

COMMISSIONERS COURT MINUTES
 110 S. Main St. 2nd Floor, Lockhart, Texas
 Regular Meeting February 8, 2016 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 9:00 a.m. Commissioner Madrigal present at 9:04 a.m.

2016.02.08.01 **Invocation.** Lockhart Ministerial Alliance.

Elder Marissa Mendez of Faith/FE Presbyterian Church in Lockhart, of the Lockhart Ministerial Alliance opened the meeting with prayer.

2016.02.08.02 **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 Schawe led all present in the Pledge of both flags.

2016.02.08.03 **Announcements.** Items or comments from Court Members or Staff.

Commissioner Muñoz congratulated Joel Gammage on the Hot Rods and Hatters event this past weekend. Commissioner Moses announced the GoTexan event is this weekend at the Luling Civic Center benefiting Caldwell County student scholarships. He is participating as a judge for the 2016 Government in Action Youth Tour Contest in Bastrop this evening to choose a recipient of a \$500.00 scholarship. He stated February 27th is the 13th Annual Chili Cook-off at the Luling Civic Center and a Feral Hog workshop at the Luling Foundation Farms on February 9th. Commissioner Madrigal congratulated Joel Gammage from Texas Hatters and the City of Lockhart on a great well-organized event. He thanked the Unit Road Department for the repairs on damaged roads. Commissioner Roland commented on the fast construction of the new school in Lytton Springs. He attended a Black History Memorial Banquet and stated it was very well done. Commissioner Moses added he is meeting with the Delhi Fire Department tomorrow afternoon to review blueprints for the new Fire Department. He thanked Unit Road for their work including the repairs to Chuck Wagon Road. Judge Schawe attended a Lone Star Rail meeting discussing a rail coming through Caldwell County. He met with CAPCOG regarding Economic Development and receiving assistance for Caldwell County.

2016.02.08.04 **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 Citizen's Comments

2016.02.08.05 **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).

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- A. Approve payment of County invoices in the amount of \$256,904.09
- B. Approve amended bond #71738268 for Constable Michael Bell.
- C. Accept the Certificates of Completion for required continuing education for County Clerk, Carol Holcomb, and District Clerk, Tina Morgan Freeman.
- D. Accept the Certificates of Completion for required continuing education for Commissioner Alfredo Munoz, Precinct No. 1 and Commissioner Joe Roland, Precinct No. 4.
- E. Accept FY 2015 Financial Statements of the Caldwell County Community Supervision Corrections Department (CSCD).

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

(ALL OTHER AGENDA ITEMS)

2016.02.08.16

Discussion/Action to consider granting an extension on the preliminary plat for 130 Environmental Park. **Cost:** None; **Speaker:** Judge Schawe/Tracy Bratton; **Backup:** 1.

Tracy Bratton with Bowman Consulting Group explained the county received an extension request from the applicant for the SH 130 Environmental Park preliminary plat. The applicant's letter requested two six month extensions. He mentioned different factors that are required including a state permit. The county's rules have not changed regarding preliminary plat's therefor he stated approving the extension would be a reasonable thing to do. He recommended approving only one six month extension. Commissioner Roland agreed.

Motion made by Commissioner Roland, second by Commissioner Muñoz to grant one six month extension on the preliminary plat for 130 Environmental Park. All voting "Aye".

2016.02.08.06

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

Martin Ritchey stated an emergency 24 hour burn ban order had been issued out of the County Judge's office due to current weather conditions. He said the KBDI index is still favorable however the National Weather Service has given a red flag to the Caldwell County area due to high winds. He recommended leaving the burn ban off except for today and looking at it on a day by day basis.

Motion made by Commissioner Roland to leave the burn ban on until further notice.

Judge Schawe requested adding to the motion that the burn ban would be off starting tomorrow. Commissioner Madrigal stated he would like the burn ban to be in effect for two days due to the forecast. Martin Ritchey said the weather conditions will be monitored daily. Commissioner Roland changed his motion.

Motion made by Commissioner Roland, second by Commissioner Madrigal to leave the burn ban on for two days. All voting "Aye".

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2016.02.08.07 **Discussion/Action** to approve Resolution # 01-2016 regarding the submission of a grant application for the CERT Deployment Support Trailer which was previously authorized on January 11, 2016. **Cost:** None. **Speaker:** Judge Schawe/Martin Ritchey; **Backup:** 1.

Martin Ritchey stated item 7 and item 8 of today's agenda have previously been approved by the court; however there is now a new rule that CAPCOG requires a resolution of the court in order to proceed.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve Resolution # 01-2016 regarding the submission of a grant application for the CERT Deployment Support Trailer which was previously authorized on January 11, 2016. All voting "Aye".

2016.02.08.08 **Discussion/Action** to approve Resolution # 02-2016 regarding the submission of a grant application for the HazMat Monitoring Project which was previously authorized on January 11, 2016. **Cost:** None. **Speaker:** Judge Schawe/Martin Ritchey; **Backup:** None

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve Resolution # 02-2016 regarding the submission of a grant application for the HazMat Monitoring Project which was previously authorized on January 11, 2016. All voting "Aye".

2016.02.08.09 **Discussion/Action** regarding a Homeland Security Grant relating to the Interoperable Communications Improvement Project to improve public safety communications infrastructure; and authorize Judge Schawe to approve the E-Grant application online. **Cost:** None; **Speaker:** Judge Schawe/Martin Ritchey; **Backup:** None.

Martin Ritchey stated this item is new application. He explained the county's current communications infrastructure including major deficiencies. This grant is estimated at \$800,000 and does not require a match by the county.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve the Homeland Security Grant relating to the Interoperable Communications Improvement Project to improve public safety communications infrastructure; and authorize Judge Schawe to approve the E-Grant application online. All voting "Aye".

2016.02.08.10 **Discussion/Action** to approve Resolution # 03-2016 regarding the submission of a grant application for the Interoperable Communications Improvement Project. **Cost:** None; **Speaker:** Judge Schawe/ Martin Ritchey. **Backup:** None.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve Resolution # 03-2016 regarding the submission of a grant application for the Interoperable Communications Improvement Project. All voting "Aye".

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2016.02.08.11

Discussion/Action authorizing Judge Schawe to sign a grant with Bluebonnet Electric Coop on behalf of Homeland Security & Emergency Management regarding emergency response equipment. **Cost:** Matching Funds will be drawn from current departmental budget. **Speaker:** Judge Schawe/Martin Ritchey; **Backup:** None.

Martin Ritchey stated the Bluebonnet Electric Cooperative has a pool of three million dollars to be used for grants. These funds would be used for communication equipment and lighting equipment. He recommended applying for a grant that would be approximately \$20,000. The county would pay a 20% match that would come out of the Emergency Management budget.

Motion made by Commissioner Muñoz, second by Commissioner Moses to authorize Judge Schawe to sign a grant with Bluebonnet Electric Coop on behalf of Homeland Security & Emergency Management regarding emergency response equipment. All voting "Aye".

2016.02.08.12

Discussion/Action regarding a request for continuation of funding in the amount of \$500.00 for the Seniors & Law Enforcement Council. **Cost:** TBD; **Speaker:** Commissioner Moses; **Backup:** 1.

Katy King, member of SALT (Seniors and Law Enforcement) addressed the court explaining their program. She handed out a recent newsletter and brochure to the court. (These documents were not submitted into the minutes). She explained there are no membership dues and must rely on donations for support. She stated several projects the program had recently been involved with. Commissioner Moses said he has attended several meetings and SALT does great work for the county. Judge Schawe received clarification that there are no other donations to the program.

Motion made by Commissioner Moses, second by Commissioner Muñoz to give \$500.00 to the Seniors & Law Enforcement Council. All voting "Aye".

2016.02.08.13

Discussion/Action to consider making a donation to the Hays-Caldwell Women's Center in an amount not to exceed \$800.00. **Cost:** TBD; **Speaker:** Commissioner Munoz; **Backup:** 1.

Melissa Rodriguez of the Hay's-Caldwell Women's Center explained services the program provides and requested a donation from the court. Commissioner Muñoz received clarification that the county has participated in donating to the Hay's-Caldwell Women's Center in the past. Melissa Rodriguez stated they recently moved to a new space. Judge Schawe confirmed with Assistant Molly Cole that the requested \$800.00 was listed in the budget for donations.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to make a donation to the Hays-Caldwell Women's Center in the amount of \$800.00. All voting "Aye".

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2016.02.08.15 **Discussion** regarding a \$6,566.00 payment to Wireless Traps for replacement of equipment lost in the October 2015 flood. **Cost: None; Speaker:** Commissioner Moses/Nick Dornak; **Backup:** 1.

Commissioner Moses spoke on behalf of Nick Dornak and stated feral hog traps that were purchased by the county were ruined by last year's flooding. County Auditor, Debra French said an insurance claim needs to be filed. Judge Schawe said someone needs to be responsible for the traps. Commissioner Muñoz explained the importance of the equipment. Commissioner Madrigal stated the damaged traps need to be replaced by FEMA or by the County's Insurance Company. Commissioner Moses mentioned buying one trap until an additional one can be purchased and recommended further discussion at the next meeting.

2016.02.08.14 **Discussion/Action** authorizing payment in the amount of \$750.00 to Val Ramirez for bounty related to feral hogs harvested from October through December 2015. **Cost:** TBD; **Speaker:** Commissioner Moses/Nick Dornak; **Backup:** 1.

Commissioner Moses stated Val Ramirez had bounty receipts that are now lost. He said Nick Dornak saw hogs in the traps and that there were receipts at one time. Motion made by Commissioner Moses to authorize payment in the amount of \$750.00 to Val Ramirez for bounty related to feral hogs harvested from October through December 2015.

Commissioner Moses explained this payment would come from grant funds. Judge Schawe stated without receipts, the county would be in jeopardy to pay if audited. He acknowledged the work done by Val Ramirez and explained the process. Commissioner Muñoz recommended tabling this item until next meeting.

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

2016.02.08.17 **Discussion/Action** to approve an Order authorizing the filing of a Final Plat (Short Form Procedure) for Bandelman Subdivision on FM 672. **Cost:** None; **Speaker:** Commissioner Roland/Kasi Miles; **Backup:** 1.

Kasi Miles described the requested Plat and stated all fees have been paid and a letter of recommendation has been received by Engineer, Tracy Bratton.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve an Order authorizing the filing of a Final Plat (Short Form Procedure) for Bandelman Subdivision on FM 672. All voting "Aye".

2016.02.08.19 **Discussion/Action** to accept bids on Tax Resale Auction properties No. 25500 and No. 11189 and approve the execution of the deeds. **Cost:** None; **Speaker:** Judge Schawe/Mary LaPoint; **Backup:** 1.

Judge Schawe explained two bids that were received for two county properties and suggested accepting the bids in order to take off the tax roll. He said after numerous tries to sell, the legal department is suggesting accepting these bids and transferring the titles. Commissioner Muñoz received clarification that once the properties are purchased, they will go back on the tax roll. Commissioner Roland agreed this is commonly done at a tax sale and needs to be approved.

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Motion made by Commissioner Roland, second by Commissioner Moses to accept bids on Tax Resale Auction properties No. 25500 and No. 11189 and approve the Country Judge to sign the deeds. All voting "Aye".

2016.02.08.20

Discussion/Action to rescind action taken on November 12, 2013 regarding the County Judge's authority to oversee all non-elected department heads. **Cost:** None; **Speaker:** Judge Schawe; **Backup:** 1.

Judge Schawe explained the court had previously taken action on November 12, 2013 to split supervisory positions over non-elected departments to eliminate an overload of duties in the County Judge's office. Judge Schawe stated there is lack of communication between the Judge's office and other departments regarding projects and funding for example. He requested the Commissioners approve giving all supervisory duties of those departments back to the County Judge.

Motion made by Commissioner Muñoz to keep things as is.

Commissioner Madrigal amended the motion to have all non-elected department heads report to the County Judge's secretary. Commissioner Muñoz accepted the amendment.

Judge Schawe stated he needs to know when department heads will be out, what projects are being planned and any problems that arise within those departments. Commissioner Roland said he does not think the Judge is being unreasonable but that the department heads often get mistreated. Commissioner Muñoz suggested department heads could contact the Judge's office weekly with their schedules.

Motion made by Commissioner Muñoz to keep things the way they are and have department heads notify the County Judge's office with their weekly schedule.

Judge Schawe requested having the departments notify the Judge's office when something occurs out of the ordinary instead of weekly. Commissioner Roland suggested having each Commissioner contact Judge Schawe with department information.

Commissioner Muñoz rescinded his motion and restated.

Motion made by Commissioner Muñoz, second by Commissioner Roland to keep things the way they are and have department heads notify the Commissioners who will then notify the County Judge's office with plans or emergencies. All voting "Aye."

2016.02.08.18

Discussion/Action update regarding sale of buildings. **Cost:** None; **Speaker:** Judge Schawe/Amelia Smith; **Backup:** None.

Executive Session may follow open court discussion and/ or action pursuant to Sections 551.071 and Section 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, lease, or value of County-owned property located at 100 E. Market Street and 201 E. San Antonio Street. **Speaker:** Judge Schawe.

Executive Session began: 10:05 a.m.

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Persons present in the executive session were: Judge Schawe, Commissioner Muñoz, Commissioner Moses, Commissioner Madrigal, Commissioner Roland, Civil Attorney Jordan Powell, Amelia Smith with Countywide Realty and Patrick Davis with Harrison Properties.

Executive Session ended: 11:06 a.m.
Judge Schawe announced back in session: 11:07 a.m.
No action taken in closed court.

Action made in open court:

Motion made by Commissioner, second by Commissioner to authorize the County Judge to sign a counter offer in relation to the bid on 100 East Market Street as presented in close session by Harrison Properties and Council. All voting "Aye".

Motion made by Commissioner, second by Commissioner to authorize the County Judge to sign an amended listing agreement to reduce the listing price of the property located at 201 East San Antonio Street to \$785,000.00. Commissioner Muñoz, Commissioner Moses and Commissioner Madrigal voting "Aye". Commissioner Roland abstained from voting.

2016.02.08.21

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

Meeting Adjourned at 11:09 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 February 8, 2016.



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

