

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting November 14, 2016 9:00 a.m.



KEN SCHAWWE	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 9:01 a.m. All members of the court present.

2016.11.14.01 Invocation. Lockhart Ministerial Alliance.

Pastor Rob Clopton opened the meeting with prayer.

2016.11.14.02 **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.

2016.11.14.03 **Announcements.** Items or comments from Court Members or Staff.

Commissioner Muñoz passes his time to Commissioner Moses. Commissioner Moses visited the missing persons table at the Masonic Lodge in Luling on November 11th. He also congratulates the Luling football team for making the playoffs and Luling Cross Country Team for winning state seven years in a row, he credits Coach Barnett for his hard work. He says Luling 4H is promoting their stock show. Commissioners Madrigal and Roland tell the court good morning.

2016.11.14.04 **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).

Max Schleder speaks in favor of a Water Oriented Recreational District. For six years they've fought for help with all of the issues that come with the "tubing problem" and they want the Commissioners to go to the Legislature to create the District.

Dianne Wassenich represents San Marcos River Foundation. She is thankful for the help and assistance so far, but W.O.R.D. will allow for rules to be made on the river, including the sanitation concern. She hopes the Commissioners will support it.

Michelle Rumbaut lives down river from the outfitters in Martindale. She thanks the Commissioners for their interest in creating W.O.R.D. and emphasizes this chance for change only comes every two years.

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James Hobizal is a homeowner on Spring River Drive in Martindale and wants to bring to the court's attention all the negative things that result from the tubing outfitters. He urges the Commissioners to support 14.

Enrique Llanes' neighbors are Don's Fish Camp and River Rides. There are three tubing businesses that have many events and make neighborhoods unsafe. He supports W.O.R.D.

Jack Shanafelt is Commissioner of precinct 2 in Guadalupe County and wants to support the Water Oriented Recreation District. Texas Parks and Wildlife has created a task force that will release a report to the court supporting the need for a W.O.R.D. Guadalupe County Commissioners also support this work.

Virginia Condie lives in Martindale on the river. Commercial operators only have words and no action. Commissioners are asked to join Guadalupe County and to support W.O.R.D.

Linda Hinkle is a Lockhart resident who reminds everyone that FEMA has floodplains/floodways and nothing can be built in them. The floodways need to be protected and considered before permits are approved on the river.

2016.11.14.17

CALL FOR PUBLIC HEARING AT 9:30 AM: concerning the approval of a Final Plat for Forister Ranch, Section 5 subdivision to include 47 lots on approximately 80.07 acres located off FM 1185 & FM 1854. **Speaker:** Commissioner Roland/Kasi Miles; **Cost:** None; **Backup:** 9.

Kasi Miles opens to the public for questions or concerns. No questions from anyone. Public Hearing closed at 9:30 AM.

2016.11.14.05

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. Approve payment of County invoices in the amount of \$455,946.54.
- B. Approve the renumbering of the 2016 Farm to Market Appraisal Roll Resolution passed on October 24, 2016 to number 19-2016 as reflected on the document.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve consent agenda items A and B. All voting "Aye."

REPORTS & SPECIAL PRESENTATIONS

Kathy Green – Central Texas Food Bank's new facility and plans for expansion of services. Kathy Green was absent, there was no presentation.

(ALL OTHER AGENDA ITEMS)

2016.11.14.06

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

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Martin Ritchey states no burn ban is called for at this time but cautions residents about control burns.

Commissioner Muñoz stepped away

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

2016.11.14.07

Discussion/Action to authorize a monthly stipend in the amount of \$500, for the 2016-2017 fiscal year retroactively effective October 1, 2016, payable to Nick Dornak, to serve as Environmental Programs Administrator for the Caldwell County Feral Hog Task Force and the TCEQ Grant for Implementation of Low Impact Development for the Caldwell County Justice Center. Grants or donations awarded to or solicited by Mr. Dornak on behalf of these two programs have been issued to Caldwell County and utilized by the County to (1) offset the cost of the stipend, and (2) support continued implementation of the two programs. **Speakers:** Judge Schawe; **Cost:** TBD; **Backup:** None.

Motion made by Commissioner Moses, second by Commissioner Roland to authorize a monthly stipend in the amount of \$500, for the 2016-2017 fiscal year retroactively effective October 1, 2016, payable to Nick Dornak, to serve as Environmental Programs Administrator for the Caldwell County Feral Hog Task Force and the TCEQ Grant for Implementation of Low Impact Development for the Caldwell County Justice Center. All present voting "Aye."

Commissioner Muñoz returns

Motion was amended to split the grant half and half. Motion made by Commissioner Moses, second by Commissioner Roland. All voting "Aye."

2016.11.14.08

Discussion/Action to appoint Dan Gibson, Lockhart City Planner, to the Technical Advisory Committee of the Capital Area Metropolitan Planning Organization (CAMPO). **Speaker:** Judge Schawe; **Cost:** None; **Backup:** 3.

Judge Schawe and Commissioner Muñoz amend wording because of changes to the Committee the city and the county can each have one representative

Motion made by Commissioner Muñoz, second by Commissioner Moses to appoint Dan Gibson as delegate to the Technical Advisory Committee of the Capital Area Metropolitan Planning Organization. All voting "Aye."

2016.11.14.09

Discussion/Action regarding planting a tree on the courthouse lawn. **Speaker:** Judge Schawe/Mayor Lew White; **Cost:** TBD; **Backup:** None. Mayor White could not be in court.

Commissioner Muñoz motions to plant a tree on the courthouse lawn. No second.

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Judge Schawe and the other three Commissioners express their concerns and objections to planting a Blue Spruce tree.

Motion made by Commissioner Madrigal, second by Commissioner Moses not to plant a tree. Commissioners Moses, Madrigal, and Roland voting "Aye." Commissioner Muñoz, voting "No."

2016.11.14.10

Discussion/Action regarding the purchase of an ambulance for the city of Lockhart. **Speaker:** Judge Schawe; **Cost:** TBD; **Backup:** None.

Judge Schawe and Commissioner Muñoz discuss the budget for the new ambulance and Commissioner Muñoz asks Chris Chomel to speak. Mr. Chomel gives details about the ambulance and answers questions from Judge Schawe and Commissioner Muñoz about the purchase.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to purchase an ambulance for the city of Lockhart not to exceed the budgeted \$200,00.00. All voting "Aye."

2016.11.14.11

Discussion/Action to approve the reappointments of Lucy Knight and Peter Reinecke to the Plum Creek Conservation District Board of Directors for a four-year term. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** 1.

Judge Schawe advises anyone to talk to Mr. Halliburton or a Commissioner if they are interested in being on the Board.

Motion made by Commissioner Muñoz, second by Commissioner Moses to reappoint Lucy Knight and Peter Reinecke to the Plum Creek Conservation District Board of Directors for a four-year term. All present voting "Aye."

2016.11.14.12

Discussion/Action to approve Resolution No. 20-2016 resolving to approve the appraisal roll with amounts due totaling \$14,831,468.03 and set this as the tax roll for Caldwell County for the year 2016. **Speaker:** Judge Schawe/Mary LaPoint; **Cost:** TBD; **Backup:** 8.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve Resolution No. 20-2016 resolving to approve the appraisal roll with amounts due totaling \$14,831,468.03 and set this as the tax roll for Caldwell County for the year 2016. All voting "Aye."

2016.11.14.13

Discussion/Action regarding the engagement letter with Rutledge Crain & Company, PC. **Speaker:** Judge Schawe; **Cost:** Not to exceed \$29,000 for the audit of the Basic Financial Statements; **Backup:** 10.

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Judge invites County Auditor, Debra French, to give details regarding the engagement letter with Rutledge Crain & Company, PC.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to engage the letter with Rutledge Crain & Company, PC. Not to exceed \$29,000. All voting "Aye."

2016.11.14.14

Discussion/Action to execute a Resolution Requesting the Texas Legislature to Authorize a Local Option Election for the Creation of a Water Oriented Recreation District Relative to the Portion of the San Marcos River Separating Guadalupe and Caldwell Counties. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** 2.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to execute a Resolution Requesting the Texas Legislature to Authorize a Local Option Election for the Creation of a Water Oriented Recreation District Relative to the Portion of the San Marcos River Separating Guadalupe and Caldwell Counties. All voting "Aye."

2016.11.14.15

Discussion/Action regarding the appropriation of the \$97,537.00 collected by the Criminal District Attorney's Office through the pursuit of bond forfeitures. **Speaker:** Commissioner Muñoz; **Cost:** TBD; **Backup:** None.

Commissioner Muñoz would like to see the \$97,537.00 go towards the fees that have to be paid back to the State. Judge Schawe and Auditor Debra French discuss the forfeitures being in the budget and instead pulling the fees owed to the State from reserve one time after the final amount owed is determined. Civil Attorney Jordan Powell respectfully disagrees about the numbers being quoted and would like a meeting with all parties concerned. Based on her records they are actually over budget.

Motion made by Commissioner Muñoz, second by Commissioner Moses to table the discussion until the next meeting and he urges the DA and the Auditor's offices to discuss the details. All voting "Aye."

2016.11.14.16

Discussion/Action concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for County Line Estates, Section One located on County Line Road. **Cost:** None; **Speaker:** Commissioner Roland / Kasi Miles; **Backup:** 10.

Kasi Miles confirms all is in order for the Short Form Plat.

Motion made by Commissioner Roland, second by Commissioner Madrigal to approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for County Line Estates, Section One located on County Line Road. All voting "Aye."

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2016.11.14.18 **Discussion/Action** concerning accepting a Letter of Credit for \$707,123.76 for Forister Ranch Subdivision, Section 4. **Speaker:** Commissioner Roland/Donald LeClerc; **Cost:** TBD; **Backup:** 1.

Motion made by Commissioner Roland, second by Commissioner Madrigal accepting a Letter of Credit for \$707,123.76 for Forister Ranch Subdivision, Section 4. All voting "Aye."

2016.11.14.19 **Discussion/Action** concerning accepting a Letter of Credit for \$260,634.00 for Forister Ranch Subdivision, Section 5. **Speaker:** Commissioner Roland/Donald LeClerc; **Cost:** TBD; **Backup:** 1.

Motion made by Commissioner Roland, second by Commissioner Madrigal accepting a Letter of Credit for \$260,634.00 for Forister Ranch Subdivision, Section 5.

2016.11.14.20 **Discussion/Action** to consider approval of a Final Plat for Forister Ranch, Section 5 subdivision to include 47 lots on approximately 80.07 acres located off FM 1185 and FM 1854. **Speaker:** Commissioner Roland/Kasi Miles; **Cost:** None; **Backup:** 16.

Kasi Miles confirms all is paid and up to date, she just needs approval.

Motion made by Commissioner Roland, second by Commissioner Madrigal for approval of a Final Plat for Forister Ranch, Section 5 subdivision to include 47 lots on approximately 80.07 acres located off FM 1185 and FM 1854. All voting "Aye."

Kasi Miles answers Judge Schawe's question. With the letter of credit the Plat can be recorded.

2016.11.14.21 **Adjournment.** Motion made by Commissioner Muñoz, second by Commissioner Moses.

Meeting adjourned at 10:10 a.m.

I, CAROL HOLCOMB, COUNTY CLERK AND EX OFFICIO 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 November 14, 2016.



Carol Holcomb

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