

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting June 13, 2016 9:00 a.m.



KEN SCHAWÉ
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.

2016.06.13.01 **Invocation.** Lockhart Ministerial Alliance.

Pastor Randall Frye of First Christian Church opened the meeting with prayer.

2016.06.13.02 **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.

2016.06.13.03 **Announcements.** Items or comments from Court Members or Staff.

- Introduction of an unpaid intern from TAMU in the County Extension Office—Julie Zimmerman, County Extension Agent.

Commissioner Muñoz congratulated the Lockhart Chamber of Commerce on the Chisolm Trail event. He stated he was honored to give several students their diplomas at the graduation ceremony for Lockhart ISD. He said they have begun paving Old Fentress Road and Westwood Road and should be completed later this week. He announced the court will be at a conference for commissioners and judges for the remainder of this week. **Commissioner Moses** said there was a good turnout at the Feral Hog meeting he attended with Commissioner Muñoz and that approximately 10,000 tails have been collected so far in Caldwell County. He announced the Watermelon Thump begins June 23 and will run through June 26. He also thanked the Unit Road Department for their hard work. **Commissioner Madrigal** thanked everyone present this morning. He congratulated the Lockhart Chamber of Commerce on the Chisolm Trail event. He asked for patience on road repairs and stated the Unit Road Department is working as hard as they can. He stated they are still working with GBRA on debris removal in Martindale. **Commissioner Roland** thanked God for allowing him to ride in his 27th parade at the Chisolm Trail event and is looking forward to ride in the Luling Thump Parade. He explained a road he drove on was in poor condition but stated it will be fixed. **Julie Zimmerman** with the Ag and Natural Resources of Caldwell County introduced Alicia Finger as a summer intern. **Judge Schawe** said he declared a State of Emergency for the County on Monday and is awaiting response on numbers from the Governor. He asked for patience on road repairs and requested that no one drive around barricades.

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2016.06.13.04

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).

Thomas Smith spoke against the extension of CR 96 Sage Hollow and stated it would negatively impact many people.

Steven Castillo shared safety concerns for the public if the county were to extend the road at Sage Hollow.

Augustin Mendez spoke on behalf of TX Star Saloon and requested extending their hours to 2:00 am on Fridays and Saturdays.

Michell Herrera stated she supports the extended hours of TX Star Saloon.

2016.06.13.05

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 \$439,787.43.
- B. Approve payment to Rucker Ohlendorf Insurance for renewal of bond #69735930 for the Chief Deputy Treasurer, Darlene Morris in the amount of \$75.00.
- C. Accept Financial Statements and/or Form 990 from the following Volunteer Fire Departments as required by Paragraph 8 of the Rural Fire Protection Service Contract with Caldwell County to comply with the yearly reporting to the Caldwell County Judge's Office:
 - 1. Dale VFD
 - 2. Delhi VFD
 - 3. Southeast Caldwell County VFD
 - 4. Tri-Community VFD

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

REPORTS / PRESENTATIONS

Recap of Memorial Day 2015 and October 2015 Flood Events and Update on current floods -
Martin Ritchey, Homeland Security & Emergency Management

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Martin Ritchey recognized three fire chiefs present in court today. He presented a slideshow presentation of the flood damage caused during May and October of 2015 as well as the actions of first responders. Commissioner Madrigal thanked Martin Ritchey for his hard work. Martin Ritchey said if anyone is interested in swift water rescue or becoming a volunteer firefighter to contact him. He discussed the record rainfall the county received this year and expressed the importance of registering cell phones at warncentraltexas.org to receive emergency messages from Caldwell County's Emergency Management Department. He discussed the importance of not driving around barricades. He said Judge Schawe declared a State of Disaster last Monday along with Governor Greg Abbott declaring Caldwell County a State of Disaster on June 8th. The county is currently doing assessments of the damages. Martin Ritchey explained Hwy 21 is currently impassable but that TxDOT is working on estimates. He explained the penalties of driving around barricades and spoke of the importance of fire hazards.

(ALL OTHER AGENDA ITEMS)

2016.06.13.16

PUBLIC HEARING at 9:30 AM regarding the construction of Sage Hollow Road (CR 96) in Lytton Springs. **Cost:** Approximately \$51,000.00; **Speaker:** Commissioner Roland; **Backup:** 3.

Public meeting began: 9:40 a.m.

Hilary LaBue described the current conditions of Coyote Run and expressed her concerns about opening the road. She requested a study be completed.

Hal Johnson presented a handout to the court. (Not submitted for the minutes) He has lived in the area for ten years and said there is approximately 18 properties that use Coyote Run area. He shared concerns for opening Sage Hollow Road.

Luis Garza shared concerns about the increased traffic that would occur on Coyote Run.

Wendell Shepard has lived on Coyote Run since 2005 and agrees with the concerns of previous speakers.

Robert LaBella has lived in the area for ten years and stated the proposed road to be open is adjacent to his property. He shared concerns for the increased amount of traffic that will further damage the road.

Gina Marie Mendola LaBella who lives on Coyote Run, stated the current road conditions are not safe. She explained dumping problems in the area and concerns if the road were to open.

Commissioner Roland received no reply when he asked if anyone is in favor of opening Sage Hollow Road. He thanked the citizens for expressing their concerns and said he will take care of this matter at the next meeting.

Judge Schawe closed the meeting at 9:52.

2016.06.13.17

PUBLIC HEARING at 9:30 AM concerning the approval of a Final Plat for Palmer Ranch subdivision to include approximately 77.201 acres located on County Line Road (CR 172). **Cost:** None; **Speaker:** Commissioner Roland/Kasi Miles; **Backup:** 8.

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Public meeting began: 9:52 a.m.

No citizen comments

Kasi Miles opened the public meeting and stated this request is to split the acreage into 13 tracts. Commissioner Roland stated he requested they put two driveways together to limit the amount on County Line Road but did not see it on the Final Plat. Zach Potts with Palmer Ranch stated in the last tracts they have put the driveways together due to the curve of the road and said he worked with the County Road Department to meet county specs. Commissioner Roland shared concerns for the amount of traffic on the road and the low water crossing. Zach Potts offered to meet with the county's road department. Kasi Miles stated only two tracts would be impacted by the flood plain. Judge Schawe stated the court does not uphold restrictions and asked the developers to enforce them.

Judge Schawe closed the meeting at 9:58.

2016.06.13.06

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

Martin Ritchey stated after reviewing the KBDI index and upcoming forecast, he does not recommend enforcing a burn ban at this time.

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

2016.06.13.07

Discussion/Action to declare a local state of disaster due to the May 2016 flooding event and to consider extending the declaration. **Cost:** None; **Speaker:** Judge Schawe/Martin Ritchey; **Backup:** 1.

Martin Ritchey recommended an extension of the declaration for 30 days in order to prepare documents to submit to FEMA and to continue to assess damage across the county.

Motion made by Commissioner Muñoz stating "so moved", second by Commissioner Madrigal. All voting "Aye".

2016.06.13.08

Discussion/Action to approve a nominee to fill the vacancy on the ESD #3 Board; **Cost:** None; **Speaker:** Commissioner Madrigal; **Backup:** 1.

Commissioner Madrigal explained he received a letter from Martindale ESD #3 stating they had received a letter of resignation from Commissioner David Pearson. President Bill Hamilton has sent a letter requesting support of the nomination of Jack Mudd as a replacement for Mr. Pearson.

Motion made by Commissioner Madrigal, second by Commissioner Roland to support Mr. Mudd to be the person replacing Mr. Pearson. All voting "Aye".

2016.06.13.09

Discussion/Action to approve a Resolution making an appointment to the Capital Area Housing Finance Corporation Board of Directors. **Cost:** None; **Speaker:** Judge Schawe; **Backup:** 1.

Judge Schawe said Commissioner Jack Shaw of the Capital Area Housing Finance Corporation Board has requested Judge Schawe join the organization. He said he is willing to accept but needs the courts approval.

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Motion made by Commissioner Madrigal, second by Commissioner Muñoz to appoint Judge Schawe to the Capital Area Housing Finance Corporation Board of directors. All voting "Aye".

2016.06.13.10

Discussion/Action to approve a Resolution for the Hog Out Grant Application. **Cost:** None; **Speaker:** Commissioner Moses/Nick Dornak; **Backup:** 13.

Nick Dornak explained approval of this item would allow Judge Schawe to sign the application for a potential \$25,000 grant.

Motion made by Commissioner Moses, second by Commissioner Muñoz to approve a Resolution for the Hog Out Grant Application. All voting "Aye".

2016.06.13.11

Discussion/Action to review and approve the Texas Association of Counties Risk Control Reimbursement Program submission. **Cost:** \$61,014.00 (to be reimbursed by TAC); **Speaker:** Commissioner Munoz/Deborah Kortan/Sean Zion/Martin Ritchey; **Backup:** to be distributed.

Human Resources Director, Deborah Kortan discussed a new reimbursement program offered by the Texas Association of Counties. The Risk Control Reimbursement Program allows \$750,000 to be returned to qualifying counties. She stated an application has been created and submitted to the court. Caldwell County is eligible to receive \$45,000 for the Risk Management Department and \$16,014 for Law Enforcement. She described the application which is geared towards the flooding events in the county and listed items that would be purchased with any awarded funds. Sean Zion with the Caldwell County Sheriff's Office listed items that would be purchased for law enforcement with any awarded funds. Deborah Kortan stated a deadline of July 1st and requested approval from the court to submit the application and give Judge Schawe signing authority on behalf of Caldwell County. She said the county will be notified by August 1st if the county will be receiving any funds. If awarded funds, the county will have until December 1st to purchase items. Texas Association of Counties will reimburse the county with a check on January 1st. Commissioner Moses shared concerns about the requested barricades and signs. Martin Ritchey explained the type of barricades that are being requested and said they are a big upgrade to the current ones being used by the county.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve of the submission to the Texas Association of Counties Risk Control Reimbursement Program submission. All voting "Aye".

2016.06.13.12

Discussion/Action regarding filling the position of the Family & Consumer Sciences (FCS) Agent in the County Extension Office. **Cost:** Salary included in current FY budget; **Speaker:** Judge Schawe/Kathleen Greer; **Backup:** None.

Kathleen Greer with the Agrilife County Extension Office introduced Elsie Lacy as the new Family & Consumer Sciences Agent. Elsie Lacy said she has been an FCS Agent for 8 years and is excited to move in this area. Kathleen Greer said she will begin this position on July 5th. Director of the food distribution program, Ms. Clara said this program is the only one connected with the Extension Office in the State of Texas. She introduced volunteers of the food distribution program.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve the filling position of the Family & Consumer Sciences Agent. All voting "Aye".

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

Judge Schawe said he is waiting on additional information regarding surrounding counties with this policy. Commissioner Madrigal is still waiting on response from law enforcement. Commissioner Muñoz requested a public hearing. Commissioner Madrigal stated a public hearing could be set for the first meeting in July.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to wait for the answers from the different safety departments and to setup a public hearing for the first meeting in July. All voting "Aye".

2016.06.13.14

Discussion/Action to consider assisting the Texas Department of Transportation with the conveyance of a portion of old State Highway 29 to the Guadalupe Blanco River Trust. **Cost:** None; **Speakers:** Judge Schawe; **Backup:** 15.

Judge Schawe explained the Guadalupe Blanco River Trust has asked to obtain a strip of property. Civil Attorney, Jordan Powell clarified the county's options by stating they could help TxDOT convey it to the Trust or convey it to the county. She described the property as being part of the old State Highway 29 that is completely in a flood plain with no current road.

Motion made by Commissioner Muñoz, second by Commissioner Moses to have the State convey the property over to GBRA. All present voting "Aye". Commissioner Madrigal absent during voting.

Oscar Fogle asked that it be conveyed to GBRA Trust. Court said "okay".

2016.06.13.15

Discussion/Action to award the contract for construction of Schuelke Road (CR 222) per the Invitation for Bid authorized by the Court on October 26, 2015. **Cost:** TBD; **Speakers:** Commissioner Madrigal/Michael Aulick; **Backup:** 1.

Judge Schawe stated he is still awaiting approval from TxDOT on this matter and requested tabling this item. Transportation Consultant, Michael Aulick said he had received an email from a head engineer at TxDOT approving the contract and allowing the court to award the contract. He stated the court cannot sign the contract until the formal approval letter from TxDOT is received. The formal letter should be received by the county towards the middle of this week. He announced Steve Simpsons with S.D. Contractors is present in court. He said Civil Attorney, Jordan Powell believes a signed contract should be complete within 1 to 2 weeks with construction beginning in about 4 to 6 weeks. Commissioner Madrigal requested to move forward. Michael Aulick said the contracts start dates are flexible so that no contracts are overlapping. Judge Schawe said he does not want to rush approving the contract until he receives a formal approval letter from TxDOT. Michael Aulick suggested awarding the contract today subject to the written opinion and signing the contract at the next meeting. Civil Attorney, Jordan Powell clarified the county's options. She recommended the motion state to award the contract for construction of Schuelke Road to S.D Contractors LLC pending receipt of TxDOT's authorization and authorizing the County Judge to sign the contract.

Motion made by Commissioner Muñoz stating "so moved", second by Commissioner Madrigal. All voting "Aye".

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2016.06.13.18

Discussion/Action to consider approval of a Final Plat for Palmer Ranch subdivision to include approximately 77.201 acres located on County Line Road (CR 172). **Cost:** None; **Speaker:** Commissioner Roland/Kasi Miles; **Backup:** 14.

Kasi Miles requested approval of the final plat for Palmer Ranch stating she has received Tracy Bratton's approval letter and all fees have been collected. Zach Potts with Palmer Ranch said deed restrictions are in place to keep the value of the property. Commissioner Muñoz received clarification that deed restrictions are enforced. Commissioner Madrigal shared concerns for enforcing deed restrictions and received an explanation of the process from Zach Potts.

Motion made by Commissioner Roland, second by Commissioner Madrigal to approve of a Final Plat for Palmer Ranch subdivision to include approximately 77.201 acres located on County Line Road (CR 172). All voting "Aye".

2016.06.13.19

Discussion/Action concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Lot 33-A and 33-B in Block C of Austin Skyline Subdivision off Camino Real (State Highway 21) and Calder Road (CR 192). **Cost:** None; **Speaker:** Commissioner Madrigal/ Kasi Miles; **Backup:** 14.

Kasi Miles described the short form plat as a corner lot that is splitting into two tracts. An approval letter from engineer Tracy Bratton has been submitted and all fees have been paid. Commissioner Madrigal received clarification that his previous concerns have been addressed.

Motion made by Commissioner Madrigal, second by Commissioner Roland to approve the final plat on Calder Road and Highway 21 Skyline Subdivision. All voting "Aye".

2016.06.13.20

EXECUTIVE SESSION pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071(Consultation with Attorney): Consultation with legal counsel concerning status of the contested case hearing regarding 130 Environmental Park, SOAH Docket No. 582-15-2082; TCEQ Docket No.2015-0069-MSW. **Cost:** TBD; **Speaker:** Judge Schawe/J.Eric Magee; **Backup:** None.

Persons present in the executive session were: Judge Schawe, Commissioner Muñoz, Commissioner Moses, Commissioner Madrigal, Commissioner Roland, Civil Attorney Jordan Powell and legal counsel Eric Magee with Allison & Bass.

Executive Session began: 10:44 a.m.

Executive Session ended: 11:25 a.m.

Judge Schawe announced back in session: 11:25 a.m.

No action taken in closed court.

No action taken in open court.

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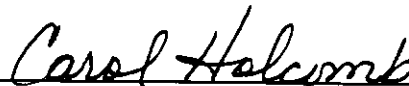
2016.06.13.21 **EXECUTIVE SESSION** pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, lease, or value of County-owned property located at 100 E. Market Street. Possible action may follow in open court. **Cost:** None; **Speaker:** Judge Schawe; **Backup:** None.

Judge Schawe explained he expects to close on this property in the next couple of days. Judge Schawe passed this item.

2016.06.13.22 **Adjournment.** Motion made by Commissioner Muñoz, second by Commissioner Moses to adjourn. All voting "Aye".

Meeting Adjourned at 11:26 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 June 13, 2016.



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

