

COMMISSIONERS COURT MINUTES  
110 S. Main St. 2<sup>nd</sup> Floor, Lockhart, Texas  
Regular Meeting April 13, 2015 9:00 a.m.



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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

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**Call Meeting to Order.**  
**2015.04.13.01**

**Invocation.** Lockhart Ministry Alliance.  
Pastor James C. Greene with the First Presbyterian Church opened the meeting with prayer.

**2015.04.13.02**

**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 to both flags.

**2015.04.13.03**

**Announcements.** Items or comments from Court Members or Staff.  
Commissioner Muñoz wanted to remind people that on April 18<sup>th</sup>, the Gaslight Baker Theater is having their 15<sup>th</sup> Annual Gala. He has tickets available for those who are interested. Commissioner Moses stated he was at the Roughneck Cook-off in Luling who had 54 teams entered. The car show was going on at the same time but due to the rain, it wasn't a very big turnout but still nice. Commissioner Madrigal said Unit Road had some emergencies the past couple of weekends including a sink hole. He called Unit Road and within an hour had received service without accidents. Unit Road also took care of a road at a cemetery when called at the last minute. He thanked the Unit Road Department for their response. Commissioner Roland attended Bunny Land in Lytton Springs this past Easter weekend stating that Lytton Springs is really picking up. He also attended the Athletic Banquet for Lockhart High School and is amazed that the school is jumping by leaps and bounds for the kids with all kinds of awards. Judge Schawe met with the Texas Commission on jail standards down at the jail and received a letter upon inspection acknowledging the work of the Caldwell County Sheriff's Office with a certificate of compliance. The letter states that the Caldwell County Sheriff's Office demonstrated outstanding leadership and diligent work from staff while also providing a safe, secure and sanitary facility.

**2015.04.13.04**

**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).

1. **Robert D. Kohler** commented on item #13 stating there's no coordination between the bill and PCCD. With how fast the county is growing, he states the County and PCCD should work together on controlling water. He mentioned a situation occurring southeast of the county where a company is wanting to build a waterline to the Uhland/Niederwald area and pump out of one of the largest reservoirs. He was glad to see Commissioner Roland at the PCCD meetings and would like to see more inter-coordination between the two.

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**2015.04.13.05**

**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 \$346,249.47.
- B. Authorize payment to Carl Ohlendorf Insurance Company for the Bonding Certificate of Court Clerk JP4, Leticia Nino in the amount of \$50.00.
- C. Approve a budget amendment of Caldwell County Appraisal District.
- D. Approve payment Invoice #14 from Aulick and Associates in the amount of \$5,000 for the month of March.
- E. Approve payment invoice # 12942-001-01 from Jones & Carter for the period of February 9, 2015 to March 15, 2015 for Engineering Services for SH 130 Concession Funds.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve Consent Agenda items A –E. All Voting "Aye"

**2015.04.13.06**

**Reports.**

Environmental Code Investigator Report – Mike Bittner

Mike Bittner gave the Environmental Investigator Report for March, 2015. Judge Schawe asked about funding in which Mike Bittner had not heard anything for this year.

Sanitation and Septic Report – Kasi Miles

Kasi Miles gave the Septic and Sanitation Report for March, 2015. She has exceeded the budget to the positive of \$17,845.00.

Treasurers Report – Lori Rangel

County Treasurer Lori Rangel gave the Treasurer's Report for the Month of February, 2015.

**(ALL OTHER AGENDA ITEMS)**

**2015.04.13.07**

**Discussion/Action** to proclaim April as Child Abuse Prevention Month. Commissioner Madrigal read the Proclamation.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to proclaim April as Child Abuse Prevention Month. All Voting "Aye"

**2015.04.13.08**

**Discussion/Action** to proclaim April 18th as Vietnam Veterans Homecoming Day.

Rick Johnson read the Proclamation.

Motion made by Commissioner Muñoz, second by Commissioner Moses to proclaim April 18th as Vietnam Veterans Homecoming Day. All Voting "Aye"

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**2015.04.13.09**

**Discussion/Action** to authorize the County Judge to request unclaimed funds, received by the Texas Comptroller of Public Accounts under chapter 74 of the Texas Property Code, for County use in carrying out a program established under Section 381.004 of the Texas Local Government Code.  
Judge Schawe explains these funds can be used for multiple purposes including economic development. Civil Attorney Jordan Powell states the funds must be used this fiscal year.

Motion made by Commissioner Roland, second by Commissioner Madrigal to authorize the County Judge to request unclaimed funds, received by the Texas Comptroller of Public Accounts under chapter 74 of the Texas Property Code, for County use in carrying out a program established under Section 381.004 of the Texas Local Government Code. All Voting "Aye"

**2015.04.13.10**

**Discussion/Action** to approve or disapprove the final plat (short form procedure) for Moffett Acres Subdivision located on Thompson Road (CR 189).  
Kasi Miles, Sanitation and Septic Director, told the Court that all the papers and fees had been taken care of.

Motion made by Commissioner Roland, second by Commissioner Moses to approve the final plat (short form procedure) for Moffett Acres Subdivision located on Thompson Road (CR 189). All Voting "Aye"

**2015.04.13.11**

**Discussion/Action** to approve or disapprove the final plat (short form procedure) for Selman Acres Subdivision located on Thompson Road (CR 189).  
Kasi Miles, Sanitation and Septic Director, told the Court that all the papers and fees had been taken care of.

Motion made by Commissioner Roland, second by Commissioner Muñoz to approve the final plat (short form procedure) for Selman Acres Subdivision located on Thompson Road (CR 189). All Voting "Aye"

**2015.04.13.12**

**Discussion/Action** to approve or disapprove the final plat (short form procedure) for Turner Acres Subdivision on Taylorsville Road (CR 158)  
Kasi Miles, Sanitation and Septic Director, told the Court that all the papers and fees had been taken care of.

Motion made by Commissioner Moses, second by Commissioner Muñoz to approve the final plat (short form procedure) for Turner Acres Subdivision on Taylorsville Road (CR 158). All Voting "Aye"

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**2015.04.13.13**

**Discussion/Action** to approve or disapprove a Resolution expressing support of Caldwell County for legislation related to Goforth Special Utility District. Commissioner Muñoz explained the importance of working together as an area to save the resources of the County. He had been talking with Commissioner Conley from Hays County in regards to a company that drills farther down than normal into the aquifer and sells the water. Civil Attorney Jordan Powell explains further that the Goforth Utility District had signed a contract with a third party that's a "for profit" entity regarding groundwater in the Trinity Aquifer. This allows Goforth to acquire utility easements to turn over to the third party. She states there currently is little legislation stating how much water can be transferred from one to the other which could affect Caldwell County. There are bill proposals currently in front of the legislature that control district limits and the amount of water allowed to be transferred. Commissioner Muñoz and Civil Attorney Jordan Powell both agree the bills need the County's support.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve a Resolution expressing support of Caldwell County for legislation related to Goforth Special Utility District. All Voting "Aye"

**2015.04.13.14**

**Discussion** regarding the purchase of four video recorders for Constable Zapata, Precinct 3, and Constable Villarreal, Precinct 4, in the amount of \$1495.00 each plus installation estimated at \$600.00 **Cost: \$6,580.00 (without shipping)**

Constable Villarreal explains the need for cameras include for safety purposes as well as to have record of racial profiling for the state. He says it is required to have a camera inside patrol vehicles that conduct traffic stops. Commissioner Madrigal agrees it is important for the protection of officers. Constable Villarreal confirms these cameras are the same ones used by Precinct 1 and are state of the art. Commissioner Muñoz questions where funding for these cameras would come from, therefor Judge Schawe requests County Auditor Debra French approach the Court. County Auditor, Debra French suggest the use of the contingency fund while Judge Schawe states that fund will be used up very quickly. Civil Attorney, Jordan Powell asks if body cams would be a less expensive alternative. Constable Villarreal responds explaining that body cams will not start recording until the officer has approached the individual instead of at the beginning of the initial stop with lights and sirens. Judge Schawe says he would like to see this go through a budget process. Constable Villarreal states he would be satisfied with at least one camera for now until the next budget. Commissioner Madrigal goes on to state that cameras would be cheaper than a lawsuit and should be considered as a necessity and not a luxury. He then requests this item be tabled to the next week's agenda as discussion/action for the purchase of two cameras, one for precinct 3 and one for precinct 4.

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**2015.04.13.15**

**Discussion/Action** regarding the burn ban for Caldwell County. Martin Richey stated that due to the amount of precipitation the County has received and is expecting this week, he does not recommend putting the burn ban in place.

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

**2015.04.13.16**

**Discussion** regarding 130 Environmental Park, SOAH Docket No. 582-15-2082; TCEQ Docket No. 2015-0069-MSW and related matters. **[Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)].**

The Court took a 15 minute break and then entered into an Executive Session at 10:00 and ended at 10:46. Persons present in the executive session were: Commissioner Munoz, Commissioner Moses, Judge Schawe, Commissioner Madrigal, Commissioner Roland, Jordan Powell, and Eric Magee. No action was taken in closed session.

The attorney from Allison, Bass & Magee, LLP gave an update regarding 130 Environmental Park, SOAH Docket No. 582-15-2082; TCEQ Docket No. 2015-0069-MSW. He confirms that the County did receive party status as of March 26, 2015. The SOAH hearing is set for January 26, 2016 and to last no longer than February 5, 2016. He did want to make a special note that August 3, 2015 is the deadline for parties to file their list of issues for the SOAH hearing.

**2015.04.13.17**

**Adjournment**

Motion made by Commissioner Roland, second by Commissioner Madrigal to adjourn.

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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 April 13, 2015.

*Carol Holcomb*

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

