2<sup>nd</sup> Floor Courtroom, Lockhart, Texas  
Regular Meeting December 8, 2014 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

Commissioner Roland arrived-8:40 a.m.  
Commissioner Madrigal arrived -9:10 a.m. after workshop

Judge Bonn welcomed everyone to the first Commissioner Court meeting at the Courthouse.

**8:30 A.M.**

**WORKSHOP (No Action):** Report from program manager on remodeling of the new Caldwell County Judicial and Service Center. No action will be taken at this time.  
Project Manager Les Reddin gave a status update on the new Justice Center and the progress that has been made since the move has begun. Human Resource Director Deborah Kortan spoke about the accident reports that have been filed due to falls already at the edge of the entry way. There are also people that have not observed the yellow construction tape and went around it. County Auditor Larry Roberson clarified the County Budget report and the budget amendments that were on today's agenda. He acknowledged that payment completions should be by the end of December. Judge Bonn complimented Les Reddin on the job that was done for the County. Commissioner Muñoz felt that it had been a good plan to hire Les and the project looked very nice. Les thanked the Court for the opportunity to work with the County. Commissioner Madrigal said that many of the citizens had commented that the building did not look like a Wal-Mart anymore. Commissioner Muñoz commented to Les that he hadn't seen any publicizing for the open house on December 15, at 6:30 p.m. for those who couldn't make it that morning. Judge Bonn thanked all of those involved with the project. Commissioner Roland thanked all that were involved and said that he had come out this week and was very pleased.

**Call Meeting to order.**

- 2014.12.08.01** **Invocation.** Lockhart Ministry Alliance.  
Father Ed Karasek with St. Mary of the Visitation opened the meeting with prayer.
- 2014.12.08.02** **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.
- 2014.12.08.03** **Announcements:** Items or comments from Court Members or Staff.  
Commissioner Roland complimented the Lockhart Lion Basketball team this year. They have played very well as a team. They have won 3 of 6 games so far this season.  
Judge Bonn commented to all involved that the Justice Center was a job well done.  
Commissioner Madrigal welcomed everyone to the meeting in the Courtroom at the Courthouse.  
Commissioner Muñoz congratulated the City of Lockhart for the great turnout for "Dickens" this past weekend.

COMMISSIONERS COURT MINUTES  
Regular Meeting on December 8, 2014

---

**2014.12.08.04**     **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).

No Speakers

**2014.12.08.05**     **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).

- A. Pay Bills in the amount of \$466,966.28 for December 8<sup>th</sup>, 2014.
- B. To approve Commissioners Court Minutes for November 17<sup>th</sup>, 2014.
- C. To approve Invoice #214 for November 2014 timesheet for Les Reddin, LongLife Projects in the amount of \$8,100 for the Justice Service Center project management work.
- D. To approve Application and Certificate for Payment #11 for Braun and Butler Construction in the amount of \$290,605.95 the Caldwell County Justice Center.
- E. To approve Invoice #10 from Aulick & Associates in the amount of \$5,000 (40 hours at \$125/hour) for consultant services for the period of November 1<sup>st</sup> – 30<sup>th</sup>, 2014, regarding transportation projects for Caldwell County.
- F. To approve Resolution #21-2014 for the 2015 Caldwell County Indigent Defense Grant Program.
- G. To approve Resolution #22-2014 authorizing application for the Caldwell County Hog Out Program.
- H. To approve the replacement of Judge Bonn on the CAPCOG General Assembly with County Judge-elect Ken Schawe, for a term from January 2015 to expire December 31, 2015.
- I. To approve a one-time \$1,000 donation to the Caldwell County Courthouse Decorating Committee for the purchase of new Christmas decorations
- J. To approve the location for Commissioners Court meeting on December 15<sup>th</sup>, 2014 at the new Caldwell County Justice Center at 9:00 AM, 1703 S. Colorado, Lockhart, Texas in the court room.
- K. To approve the broker contract for Davis Equity Realty to represent Caldwell County in the sale of the buildings at 201 E. San Antonio Street and 100 E Market Street in Lockhart, Texas.
- L. To approve Caldwell County employee's renewal of Bonds for the following:

Joe Roland, Commissioner, Precinct 4, Official Bond and Oath No. 13745633 for Caldwell County in the amount of Three Thousand for the term beginning January 1, 2015 and ending January 1, 2019. Cost: \$177.50.

Carol Holcomb, County Clerk, Official Bond and Oath No. 24864251 for Caldwell County in the amount of One Hundred Thousand for the term beginning January 1, 2015 and ending January 1, 2019. Cost: \$1,242.50.

COMMISSIONERS COURT MINUTES  
Regular Meeting on December 8, 2014

---

Tina Morgan Freeman, District Clerk, Official Bond and Oath No. 14920444 for Caldwell County in the amount of One Hundred Thousand for the term beginning January 1, 2015 and ending January 1, 2019. Cost: \$1,242.50.

Dwight Jeffrey, Road Administrator Continuation Certificate Bond No. 14938679 for Caldwell County in the amount of Three Thousand for the term beginning January 1, 2015 and ending January 1, 2016. Cost: \$50.

Matt Kiely, Justice of the Peace, Precinct 1, Official Bond and Oath No. 24864225 for Caldwell County in the amount of One Thousand for the term beginning January 1, 2015 and ending January 1, 2019. Cost: \$177.50.

Victor Terrell, Constable, Precinct 1, Official Bond and Oath No. 15528920 for Caldwell County in the amount of One Thousand Five Hundred for the term beginning January 1, 2015 and ending January 1, 2019. Cost: \$92.50.

Shanna Conley, Court Clerk, Justice of the Peace, Precinct 2 Continuation Certificate Bond No. 15530866 for Caldwell County in the amount of One Thousand for the term beginning January 8, 2015 and ending January 8, 2016. Cost: \$50.  
Commissioner Buchholtz would like to remove "K" and discuss separately. Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to approve items "A, B, C, D, E, F, G, H, I, J & L. All Voting "Aye"

2014.12.08.06

**Reports.**

Elections Department – Pamela Ohlendorf (*Not Present*)

Septic and Subdivision Report – Kasi Miles

Kasi Miles gave the Septic and Sanitation report for the month of November 2014. At this time she has exceeded her budget for the year by \$3,688.00.

Treasurer's Report – Lori Rangel (*Report Not Ready*)

2014.12.08.07

**Special Presentations.** None.

Consent Agenda Item

- K. To approve the broker contract for Davis Equity Realty to represent Caldwell County in the sale of the buildings at 201 E. San Antonio Street and 100 E Market Street in Lockhart, Motion made by Judge Bonn, second by Commissioner Madrigal to move this item to the last agenda item before Adjournment. All Voting "Aye"

**(ALL OTHER AGENDA ITEMS)**

2014.12.08.08

**Discussion/Action** to approve the General Contractors Change Order proposal to provide three years maintenance on critical systems for the Caldwell County Justice Center. **Cost:** \$144,336.93

Project Manager Les Reddin explains the reasoning behind the proposal. Commissioner Muñoz explains that there are concerns that a warranty could be voided if licensed contractors do not perform the maintenance. Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve the General Contractors Change Order proposal to provide three years maintenance on critical systems for the Caldwell County Justice Center at a cost of \$144,336.93. All Voting "Aye"

2014.12.08.09

**Discussion/Action** to approve the change order for reduction of the General Contractors GMP in the amount of \$226,302 of unused funds from the Caldwell County Justice Center. Project Manager Les Reddin read a few of the items on the change order. Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve the change order for reduction of the General Contractors GMP in the amount of \$226,302 of unused funds from the Caldwell County Justice Center. All Voting "Aye"

COMMISSIONERS COURT MINUTES  
Regular Meeting on December 8, 2014

---

- 2014.12.08.10** **Discussion/Action** to approve the purchase of a Self-Contained Breathing Apparatus (SCBA) and an Automatic External Defibrillator Unit (AED) for use in the Justice Center. SCBA – not to exceed \$4,500; AED – not to exceed \$2,500  
Emergency Management Coordinator Martin Ritchey explained the requirement of the SCBA. Deputy Chief David Brent explained that State required that the employees of the jail were certified on the SCBA. Martin recommended a Red Cross training class for employees at the Justice Center. Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve the purchase of a Self-Contained Breathing Apparatus (SCBA) not to exceed \$4,500 and an Automatic External Defibrillator Unit (AED) not to exceed \$2,500. All Voting “Aye”
- 2014.12.08.11** **Discussion/Action** concerning moving the Swagit recording equipment for Commissioners Court meetings to the 2<sup>nd</sup> floor courtroom at 110 S. Main Street and the audio issues with the courtroom.  
Doug Schomette explained to the Court that any questions of historical changes should be directed to the Texas Historical Commission and the Courthouse Preservation Committee. He believed that it would be okay to put area rugs down to assist with the audio issues. Motion made by Commissioner Muñoz, second by Commissioner Madrigal to not to exceed \$6,000.00. All Voting “Aye” Motion made by Commissioner Madrigal, second by Commissioner Roland to move the Swagit cameras to the Courthouse Courtroom with the approval from the Courthouse Preservation Committee. All Voting “Aye”
- 2014.12.08.12** **Discussion/Action** to reappoint Ben Twidwell and James Lipscomb to another four-year term on the Plum Creek Conversation District Board of Directors.  
Motion made by Commissioner Roland, second by Commissioner Madrigal to reappoint Ben Twidwell and James Lipscomb to another four-year term on the Plum Creek Conversation District Board of Directors. All Voting “Aye”
- 2014.12.08.13** **Discussion/Action** to appoint three individuals to the Caldwell County Emergency Services District No. 2 Board who will each serve a two year term. Recommended appointees are: Mrs. Terry Pim, Ms. JoAnne Germer, and Mr. Bobby Barboza.  
Commissioner Madrigal commented that he had spoken to former Judge Duesterheft and that the nominees would like to serve on the Board. Motion made by Commissioner Madrigal, second by Commissioner Muñoz to appoint Mrs. Terry Pim, Ms. JoAnne Germer, and Mr. Bobby Barboza. All Voting “Aye”
- 2014.12.08.14** **Discussion/Action** to approve the engineer consulting firm of Jones & Carter, Inc. as recommended by the Consultant Selection Committee for SH 130 Concession Funded projects. Michael Aulick spoke to the Court and explained to the Court that the committee recommended Jones & Carter. Mr. Aulick and County Auditor Larry Roberson explained the process for reimbursement of fees for the Consultant and the Engineer that takes place from TXDOT. Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve the engineer consulting firm of Jones & Carter, Inc. as recommended by the Consultant Selection Committee for SH 130 Concession Funded projects. All Voting “Aye”
- 2014.12.08.15** **Discussion/Action** to further extend period for final action on preliminary plat application of 130 Environmental Park as allowed by section 3.4(G) of the Caldwell County Development Ordinance. This extension will provide the applicant additional time to respond to comments from the county’s engineer consultant and the county’s engineer consultant additional time to review the updated information.  
**Motion made by Commissioner Roland, second by Commissioner Madrigal to approve a 45-day extension from 12/27/2014 and also grant applicant 30 days from 12/27/2014 to respond to technical comments. All Voting “Aye”.** Commissioner Roland let everyone know that the committee that was formed to review takings impact will be meeting on Tuesday morning, Dec. 9, 2015 in Judge DeLeon’s Courtroom.

COMMISSIONERS COURT MINUTES  
Regular Meeting on December 8, 2014

---

- 2014.12.08.16** **Discussion/Action** to set public hearing for approval of preliminary plat for 130 Environmental Park Subdivision located north of FM 1185 between U.S.183 and Hommanville Trail at 9:30 a.m. on December 15, 2014, if the extension is not approved by commissioner's court.  
N/A
- 2014.12.08.17** **Discussion/Action** to accept public improvements in Terra Verde Subdivision for permanent county maintenance and to release maintenance bond posted by Dale Lowden Excavating Incorporated as security against damages or defected work for public improvements in Terra Verde Subdivision, as provided by subsections 3.8.5(G) and 3.8.5(H) of the Caldwell County Development Ordinance.  
Motion made by Commissioner Muñoz, second by Judge Bonn to table until December 15 meeting. All Voting "Aye"
- 2014.12.08.18** **Discussion/Action** to accept public improvements In Highland Ranch Phase I Subdivision for permanent county maintenance and to release maintenance bond posted by Dale Lowden Excavating Incorporated as security against damages or defected work for public improvements in Highland Ranch Phase I Subdivision, as provided by subsections 3.8.5(G) and 3.8.5(H) of the Caldwell County Development Ordinance.  
Motion made by Commissioner Roland, second by Commissioner Buchholtz to accept public improvements In Highland Ranch Phase I Subdivision for permanent county maintenance and to release maintenance bond posted by Dale Lowden Excavating Incorporated as security against damages or defected work for public improvements in Highland Ranch Phase I Subdivision, as provided by subsections 3.8.5(G) and 3.8.5(H) of the Caldwell County Development Ordinance. All Voting "Aye"
- 2014.12.08.19** **Discussion/Action** to release letter of credit for Verde Ranch Developments, LLC, Sunrise Meadows Subdivision Phase I in the amount of \$10,000.00 posted for the re-vegetation project. Motion made by Commissioner Roland, second by Commissioner Madrigal to approve the release letter of credit for Verde Ranch Developments, LLC, Sunrise Meadows Subdivision Phase I in the amount of \$10,000.00 posted for the re-vegetation project. All Voting "Aye"
- 2014.12.08.20** **Discussion/Action** to authorize the filing of a Final Plat (Short Form Procedure) for Sunrise Meadows, Phase 2A.  
Kasi Miles told the Court that all the papers and fees had been taken care of. She explained that part of the total property had some drainage issues but this piece of property did not. Motion made by Commissioner Roland, second by Commissioner Madrigal to authorize the filing of a Final Plat (Short Form Procedure) for Sunrise Meadows, Phase 2A. All Voting "Aye"
- 2014.12.08.21** **Discussion/Action** to approve Resolution #20-2014 concerning the support of Commissioners Court for proposed legislation regarding the creation of Cotton Center Municipal Utility District No. 1.  
Becky Collins with Walton Development spoke to the Court requesting their support with the Resolution. Commissioner Madrigal asked if there might be land set aside for schools in the development. She replied that there was land set aside for schools. Commissioner Muñoz asked about Emergency services or Fire Departments. She replied that at this time there were no sites set aside for this but they would be happy to discuss plans for that. Judge Bonn asked about the donation of land for the right of way. He commented that the County doesn't have funds for that. Ms. Collins assured him that they would be donating the necessary property. Martin Ritchey said that the Fire Dpts. are of concern to him also that the County would be protected. David Brent commented that there were concerns about law enforcement since they were already short of deputy's. Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve Resolution #20-2014 concerning the support of Commissioners Court for proposed legislation regarding the creation of Cotton Center Municipal Utility District No. 1. All Voting "Aye"

COMMISSIONERS COURT MINUTES  
Regular Meeting on December 8, 2014

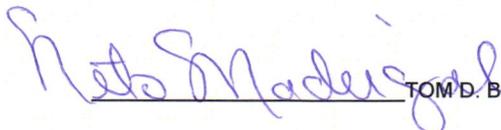
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- 2014.12.08.22**     **Discussion/Action** to assign Judge Pro-Tem for the 2015 year.  
Motion made by Commissioner Roland, second by Commissioner Muñoz for Commissioner Madrigal to continue as Judge Pro-Tem for the year of 2015. All Voting "Aye"
- 2014.12.08.23**     **Discussion/Action** concerning the Burn Ban for Caldwell County.  
Motion made by Commissioner Roland, second by Commissioner Madrigal to leave the Burn ban off. All Voting "Aye"
- 2014.12.08.24**     **Discussion/Action** regarding occupancy of Caldwell County buildings.  
County Treasurer Lori Rangel asked about security at the Courthouse after the treasurer's office moved back into the Courthouse. There was discussion concerning the space that the departments were requesting and disability access will be needed for the Tax Assessor's office. Motion made by Commissioner Muñoz, second by Judge Bonn to secure the other two buildings at this time. All Voting "Aye"  
Judge Bonn also discussed the Game Warden moving into the office that was designated for the Commissioners at 405 E. Market. He feels that since she is from Luling, she may want to move into an office at the Pct. 2 offices at 505 E. Fannin. This will be on a future agenda. Kasi Miles spoke and feels that it would be best for her to move back into a Lockhart office from the present location at Unit Road. It will make it easier for citizens to locate her.
- 2014.12.08.25**     **Discussion/Action** to approve the Caldwell County Employee Manual.  
Deborah Kortan explained that the manual can be changed at any time through Commissioners Court if they feel necessary. Motion made by Commissioner Muñoz, second by Commissioner Roland to approve the Caldwell County Employee Manual. All Voting "Aye"
- 2014.12.08.26**     **Discussion/Action** to approve employee job descriptions as provided by the HR department.  
Motion made by Commissioner Madrigal, second by Commissioner Muñoz to table this item until the second meeting in January. All Voting "Aye"

Consent Agenda item

- K. To approve the broker contract for Davis Equity Realty to represent Caldwell County in the sale of the buildings at 201 E. San Antonio Street and 100 E Market Street in Lockhart,  
Motion made by Commissioner Roland, second by Commissioner Buchholtz not to approve the broker contract for Davis Equity Realty to represent Caldwell County in the sale of the buildings at 201 E. San Antonio Street and 100 E Market Street in Lockhart. Motion and second were withdrawn. Motion made by Commissioner Madrigal, second by Commissioner Buchholtz to table this item to give the Commissioners more time to review the information. Judge Bonn explains the process that the Court has been following and explains that at this point, the Court would have to start completely over if this was accepted. Counsel agrees. Commissioner Buchholtz has concerns with 4 items. 1. The percentage of commission, 2. the lease clause, 3. the contract being 1 year, and 4. the buyer/seller representation. Motion by Commissioner Madrigal and second by Commissioner Buchholtz to table is withdrawn. Motion allowing Judge Bonn with Judge Elect Shawe and Counsel to represent and negotiate in the sale of the buildings at 201 E. San Antonio Street and 100 E Market Street in Lockhart, with Davis Equity Realty. Roll Vote: Commissioner Muñoz-Yes, Commissioner Buchholtz-Yes-, Commissioner Madrigal-Yes, Commissioner Roland-Yes, Judge Bonn-Yes. Motion Passed

- 2014.12.08.27**     **Adjournment**  
Motion made by Judge Bonn, second by Commissioner Madrigal to Adjourn. All Voting "Aye"

  
TOM D. BONN, County Judge