

COMMISSIONERS COURT MINUTES  
110 S. Main St. 2<sup>nd</sup> Floor, Lockhart, Texas  
Regular Meeting November 23, 2015 9:00 a.m.



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KEN SCHAWA	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

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

**2015.11.23.01**      **Invocation.** Lockhart Ministerial Alliance.

Chief Deputy, David Brent with the Caldwell County Sheriff's Office opened the meeting with prayer.

**2015.11.23.02**      **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.

**2015.11.23.03**      **Announcements.** Items or comments from Court Members or Staff.

Commissioner Muñoz congratulated the Delhi VFD on their fundraiser. He attended the Pegasus Thank You Dinner and the Expanding Opportunity event in Bastrop in which he brought back information about the school districts and plans on meeting with the superintendent. He was invited to a lunch hosted by the Mexican General Council, and spoke with Mr. Guerrero regarding scholarship opportunities. Commissioner Moses congratulated Delhi VFD on their fundraiser and said he attended the McMahan Potluck. He stated they are building an info station in Luling and expressed concern about a poaching issue in the McMahan area. He congratulated the Central Baptist Church for their Thanksgiving dinner and announced the Pentecostal Church will have their Thanksgiving dinner Wednesday night. Commissioner Madrigal stated he has been working with Martin Ritchey to organize cleanup efforts. He congratulated the Lockhart Lions for making the second round of playoffs. Commissioner Roland attended EPICC's (Environmental Protection in the Interest of Caldwell County) and said it was a good event. He drove on roads and reported issues to Dwight Jeffrey of Unit Road. He announced he has a new granddaughter. Commissioner Madrigal added Chisolm Trail BBQ will be serving a Thanksgiving Dinner for those less fortunate. Judge Schawe asked for patience on current road conditions.

**2015.11.23.04**      **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).

**Hoppy Haden** spoke of last meeting's discussion in regards to the Host Agreement. He shared his concerns about landfill monitoring and land use. He suggested generating a counter offer to the Host Agreement that benefits the citizens of Caldwell County.

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**2015.11.23.05**      **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 \$488,209.93.
- B.      To pay Carl R. Ohiendorf Insurance in the amount of \$50 for Caldwell County Clerk Jenifer Watts.

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

**(ALL OTHER AGENDA ITEMS)**

**2015.11.23.06**      **Discussion/Action** regarding the burn ban for Caldwell County. **Cost: None. Speakers: Judge Schawe/Martin Ritchey. Backup: None.**

Martin Ritchey reviewed the KBDI index and recommended leaving the burn ban off.

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

**2015.11.23.07**      **Discussion/Action** to approve up to a \$1,000 donation to the Caldwell County Courthouse Decorating Committee for the purchase of new Christmas decorations. **Cost: TBD. Speakers: Judge Schawe/Margaret Riddle. Backup: 1.**

Representing the Caldwell County Courthouse Decorating Committee, Margaret Riddle explained the requested funds will be used for new wreaths and lights. She clarified all the volunteers of the committee use their own time and vehicles.

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

**2015.11.23.08**      **Discussion/Action** to approve the 2016 holiday schedule for Caldwell County. **Cost: None. Speaker: Judge Schawe. Backup: 1**

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve the 2016 holiday schedule for Caldwell County. All voting "Aye".

**2015.11.23.09**      **Discussion/Action** to approve Resolution No.18-2015 for the 2016 Caldwell County Indigent Defense Grant Program. **Cost: None. Speaker: Judge Schawe. Backup: 1**

Judge Schawe read the proposed Resolution No. 18-2015 for the 2016 Caldwell County Indigent Defense Grant Program.

Motion made by Commissioner Roland, second by Commissioner Madrigal to approve Resolution No.18-2015 for the 2016 Caldwell County Indigent Defense Grant Program. All voting "Aye".

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**2015.11.23.10**

**Discussion/Action** concerning debris monitoring and removal efforts associated with non-County-owned assets within the jurisdiction of the County. **Cost: TBD. Speakers: Judge Schawe/Martin Ritchey/Jordan Powell. Backup: 1.**

Martin Ritchey gave a follow up in regards to the relief efforts from the flooding in October. The county has not been declared as a federal disaster area however Caldwell County was declared an area of disaster by Texas Governor, Greg Abbott. Judge Schawe shared his concerns about costs and asked for an estimated date on a declaration. Martin Ritchey stated if the county is declared as a federal disaster area, it could be a slow process. Civil attorney, Jordan Powell clarified the item, stating the court should decide whether to use county contractors for city rights of way and city property. Commissioner Madrigal highly recommended monitoring debris pick up to prevent contamination from hazardous material. Jordan Powell stated the county is liable for all costs if the county is not federally declared. County auditor, Debra French stated the county is still waiting for reimbursement from FEMA for flooding in 2013. She mentioned other billing issues. Commissioner Madrigal stated the county must move forward and cannot leave citizens with garbage. Mayor of Martindale, Randy Bunker described flood damages in the city including the parks.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to continue with debris monitoring and removal efforts associated with non-County-owned assets within the jurisdiction of the County.

Amendment made by Commissioner Muñoz to add the City of Martindale.

Amendment made by Commissioner Madrigal to state residential only.

All voting "Aye".

**2015.11.23.11**

**Discussion/Action** to authorize the County Judge to execute a Letter of Amendment with TFR Enterprises, Inc. for flood related services. **Cost: TBD. Speakers: Judge Schawe/Martin Ritchey/Jordan Powell. Backup: None**

Civil attorney, Jordan Powell explained this amendment is to extend services with TFR Enterprises, Inc. until May, 2016 and having the agreement automatically renew. She stated TFR, Enterprises, Inc. is used as the county's hauler for debris. County auditor, Debra French explained the process of retainage and subcontractors. She stated there is an outstanding balance owed to TFR, Enterprises, Inc. because she is waiting for waivers from subcontractors showing they received payment. Jordan Powell announced she received confirmation and approval from TFR, Enterprises, Inc. to proceed.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to authorize the County Judge to execute a Letter of Amendment with TFR Enterprises, Inc. for flood related services. All voting "Aye".

**2015.11.23.12**

**Discussion/Action** to authorize the County Judge to execute the First Amended Interlocal Agreement with the City of Martindale for debris hauling and monitoring services. **Cost: TBD. Speakers: Judge Schawe/Martin Ritchey/Jordan Powell. Backup: None**

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Civil attorney, Jordan Powell explained the proposed Interlocal Agreement allows the county's contractors to operate on city rights of way to pick up debris. This agreement is being amended from the flooding in May. Jordan Powell said the main difference is a payback provision. The provision is for the City of Martindale to payback costs associated with the cleanup.

Motion made by Commissioner Madrigal, second by Commissioner Roland to authorize the County Judge to execute the First Amended Interlocal Agreement with the City of Martindale for debris hauling and monitoring services. All present voting "Aye". Commissioner Muñoz absent during voting.

**2015.11.23.13**

**Discussion/Action** to authorize the County Judge to execute a new Notice to Proceed and a new Task Order for Tetra Tech, Inc. related to the Master Services Agreement for flood related services. **Cost: TBD. Speakers: Judge Schawe/Martin Ritchey/Jordan Powell. Backup: None**

Civil attorney, Jordan Powell stated this agreement allows Tetra Tech, Inc. to mobilize their personnel to begin debris operations. The Task Order will come at a later date after Tetra Tech, Inc. sees the amount of debris in the county.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to authorize the County Judge to execute a new Notice to Proceed and a new Task Order for Tetra Tech, Inc. related to the Master Services Agreement for flood related services. All voting "Aye".

**2015.11.23.14**

**Discussion/Action** to authorize the County Judge to execute a new Notice to Proceed for TFR Enterprises, Inc. related to the End User Agreement for flood related services. **Cost: TBD. Speakers: Judge Schawe/Martin Ritchey/Jordan Powell. Backup: None**

Civil attorney, Jordan Powell stated this agreement allows TFR Enterprises, Inc. to mobilize their personnel to begin debris efforts.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to authorize the County Judge to execute a new Notice to Proceed for TFR Enterprises, Inc. related to the End User Agreement for flood related services. All voting "Aye".

**2015.11.23.15**

**Discussion/Action** to identify potential projects in Caldwell County for STP MM funding for CAMPO Board Approval. **Cost: TBD. Speakers: Commissioner Munoz/Michael Aulick. Backup: 1**

Transportation consultant, Michael Aulick presented information and updates on current and potential projects. He explained \$9 million was estimated for improvements of the four county roads (Old Fentress Road (CR217), Westwood Road (CR 215), Cherryville Parkway (CR110) and Schuelke Road) and they are currently \$1.5 million under budget. He discussed eligible projects and options related to the funding. He recommended discussing options with TXDOT to ensure county meets requirements and the court to evaluate low water crossings and bridge projects. Commissioner Muñoz spoke of the funds allocated for studies in the county and recommended moving forward with them. Michael Aulick suggested prioritizing projects and submitting them for approval to CAMPO at their next meeting January 11, 2016.

No action taken.

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**2015.11.23.16**

**Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Meador Barnes T.D.S Acres on Schuelke Road.  
**Cost: TBD. Speakers: Commissioner Madrigal/Kasi Miles. Backup: 1**

Commissioner Madrigal stated this plat is a small subdivision of a large tract. Septic and Sanitation Director, Kasi Miles announced that a final plat has been submitted and all fees collected. An approval letter from Tracy Bratton has been received.

Motion made by Commissioner Madrigal, second by Commissioner Roland to approve of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Meador Barnes T.D.S Acres on Schuelke Road. All voting "Aye".

Commissioner Madrigal mentioned time issues with property requests and said he will discuss developmental ordinances at an upcoming meeting.

**2015.11.23.17**

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

Meeting Adjourned at 10:17 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 November 23, 2015.



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

