

COMMISSIONERS COURT MINUTES  
110 S. Main St. 2<sup>nd</sup> Floor, Lockhart, Texas  
Regular Meeting July 11, 2016 9:00 a.m.



KEN SCHAWA  
CAROL HOLCOMB

County Judge  
County Clerk

ALFREDO MUÑOZ  
EDDIE MOSES  
NETO MADRIGAL  
JOE IVAN ROLAND

Commissioner Pct. 1  
Commissioner Pct. 2  
Commissioner Pct. 3  
Commissioner Pct. 4

**Call Meeting to Order.** Meeting called to order by Judge Schawe at 9:01 a.m. All members of the court present.

**2016.07.11.01**      **Invocation.** Lockhart Ministerial Alliance.

Judge Schawe opened the meeting with prayer.

**2016.07.11.02**      **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.

**2016.07.11.03**      **Announcements.** Items or comments from Court Members or Staff.

Commissioner Muñoz said he was privileged to attend the McMahan and Martindale 4<sup>th</sup> of July Parades and announced a great firework show at both the City of Lockhart and VFW Hall. He attended the Carver High School Reunion and also met with Travis County Judge Eckhardt on different issues. He also attended a Lone Star Rail District meeting. Commissioner Moses attended the 4<sup>th</sup> of July celebrations in Martindale and McMahan. He said he appreciates patience with repairs to the county roads and thanked the Unit Road Department for their hard work. Commissioner Madrigal thanked those who put together the Martindale 4<sup>th</sup> of July event. He said he enjoyed the Harrison Family Annual 4<sup>th</sup> of July Picnic. He gave his condolences to the law enforcements officers in Dallas, Texas. Commissioner Roland attended the Carver High School Reunion and apologized for missing the Martindale 4<sup>th</sup> of July Parade. Martin Ritchey announced Caldwell County has been Federally Declared a disaster area due to the flooding in May of this year. In response to Martin Ritchey, Judge Schawe said the County is expecting to receive approximately \$750,000 in which he will be looking at how to put all that money back into the roads.

**2016.07.11.04**      **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).

**Dwane Grotenhuis** shared his concerns about the tubing companies in the area which he said caused littering and criminal behavior along the San Marcos River. He requested more law enforcement help.

**Tom Goynes** (Handed information to the court, not received for the minutes). He expressed concerns about the safety for children at the San Marcos River and suggested the river be alcohol free.

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**Paula Goynes** spoke of the issues with the tubing companies and stated there is an alcohol problem now present on the San Marcos River.

**Troy Swift** shared his concerns about the tubing companies along the San Marcos River and requested the county increase their budget to protect citizens of the community.

**Rachel Sanborn** said she is with the San Marcos River Foundation and completed a study over the 4<sup>th</sup> of July weekend. She stated there were approximately 9,000 tubers and that trash is a major problem affecting the health of the San Marcos River.

**Mike McClabb** suggested having rules and regulations for use of the San Marcos River. He said there are many promises from the tubing companies but no results. He shared concern for the drivers on Hwy 80 and said these issues are getting worse every year.

**Jack Fairchild** said the tubing companies are creating problems by having free use of the San Marcos River. He stated alcohol being an issue.

**Martin Ritchey** played a 9-1-1 tape of an emergency call received that occurred at Texas State Tubes. Explained there were a total of 3 emergency calls requesting assistance at Texas State Tubes this past Saturday. He shared concern for the cost of lives on the San Marcos River due to alcohol consumption and laissez-faire attitude of others.

**Virginia Condie** said she is concerned about drunk driving on Hwy 80. She suggested more traffic stops by law enforcement, proper gear for officers and a mass gathering permit.

**Michelle Rumboust** asked the court if the tubing companies rights to plunder the San Marcos River over profit prevail over the joint interest of concerned citizens who value its' health. She said there have been empty promises in the Memorandum of Understanding (MOU).

**Eric Telford** invited members of the court to his property on the San Marcos River to see the issues firsthand.

**Cory McDonald** thanked the commissioners for their work as well as Martin Ritchey and all law enforcement. He requested road repairs in the subdivision of Country Glen.

**Enrique Llanes** discussed issues on the San Marcos River including trespassing, alcohol problems and profanity. He expressed that nothing has been done about these problems.

**Matthew Allen** with the Caldwell County Appraisal District addressed concerns about road names in the Roup Acres subdivision as well as a change to the volume and page reference listed on the plat. In the Borchert Acres subdivision plat, he mentioned a spelling error.

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**2016.07.11.13**

**PUBLIC HEARING at 9:30 AM** regarding extending the hours of operation for the sale of alcohol in the unincorporated areas of the County. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** None

Judge Schawe opened the meeting at 9:54 a.m. for discussion.

**Ruth Palacio** said she supports the extended hours for Texas Star Saloon and asked for the courts approval.

Meeting closed at 9:56 a.m.

**2016.07.11.05**

**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.** Approve payment of County invoices in the amount of \$238,882.23.

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

**SPECIAL PRESENTATION**

Texas State Tubes LLC and RKY Ltd Tubing Companies

On behalf of Texas State Tubes and Don's Fish Camp, Kathy Grant said she wanted to give the court an update on the status of the two tubing companies along the San Marcos River. She spoke of inaccurate information that was given and clarified that law enforcement does work with full authority of the state. She said there was never a requirement of the Memorandum of Understanding (MOU) and explained the legislation that passed it. Commissioner Madrigal shared concerns for the citizens that live on the San Marcos River and asked for cooperation from both companies to alleviate problems. Commissioner Muñoz asked about the delay in receiving the MOU and Kathy Grant responded stating they did conduct public hearings but that there was a lot going on with the flooding in the county at the time. Commissioner Moses stated there is not enough law enforcement for 9,000 people on the river as mentioned in citizen comments. Kathy Grant said there has been enhanced staffing and that they have been working with the sheriff's department. Judge Schawe requested a meeting to discuss these issues with the two tubing companies. Kathy Grant stated her goal is to negotiate with the county and have a proposal next week. Martin Ritchey with the Emergency Management Department shared concern for the amount of people present on the river at the Float Fest event this weekend and not having enough emergency personnel. Craig Coleman with Don's Fish Camp explained the Float Fest Event is occurring in Guadalupe County. Commissioner Muñoz requested the court meet with the County Judge of Guadalupe County. Commissioner Moses requested contacting the state to have wardens help with security on the San Marcos River.

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**(ALL OTHER AGENDA ITEMS)**

**2016.07.11.06**      **Discussion/Action** regarding the burn ban for Caldwell County. **Speaker:** Judge Schawe/Martin Ritchey; **Cost:** None; **Backup:** None.

Martin Ritchey said Judge Schawe declared a state of emergency for the burn ban this past Thursday and put the burn ban into effect. He said the KBDI index is diminishing and an increase in fire activity has been present. He recommended leaving the burn ban on for 50 days.

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

**2016.07.11.07**      **Discussion/Action** regarding processing boat titles, registration and tax in the local Tax Assessor-Collector's Office. **Speaker:** Judge Schawe/Darla Law; **Cost:** None; **Backup:** 1.

Tax Assessor, Darla Law requested the Court allow her office to start collecting registration for boat titles and outboard motors.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve the processing boat titles, registration and tax in the local Tax Assessor-Collector's Office and authorizing the County Judge to sign the contract. All voting "Aye".

**2016.07.11.08**      **Discussion/Action** to dispose of salvage or surplus property located at Unit Road pursuant to Section 263.152 of the Texas Local Government Code. **Speaker:** Judge Schawe; **Cost:** TBD; **Backup:** None.

Civil Attorney, Jordan Powell said she researched options for the court and recommended putting all the material out for a bid to the general public. She stated if the county does not receive any bids, they may order the materials be destroyed by means of recycling.

Motion made by Commissioner Moses, second by Commissioner Muñoz to put the salvage out for bid at the Unit Road property. All voting "Aye".

**2016.07.11.09**      **Discussion/Action** to transfer payroll functions from the Human Resources Department to the County Treasurer's Office. **Speaker:** Commissioner Munoz; **Cost:** None; **Backup:** None.

Commissioner Muñoz requested transferring over payroll duties over to the county treasurer since the county is without an HR Department. Judge Schawe and County Treasurer Lori Rangel asked for clarification of duties. Commissioner Muñoz clarified that the County Treasurer will collect and enter all timesheets and then give to the Auditor's Office. Judge Schawe said there are mistakes on many timesheets and requested that all department heads guarantee they are correct before submitting them. He said he is looking into an electronic time keeping system that is already paid for. Commissioner Roland asked about hiring an additional employee to provide assistance.

Motion made by Commissioner Muñoz, second by Commissioner Roland to transfer payroll functions from the Human Resources Department to the County Treasurer's Office. All voting "Aye".

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**2016.07.11.10**

**Discussion/Action** to contribute \$1,500.00 to Seton Care-A-Van to buy a table at the annual fundraiser on August 27, 2016 at the Embassy Suites in San Marcos. **Speaker:** Commissioner Munoz/Megan Pumarejo; **Cost:** \$1,500.00; **Backup:** 2.

Representative of the Seton Care-A-Van, Megan Pumarejo explained that 100% of this donation would be for the healthcare of children. She explained the services of the Care-A-Van and explained the \$20,000 grant received last year is no longer available. She requested a \$3,000 donation to be scheduled for this fiscal year and \$5,000 for next year. Commissioner Moses proposed the commissioners use personal funds to purchase a table instead of using money from tax payers.

Motion made by Commissioner Muñoz, second by Commissioner Moses to contribute \$1,500.00 to the Seton Care-A-Van to buy a table for the annual fundraiser on August 27, 2016 at the Embassy Suites in San Marcos and donate the tickets to the nurses who help with this project. All voting "Aye".

**2016.07.11.11**

**Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Roup Acres located off U.S Highway 183 and Old Luling Road (CR 213). **Speaker:** Commissioner Munoz / Kasi Miles; **Cost:** None; **Backup:** 17.

Kasi Miles requested approval of a final plat stating a letter of recommendation from county engineer, Tracy Bratton has been received and all fees have been paid. She stated the issues made by Matthew Allen from the Appraisal District are being addressed.

Motion made by Commissioner Muñoz, second by Commissioner Roland to approve of an order authorizing the filing of a Final Plat, Short Form Procedure for Roup Acres located off U.S Highway 183 and Old Luling Road CR 213. All voting "Aye".

**2016.07.11.12**

**Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Borchert Acres located off Borchert Loop (CR 108) and Black Ankle Road (CR 109). **Speaker:** Commissioner Munoz / Kasi Miles; **Cost:** None; **Backup:** 16.

Kasi Miles requested approval of a final plat stating a letter of recommendation from county engineer, Tracy Bratton has been received and all fees have been paid. Judge Schawe shared concerns for deed restrictions on a tract of this property. Kasi Miles stated the county does not enforce deed restrictions. Civil Attorney, Jordan Powell gave her personal experience on deed restrictions and said it is up to the developers to remove any restrictions and not the county. Judge Schawe requested tabling this item. One of the landowners of the property, Patrick Davis explained the restrictions in regards to the current tracts that are subdivided. Linda Hinkle with Hinkle Surveyors said Judge Schawe should abstain from voting and discussed the restrictions under the subdivision rules and regulations.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve authorizing the filing of a Final Plat, Short Form Procedure for Borchert Acres located off Borchert Loop CR 108 and Black Ankle Road CR 109. All voting "Aye".

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**2016.07.11.14**

**Discussion/Action** to consider extending the hours of operation for the sale of alcohol in the unincorporated areas of the County. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** None.

Commissioner Madrigal explained the petition received by the owners of Texas Star Saloon requesting an extension of hours of operations for the sale of alcohol from 1:00 a.m. to 2:00 a.m. He said the Texas Star Saloon is a family oriented establishment. Civil Attorney, Jordan Powell said if the court decides to change these hours, they would apply to all establishments county wide. She clarified that the change of hours would be for every day of the week and the court cannot specify hours of operation for certain days.

Motion made by Commissioner Madrigal, second by Commissioner Roland to approve extend the hours of operation for the sale of alcohol in the unincorporated areas of the County. Commissioner Muñoz, Commissioner Madrigal and Commissioner Roland voting "Aye". Commissioner Moses voting "No".

**2016.07.11.15**

**EXECUTIVE SESSION** pursuant to Sections 551.071 and 551.087 of the Texas Government Code: Consultation with counsel and deliberation regarding economic development negotiations associated with Project Cast. Possible action may follow in open court. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** None.

Executive Sessions held jointly.

Persons present in the executive session were: Judge Schawe, Commissioner Muñoz, Commissioner Moses, Commissioner Madrigal, Commissioner Roland, Civil Attorney Jordan Powell.

Executive Session began: 11:16 a.m.

Executive Session ended: 11:33 a.m.

Judge Schawe announced back in session: 11:35 a.m.

No action taken in closed court.

Action taken in open court:

Motion made by Commissioner Muñoz, second by Commissioner Moses to send incentive letters to the businesses associated with Project Cast and Project Country as discussed in executive session, and authorize the County Judge to sign the economic development agreement. All voting "Aye".

**2016.07.11.16**

**EXECUTIVE SESSION** pursuant to Sections 551.071 and 551.087 of the Texas Government Code: Consultation with counsel and deliberation regarding economic development negotiations associated with Project Country. Possible action may follow in open court. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** None.

Executive Sessions held jointly.

Persons present in the executive session were: Judge Schawe, Commissioner Muñoz, Commissioner Moses, Commissioner Madrigal, Commissioner Roland, Civil Attorney Jordan Powell.

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Executive Session began: 11:16 a.m.  
Executive Session ended: 11:33 a.m.  
Judge Schawe announced back in session: 11:35 a.m.

No action taken in closed court.

Action taken in open court:

Motion made by Commissioner Muñoz, second by Commissioner Moses to send incentive letters to the businesses associated with Project Cast and Project Country as discussed in executive session, and authorize the County Judge to sign the economic development agreement. All voting "Aye".

**2016.07.11.17**

**Discussion** to address salaries of elected officials. No action will be taken. **Speakers:** Judge Schawe; **Cost:** None; **Backup:** None

Judge Schawe stated he is looking at a 5% increase to salaries for all elected officials. Commissioner Moses received clarification that any elected official may decide not to accept the increase.

**2016.07.11.18**

**Budget Workshop** regarding the proposed 2016-17 budget. No action will be taken.

Judge Schawe stated he is working on giving a set amount across the board to all employees along with an additional set amount to all department heads and elected officials to distribute to deserving employees. He explained there has been an increase to health insurance and said he will look into other options for a lower rate. He discussed the option of merit raises and a possible change to pay periods to create a 40 hour work week.

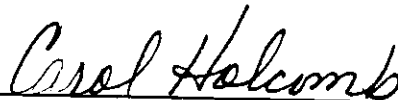
**2016.07.11.19**

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

Meeting Adjourned at 11:47 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 July 11, 2016.



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

