

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting December 14, 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 9:05 a.m. All members of the Court were present

2015.12.14.01 **Invocation.** Lockhart Ministerial Alliance.

District Court Judge, Todd Blomerth, opened the meeting with prayer.

2015.12.14.02 **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.

2015.12.14.03 **Announcements.** Items or comments from Court Members or Staff.

Commissioner Muñoz attended several meetings including one with Greater San Marcos Partnership who is raising money for flood victims. He congratulated Lockhart Chamber of Commerce on their Christmas Dickens event. He also congratulated Jamie Wright for her retirement from Lockhart ISD after 38 years of employment. Commissioner Moses thanked those who attended the dinner event for county employees. He attended the Dickens event on the square as well as Cocoa and Carols in Luling. He congratulated the Luling Police Department on their Blue Santa fundraiser event that rose over \$11,000 this year. He attended an informative meeting with the Plum Creek Watershed Partnership and mentioned two of its county agents are leaving and thanked them for their dedication to the county. Commissioner Madrigal thanked all the county employees for their work and wished all a Merry Christmas. He attended the Chisolm Trail Fire Department's Christmas event. Commissioner Roland attended the grand opening at a new store in Lytton Springs. He spoke to a man who lost his Uncle in a house fire recently and raised funds for him. He also attended the Dickens event on the square and mentioned a complaint he received about a person's private road. He wished all a Merry Christmas. Karen Sphar announced Judge Schawe's new administrative assistant, Molly Cole. Judge Schawe announced December 18th as the deadline to add items on the agenda for the next Commissioners Court meeting and wished everyone a Merry Christmas and safe holiday weekend.

2015.12.14.07 **Discussion/Action** to authorize the Interlocal Allocation of \$7,811.42 for FY2016 the Regional Public Defender for Capital Cases. **Cost: None. Speaker: Judge Schawe. Backup: 1.**

District Court Judge, Todd Blomerth explained this is a continuation of a contract that was signed approximately five years ago regarding protection for the county if there were to be a capital offense. He stated this is a cheap insurance policy that is necessary due to the large amount of cost in the event of a capital offense trial. The county has saved over \$100,000 since the original purchase of this insurance. Civil Attorney, Jordan Powell requested the court separate the signing of the Interlocal Agreement and the authorization of the total payment in their motion.

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Motion made by Commissioner Muñoz, second by Commissioner Moses to approve the Interlocal Allocation of \$7,811.42 for FY2016 the Regional Public Defender for Capital Cases. All voting "Aye".

Motion made by Commissioner Muñoz, second by Commissioner Roland to authorize the Judge to sign the Interlocal Agreement. All voting "Aye".

2015.12.14.04

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).

Nick Dornak, Plum Creek Watershed Coordinator spoke of two colleagues that are leaving employment with county. He also commended the county's response to an oil spill. He specifically thanked Judge Schawe and Emergency Management staff, Martin Ritchey and Carine Calfoun for their assistance.

2015.12.14.05

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 pay county invoices in the amount of \$549,747.99

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve Consent Agenda item A. All voting "Aye".

(ALL OTHER AGENDA ITEMS)

2015.12.14.06

Discussion/Action regarding the burn ban for Caldwell County. **Cost: None. Speakers: Judge Schawe/Martin Ritchey. Backup: None.**

Martin Ritchey stated the county received a good amount of precipitation and the KBDI index is favorable. With dead vegetation, he warned others to be careful while burning but does not recommend a burn ban at this time.

Motion made by Commissioner Roland, second by Commissioner Madrigal to leave the burn ban off. All voting "Aye".

2015.12.14.08

Discussion/Action to approve commissioners for ESD #2. **Cost: None. Speaker: Commissioner Madrigal. Backup: 1.**

Commissioner Madrigal explained that every Emergency Service District (ESD) has a board of commissioners that oversee their budget.

Motion made by Commissioner Madrigal, second by Commissioner Roland to reassign Tony Collins and Ronnie Duesterheft to the board of Caldwell County Emergency Services District No.2 for a two year term. All voting "Aye".

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2015.12.14.09 **Discussion/Action** to approve commissioners for ESD #3. **Cost: None. Speaker: Commissioner Madrigal. Backup: 1**

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to reassign Bill Hamilton for a 1 year term, David Murdock for a 2 year term, David Pearson for a 2 year term, Ross Purcell for a 1 year term and Richard Salmon for a 2 year term on the board of Caldwell County Emergency Services District No.3. All voting "Aye".

2015.12.14.10 **Discussion/Action** to approve commissioners for ESD #4. **Cost: None. Speaker: Commissioner Muñoz. Backup: 1**

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to assign Jerry Doyle for a 2 year term, Martin Ritchey for a 1 year term, Gregory Pope for a 2 year term, Juan Alvarez for a 1 year term and Donny Graham for a 2 year term on the board of Caldwell County Emergency Services District No.4. All voting "Aye".

2015.12.14.11 **Discussion/Action** authorizing the County Judge to request grant funding under the Capital Area Council of Governments Request for Applications of the Regional Solid Waste Grants Program and act on behalf of Caldwell County. **Cost: None. Speakers: Judge Schawe/Nick Dornak. Backup: 1**

Plum Creek Watershed Coordinator, Nick Dornak presented a handout to the court showing a recycling trailer that the county could obtain through a grant program from CAPCOG. He stated the only cost to the county would be registration fees for the trailer. He mentioned the county could participate in collection events. Commissioner Roland asked where the trailer will be stored. Nick Dornak stated it would be stored at one of the precincts in the county or parked on a street for access. Commissioner Muñoz asked who will monitor the trailer to make sure it is used properly. Nick Dornak explained all bins would be labeled and recycling plants have the ability to separate trash if needed. Commissioner Madrigal believes there is more of a need for solid waste cleanup. Commissioner Roland said he does not believe the county is that advanced yet. Nick Dornak stated the recycling trailer would help encourage citizens to recycle. The court discusses cleanup options. Commissioner Moses recommended taking the recycling trailer to the schools and requested more tire events.

Motion made by Commissioner Muñoz to approve of the recycling trailer for the county and approval for collection events.

Commissioner Roland stated those items were not on the Agenda.

Motion made by Commissioner Roland, second by Commissioner Muñoz to authorizing the County Judge to request grant funding under the Capital Area Council of Governments Request for Applications of the Regional Solid Waste Grants Program and act on behalf of Caldwell County. All voting "Aye".

2015.12.14.12 **Discussion/Action** authorizing the County Judge to: (1) execute the amended Development/Subdivision Agreement Providing for Regulation of Subdivision and Approval for Caldwell Valley; and (2) execute the amended Memorandum of Understanding with Walton Texas, LP on behalf of individual owners. **Cost: TBD. Speakers: Judge Schawe/Jordan Powell. Backup: 1**

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Jordan Powell reminded the court of a presentation by Walton Texas, LP in which the court agreed to move forward with a Development/Subdivision Agreement and Memorandum of Understanding. She explained a name change was made to the Development/Subdivision Agreement, excluding the names of two former employees and adding Tracy Bratton to the document. She stated Judge Schawe had concerns including the contours in the Memorandum of Understanding which has now been changed from 10 foot to 2 foot contours. Mobile home restrictions were also updated in the contract. Judge Schawe explained that he had concerns of this project and met with members of Walton Texas, LP as well as our County Engineer for solutions. Becky Collins, general manager of Walton Texas, LP, acknowledged she met with Judge Schawe on his concerns and stated the two documents are now ready to be signed.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to authorizing the County Judge to execute the amended Development/Subdivision Agreement Providing for Regulation of Subdivision and Approval for Caldwell Valley and execute the amended Memorandum of Understanding with Walton Texas, LP on behalf of individual owners. All voting "Aye".

2015.12.14.13

Discussion/Action to select and approve projects in Caldwell County for allocated federal STP MM transportation funding and authorize the County Judge to submit the list of projects to the CAMPO Transportation Policy Board for approval. **Cost: None. Speakers: Commissioner Muñoz/Michael Aulick. Backup: 1**

Transportation consultant, Michael Aulick presented a power point presentation regarding transportation funds that were granted to Caldwell County in the amount of \$900,000. He expressed the need to determine which projects the court would like to proceed with in order to discuss at the CAMPO board meeting January 11, 2016. He listed eligible projects including roadway improvements on TXDOT Highway System, street improvements in Lockhart and Luling, and improvements to low water crossings. He recommended allocating \$225,000 for Luling relief route analysis and the remaining \$671,518 for upgrading low water crossings. He also recommended the court develop a list of priority and feasible low water crossings for improvement. Unit Road Supervisor, Dwight Jeffrey stated he does not see the County coming up with that much money for improvements of low water crossings. He said these projects would most likely be contracted out or would cause a burden on the Unit Road Department due to the amount of current obligations they have elsewhere throughout the county. Commissioner Muñoz received clarification that the county is responsible for a 20% local match of the total amount of funding. Michael Aulick said the next Commissioner's Court meeting would be the deadline to decide on projects before CAMPO's board meeting. Commissioner Madrigal added there's too many projects and too little money.

Motion made by Commissioner Madrigal, second by Commissioner Roland to table this item until next meeting. All voting "Aye".

2015.12.14.14

Discussion/Action regarding approval of a variance request under Section 3.12 of Caldwell County's Development Ordinance concerning minimum lots size for the Vida Mae Subdivision fronting FM 713. **Cost: None. Speakers: Commissioner Muñoz/Kasi Miles. Backup: 1**

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Kasi Miles explained that she and Commissioner Moses visited the property and described the variance request. A letter from County Engineer, Tracy Bratton is recommending acceptance of the variance.

Motion made by Commissioner Moses, second by Commissioner Muñoz approving the variance request under Section 3.12 of Caldwell County's Development Ordinance concerning minimum lots size for the Vida Mae Subdivision fronting FM 713. All voting "Aye".

- 2015.12.14.15** **Discussion/Action** regarding approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Vida Mae Subdivision fronting FM 713. **Cost: None. Speakers: Commissioner Muñoz/Kasi Miles. Backup: 1**

Motion made by Commissioner Moses, second by Commissioner Muñoz approving an Order authorizing the filing of a Final Plat (Short Form Procedure) for Vida Mae Subdivision fronting FM 713. All voting "Aye".

- 2015.12.14.16** **Discussion/Action** regarding concerning debris monitoring and removal efforts associated with the City of Martindale parks and open spaces. **Cost: TBD. Speakers: Commissioner Madrigal/Jordan Powell. Backup: 1**

Commissioner Madrigal stated they are working together with FEMA and the City of Martindale. The Mayor of the City of Martindale was unable to attend today's meeting and has requested items be tabled until a later date.

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

- 2015.12.14.17** **Discussion/Action** to authorize Commissioner Madrigal to execute a new Notice to Proceed and new Task Order for Tetra Tech, Inc. associated with the City of Martindale parks and open spaces related to the Master Services Agreement for od related services. **Cost: TBD. Speakers: Commissioner Madrigal/Jordan Powell. Backup: 1**

Motion made by Commissioner Madrigal, second by Commissioner Moses to table this item. All voting "Aye".

- 2015.12.14.18** **Discussion/Action** to authorize Commissioner Madrigal to execute a new Notice to Proceed for TFR Enterprises, Inc. associated with the City of Martindale parks and open spaced related to the End User Agreement for flood related services. **Cost: TBD. Speakers: Commissioner Madrigal/Jordan Powell. Backup: 1**

Motion made by Commissioner Madrigal, second by Commissioner Moses to table this item. All voting "Aye".

- 2015.12.14.19** **Discussion/Action** to authorize the County Judge to sign a grant application for the FEMA Hazard Mitigation Grant Program (HMGP) on behalf of the county. **Cost: None. Speakers: Judge Schawe/Martin Ritchey. Backup: 1.**

Martin Ritchey stated there is an opportunity to solicit FEMA for funding for the purpose of creating a Hazard Mitigation Plan. He recommended moving forward with the grant application process.

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Motion made by Commissioner Muñoz, second by Commissioner Moses to authorize the County Judge to sign a grant application for the FEMA Hazard Mitigation Grant Program (HMGP) on behalf of the county. All voting "Aye".

2015.12.14.20 **Discussion** to request publishing of the Approved Budget on the county website / internet. **Cost: None. Speaker: Commissioner Muñoz. Backup: None**

Commissioner Muñoz said he has been asked by others as to when the approved budget will be published and requested a time frame. Judge Schawe agreed with Commissioner Muñoz that the budget needs to be published. He explained issues with software and that he is currently working with the auditor and new staff to have it published by the end of next week.

2015.12.14.21 **Discussion/Action** to consider entering into a Retainer Agreement with Allison, Bass & Magee, LLP for legal services regarding overflow Public Information Act requests. **Cost: TBD. Speakers: Judge Schawe/Jordan Powell/Fred Weber. Backup: None**

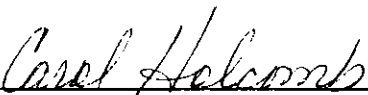
District Attorney, Fred Weber stated his office has been overwhelmed with the amount of Open Records Requests. He requested the court approve a Retainer Agreement with Allison, Bass & Magee, LLP which would help with these requests. He explained this is necessary in order to meet legal obligations. He said there was a request regarding the landfill which is requiring a lot of time to complete.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to enter into a Retainer Agreement with Allison, Bass & Magee, LLP for legal services regarding overflow Public Information Act requests. All voting "Aye".

2015.12.14.22 **Adjournment.** Motion made by Commissioner Muñoz, second by Commissioner Moses to adjourn. All voting "Aye".

Meeting Adjourned at 10:25 a.m.

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 December 14, 2015.



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

