

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting August 17, 2015 9:00 a.m.



KEN SCHAWÉ	County Judge	ALFREDO MUÑOZ	Commissioner Pct. 1
CAROL HOLCOMB	County Clerk	EDDIE MOSES	Commissioner Pct. 2
		NETO MADRIGAL	Commissioner Pct. 3
		JOE IVAN ROLAND	Commissioner Pct. 4

Call Meeting to Order. Meeting called to order by Judge Schawe at 9:02 a.m. All members of the Court were present.

2015.08.17.01 **Invocation.** Lockhart Ministerial Alliance.

Ken Sneed opened the meeting with prayer.

2015.08.17.02 **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 Schawe led all present in the Pledge of both flags.

2015.08.17.03 **Announcements.** Items or comments from Court Members or Staff.

Commissioner Muñoz announced he attended the Economic Summit Event which was put together by the Greater San Marcos Partnership. He thanked the events sponsors and Sandra Mauldin for her help in putting the event together. Commissioner Moses informed the Court that the Greater San Marcos Partnership came out to Luling this past week to look at Economic Development opportunities. He also acknowledged the Caldwell County 4H Program for their Turkey Shoot this past weekend. He then wished Judge Schawe an upcoming happy birthday. Commissioner Madrigal reminded the public about the burn ban and being cautious about starting fires during this time. Commissioner Roland stated he also attended the Economic Summit and said it was a good turn out and very informative. Martin Richey also addressed the Court to announce the County had received a \$400,000 grant from FEMA for assistance to firefighters.

2015.08.17.04 **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).

Kathryn Meneley expressed her concern for fires in the proposed landfill and questioned if the County was trained for such hazards.

Byron Friedrich stated his desire to continue with the lawsuit against the landfill. He also talked about a presentation given to the Chamber of Commerce suggesting a movement for the County to become zero waste. He mentioned the pros of recycling instead of having a landfill and suggested using the land to build a business park.

Leslie Holder is opposed to having a landfill in Caldwell County and does not recommend entering into a host agreement. She explained the extreme cost of having a landfill is more than what the County will pay in legal fees.

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Kathleen Clough is also against the proposed landfill and against signing any host agreement. She stated the landfill group's motive is money and not consideration for the County.

Roger Williams asked the Court not to withdraw from the contested case hearing. He then discussed his concerns about the property for the proposed landfill.

Jodie Friedrich discussed the current issues occurring in Hempstead in regards to the Green Group and the difficulties getting a contested case hearing. She mentioned TCEQ violations that also occurred.

Linda Hinkle stated she is neither for nor against the landfill. She also suggested that the citizens of the County should vote on any landfill issues.

Patton King talked about property that has been in his family since 1939 that is near the proposed landfill. He expressed his concerns and mentioned hazards that will come along with the landfill.

2015.08.17.11 **Public Hearing at 9:30 am** concerning the approval of a Final Plat for the Lonestar Subdivision to include approximately 57.051 acres located of FM 20 and Callihan Road.

Kasi Miles addressed the Court inviting anyone who would like to speak about the Lonestar Subdivision to do so now. No speakers, Judge Schawe closed the public hearing.

2015.08.17.12 **Discussion/Action** to consider approval for the final plat for Lonestar Subdivision to include approximately 57.051 acres located on FM 20 and Callihan Road (CR 112).

Kasi Miles stated the Lonestar Subdivision has complied with all rules and regulations and all fees paid. She stated that she and Tracy Bratton are recommending approval of the Lonestar Subdivision.

Motion made by Commissioner Moses, second by Commissioner Muñoz to approve the final plat for Lonestar Subdivision to include approximately 57.051 acres located on FM 20 and Callihan Road (CR 112). All Voting "Aye"

2015.08.17.05 **Consent Agenda.** (The following consent items may be acted upon in one motion. Any member of the Court may request that an item within the Consent Agenda be pulled for separate discussion and/or action).
A. To accept the financial report from Emergency Services District 2.
B. To pay invoice # 14711 to Carl Ohlendorf Insurance for the Bonding of Constable Arthur Villarreal in the amount of \$50.00.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve Consent Agenda items A-B. All Voting "Aye"

(ALL OTHER AGENDA ITEMS)

2015.08.17.06 **Discussion/Action** regarding the burn ban for Caldwell County.
Martin Richey explained to the Court the current and expected weather conditions. He stated fires did occur during this past week. He suggested keeping the burn ban on.

Motion made by Commissioner Roland, second by Commissioner Madrigal to keep the burn ban on. All Voting "Aye"

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2015.08.17.13

Public Hearing at 9:45 am concerning the proposed 2015-2016 Budget.

Judge Schawe asked if anyone would like to speak about the 2015-2016 proposed Budget to do so now. No speakers, Judge Schawe closed the public hearing at 9:46.

2015.08.17.07

Discussion/Action to consider an application to the Texas Division of Emergency Management ("TDEM") and the Federal Emergency Management Agency ("FEMA") for approval of Caldwell County in a Private Property Debris Removal ("PPDR") program related to the 2015 Memorial Day Weekend flood; to authorize the Caldwell County Emergency Management Office to advertise the PPDR program to eligible landowners; to authorize civil counsel to provide new PPDR Task Orders to TFR Enterprises and Tetra Tech, once a PPDR program has been approved by FEMA; and to authorize civil counsel to take other actions necessary to establish a PPDR program within Caldwell County.

Civil Attorney, Jordan Powell introduced John Buri with Tetra Tech who spoke about the background of PPDR (Private Property Debris Removal) as well as what is required to apply for it and any associated costs. Commissioner Madrigal clarified this is only something the County is looking into at this time. John Buri stated this is the next step in moving forward with debris removal from the floods this past May. He explained 75% of the costs would be paid federally and 25% local. Commissioner Madrigal shared his concern for the debris in the river however it was stated by John Buri that PPDR is used for cleanup around a structure or a home only. He explained other programs may be available for river cleanup. Martin Richey stated much of the cleanup needed in the County is property that would not qualify under the PPDR program. He recommended the County obtain any amount of help available but mentioned other funds will be needed to clear other areas. He also mentioned current programs the County is a part of and their purpose for assisting the County.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to authorize and move forward with an application to the Texas Division of Emergency Management ("TDEM") and the Federal Emergency Management Agency ("FEMA") for approval of Caldwell County in a Private Property Debris Removal ("PPDR") program related to the 2015 Memorial Day Weekend flood. All Voting "Aye"

2015.08.17.08

Discussion/Action to reinstate Aulick and Associates, LLC's contract for transportation planning and management services for purposes of the SH 130 concession projects.

Commissioner Muñoz spoke about the importance of having Aulick and Associates to overlook County projects related to the SH 130 roads and recommended the company be reinstated. He also mentioned that it would be very beneficial for Aulick and Associates to assist in representing the County with CAMPO.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to reinstate Aulick and Associates, LLC's contract for transportation planning and management services for purposes of the SH 130 concession projects. All Voting "Aye"

Permission to amend motion was requested by Commissioner Muñoz and permitted by Commissioner Madrigal to include reinstating Aulick and Associates assistance in representing the County with CAMPO. All voting "Aye."

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2015.08.17.09

Discussion/Action to consider the continuation of litigation and all options available to the County concerning 130 Environmental Park, SOAH Docket No. 582-15-2082; TCEQ Docket No.2015-0069-MSW, including, but not limited to, a host agreement.

Judge Schawe stated the need to discuss whether to continue with litigation or not is because the expenses for such were not included in this year's budget and that the budget is tight. Commissioner Roland shared his understanding for the budget restraints, however he believes the County will look bad if they do not continue. He stated to treat this like any other lawsuit. Judge Schawe stated that at the beginning of the contested case hearing process, the County was informed that the litigation would be at no cost to the County. Commissioner Madrigal explained the Court was never told it wouldn't cost the County anything to participate in litigation. He stated there is a cost and gave options to alleviate some of those to continue moving forward. He stated he doesn't believe that there have been major costs associated with this litigation and believes it's important for the County to be at the table.

Motion made by Commissioner Muñoz, second by Commissioner Moses to recommend proceeding as a party, or maintaining the current status quo, and invite 130 Environmental Park to present a host agreement to the County in open session or a workshop so it can be discussed out in the public.

Commissioner Roland stated the motion seems contradictory and Commissioner Madrigal stated the type of motion made is not part of the agenda item. He believes that the agenda item is only to decide whether or not to continue with the litigation. Commissioner Roland asked Jordan Powell, civil counsel for the county, to please clarify whether the motion Commissioner Munoz made is permitted by the language on the agenda. Jordan Powell stated that the wording of the agenda item permitted the Court to consider all options available to the County and that the motion made by Commissioner Munoz is covered with the way the item is posted. Judge Schawe clarifies the motion and asked that it is expedited so that it may be added to this year's budget. Civil Attorney, Jordan Powell requested a roll call vote.

Roll Call Vote: Commissioner Muñoz; Yes, Commissioner Moses; Yes, Commissioner Madrigal; Yes, Commissioner Roland; No, Judge Schawe; Yes. Motion Passed

2015.08.17.10

Discussion/Action concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for the Replat of Lots 8, 10, and 25 of Tinney Lake on FM 713.

Kasi Miles addressed the Court asking for approval for the Replat of lots from Tinney Lake stating everything has been addressed and all fees paid. She stated that both she and Tracy Bratton recommend approval.

Motion made by Commissioner Moses, second by Commissioner Muñoz to approve an Order authorizing the filing of a Final Plat (Short Form Procedure) for the Replat of Lots 8, 10, and 25 of Tinney Lake on FM 713. All Voting "Aye". Commissioner Madrigal was absent during voting.

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2015.08.17.14 **Discussion/Action** concerning the proposed tax rate of \$0.7175 per \$100.00 of assessed valuation for the fiscal year 2015-2016. Following the discussion, a roll call vote must be taken on a proposed tax rate of \$0.7175 per \$100.00 of assessed valuation. This vote is not an actual adoption of the tax rate but merely an indication by the Court of the rate it supports.

Motion made by Commissioner Muñoz, second by Commissioner Moses to vote on the proposed tax rate of \$0.7175 per \$100.00 of assessed valuation for the fiscal year 2015-2016. All Voting "Aye"

2015.08.17.15 **Discussion/Action** to consider bids submitted for the sale of the 2006 Genie S-85 Boom Lift.

Unit Road Supervisor, Dwight Jeffrey explained to the Court that the online auction of the 2006 Genie S-85 Boom Lift ended with a bid of \$22,500. He stated that the County has been attempting to sell this piece of equipment for quite some time.

Motion made by Commissioner Madrigal, second by Commissioner Moses to sell the 2006 Genie S-85 Boom Lift for \$22,500. All Voting "Aye"

2015.08.17.16 **Discussion/Action** to consider changing the Veterans Service Officer position from a full-time position to a part-time position and proceed with the application process.

Commissioner Madrigal would like to table the item until next week to further discuss options. Commissioner Muñoz said he does not see the County benefiting from cutting this position to part time. Commissioner Madrigal suggested moving the position to a three day work week for the first half of the year while watching to see how effective the position is. Judge Schawe agreed with Commissioner Madrigal due to budget restraints.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to table this item. All Voting "Aye"

2015.08.17.17 **Discussion/Action** to fill the vacancy of Constable Precinct 3.

Commissioner Madrigal updated the Court on the current status of appointing a Constable for Precinct 3. He introduced and suggested appointing Michael Bell. Judge Schawe asked if Michael Bell resided in Precinct 3. Michael Bell responded stating he has resided in Precinct 3 since July 1st. Judge Schawe explained that there are laws in place disqualify Michael Bell for not living in Precinct 3 for at least 6 months immediately preceding the date of appointment. Commissioner Madrigal thought those requirements were only for the election of the position, not the appointment. Civil Attorney, Jordan Powell, explained to the Court that there are numerous codes in place, that must all be taken and applied in conjunction with one another for appointing an individual, and stated that Michael Bell would not meet the residency requirements necessary to serve as Constable in Precinct 3 if he moved into the precinct on July 1st.

Motion made by Commissioner Madrigal, second by Commissioner Roland to table this item. All Voting "Aye"

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Judge Schawe ordered a recess at 10:38 a.m.
Court Back in Session at 10:50 a.m.

BUDGET WORKSHOP: Regarding the 2015-2016 proposed annual budget.

County Auditor, Debra French addressed the Court to explain the changes that have been made to the budget as discussed during last meeting. Commissioner Moses explained his thoughts and ideas to have a stipend for uniforms for the Sheriff's Office and Jailers. Judge Schawe stated they would look into it next year but is unable to put it in this year's budget. Judge Schawe expressed he is still looking for more funds and is waiting to hear back from departments. County Sheriff, Danny Law answered questions from the Court about his department including estimated numbers for inmates and expired vests. Commissioner Muñoz mentioned there is nothing budgeted for training for the Constables and asked if that was required. Judge Schawe stated that is for Deputy Constables and that Constables receive their own funding for training. Constable Victor Terrell "Smitty" addressed the Court to confirm funding. Commissioner Muñoz asked the Court to consider leaving the clerical position for the Highway Patrol at full time for 6 months until the current employee retires. Debra French stated \$8,700 would need to be added to the budget to keep this position at full time for 6 months. Commissioner Roland mentioned noticing no change to revenue fees as requested last week. He stated the line item for subdivision fees being too low. Kasi Miles explained to the Court costs for subdivisions with roads is estimated at \$15,000 per subdivision and without roads \$7,500. Judge Schawe estimated this line item using these numbers but is still looking for additional funds. Commissioner Muñoz questioned why the budget for the Tax Assessors Office has declined this year and asked if Darla Law was losing an employee. Darla Law acknowledged the cut back. Commissioner Madrigal thanked the County Auditor, Debra French for her hard work with the County but does not recommend the increase in salary at this time due to budget restraints. Judge Blomerth addressed the Court expressing the importance of approving his order for an increase in salary for the County Auditor position. He stated auditors with great credentials like Debra French would not stay working for the County at \$57,000. Commissioner Muñoz asked Debra French if she would quit working for the County if the salary increase did not get approved. Judge Blomerth said Debra French did not have to answer and reminded the Commissioners that they agreed to a livable pay for a quality Auditor. Judge Schawe agreed that County Auditor, Debra French does great work for the County.

2015.08.17.18 **Discussion/Action** to approve the 2015-2016 Caldwell County Proposed Budget as required by section 111.008(a) of the Local Government Code. Pursuant to section 111.008(b), the Commissioners Court may make any changes in the proposed budget that it considers warranted by the law and required by the interest of the taxpayers.

Motion made by Judge Schawe, second by Commissioner Madrigal to table this item.
All Voting "Aye"

2015.08.17.04 **Citizens' Comments. (Continued)**

Heather Byrd expressed her concerns for the proposed landfill. She is worried about the cost it will take to fight a landfill fire and who will pay for those costs. She mentioned she voted for Commissioner Roland and Judge Schawe and asked for them to continue to fight against the landfill.

2015.08.17.19 **Adjournment.** Motion made by Judge Schawe, second by Commissioner Madrigal to adjourn. All voting "Aye" Meeting adjourned at 11:51 a.m.

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I, CAROL HOLCOMB, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Caldwell County Commissioners' Court on August 17, 2015.

Carol Holcomb

CAROL HOLCOMB, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
CALDWELL COUNTY, TEXAS

