

CALDWELL COUNTY
 COMMISSIONERS COURT MINUTES
 110 S. Main St. 2nd Floor, Lockhart, Texas
 Regular Meeting February 23, 2015 9:00 a.m.



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

2015.02.23.01 **Invocation.** Lockhart Ministry Alliance.
 A citizen opened the meeting with prayer.

2015.02.23.02 **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 those present in the Pledge to both Flags.

2015.02.23.03 **Announcements.** Items or comments from Court Members or Staff.
 Commissioner Muñoz congratulated Habitat for Humanity for the successful fund raiser that was held this past Saturday night.
 Commissioner Moses announced the upcoming Ragin Cajun Cookoff on March 14. He invited everyone to come to Luling and enjoy some food. He also spoke about the "Caldwell County night" at the upcoming Houston Livestock Show and Rodeo. This will also be on March 14. You can purchase tickets at the Luling Foundation office.
 Commissioner Roland spoke about the 41st Progressive Club banquet this past Saturday. He acknowledged and thanked all those who attended and supported the banquet.
 Judge Schawe thanked all those attending. He said that there are rules and guidelines that have to be followed but any suggestions would be considered. If anyone had a suggestions to do things a better way, feel free to submit to his office.

2015.02.23.04 **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).

1. Marisa Perales spoke on behalf of EPICC. She addressed some recommended changes in some of the wording within Resolution Number 03-2015: proposed on today's agenda. She discussed the meaning of alternative daily cover options that are discussed in the plat application for the proposed landfill.

2. Lou MacNaughton thanked the Court for considering Resolution Number 03-2015 and said that the proposed landfill would cause toxic gasses in the air.

3. Kenwood Maeker encouraged the Court not to pass Resolution Number 03-2015. He asked the Court not to create a money pit. He would like to see Commissioners Court work towards a host agreement that would benefit the County.

4. Thural Anne (Terry) Henderson spoke for family and friends that couldn't attend. She has been a resident of Caldwell County since 1974. She said the County needs businesses and trusts in the experts to make the decisions. She stated that the proposed facility will be a state of the art facility and that it's in a good location. She asked for the County to begin negotiating a Host agreement.

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5. James (Jim) Henderson spoke strongly against Resolution Number 03-2015 He stated that every facility had alternative daily cover in their application. He discussed various subjects in the resolution and stated there were over 160 letters in support of the project.

6. Joe M. Kelly, Jr. spoke against Resolution Number 03-2015. He asked the Commissioners Court to not approve it and urged the Court not to use County money to fight the landfill. He felt that the County would be better off if a host agreement was utilized.

7. Kathleen Clough spoke in favor of Resolution Number 03-2015. She said that it would be money well spent by the County to protect the County from the proposed landfill. She said that the proposed landfill was a risky and reckless situation for water in Caldwell County.

8. Roger M. William told the Court that he was a retired research chemist and had worked with geologists in the past. He spoke about the impact on water wells and the aquifer located in the area of the proposed landfill. He was in favor of the Resolution.

9. Larry Rodriguez Jr. spoke against the proposed landfill. He said that with all of the other environmental reasons aside, that if the proposed landfill became a reality, on a day that a north breeze blew, you would smell the air at the little league fields at the City Park. There will be contamination.

Judge Schawe closed Citizen Comments at this time. It will be reopened as the last item before Adjournment.

2015.02.23.05

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 approve payment for renewal of Bond Policy number 61287183 for Elections Administrator Pamela Ohlendorf. Cost: \$70.00.
- B.** To approve payment for renewal of Bond Policy number 70268962 for Sheriff's Office Deputies. Cost: \$250.00
- C.** To approve Budget Amendment number 2014-09 in the amount of \$85,000.00 for FEMA reimbursement to Caldwell County Unit Road System for October 2013 flooding.
- D.** To accept Certificates of Completion from Judge Ken Schawe and Commissioner Joe Roland for ongoing and continuing education.
- E.** To approve payment of county invoices totaling \$768,450.94

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

2015.02.23.06

Reports.

Environmental Investigator Report – Mike Bittner

Mike Bittner gave the Environmental Investigator Report for January 2015. He thanked Commissioner Moses and others for their help at the tire collection in Pct. 2 the past weekend.

Building Maintenance Report – Curtis Weber

Curtis Weber gave the Maintenance report for January 2015.

Status of SH 130 Concession Funded County Road Project

Andrea Ranft, Jones & Carter. - Michael Aulick

Michael Aulick and Andrea Ranft gave the status update for SH 130 Concession Funded County Road Project and answered a few questions from the Court.

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2015.02.23.07 **Special Presentation.** None

(ALL OTHER AGENDA ITEMS)

- 2015.02.23.08 **Discussion/Action** for Resolution number 05-2015 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.
Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve Resolution number 05-2015 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"
- 2015.02.23.09 **9:30 am Public Hearing** to consider the final plat for the Sunrise Meadows, Phase Two subdivision located off Barth Road (aka CR179).
Bert Magill voiced his concerns about the final plat for the Sunrise Meadows, Phase Two, as he appeared before Commissioners Court when Phase 1 was being constructed. He stated that he was a family representative for the owners south of the subdivision. He talked about the amount of vehicle traffic as well as the increase in trash and litter blowing to surrounding properties. He reported damage to parameter fencing and questioned the storm water erosion. He asked if phase 2 could be deterred until phase 1 was cleaned up. Matthew Allen said CR is not the official name of the road, rather the adopted name is Barth Rd. He also questioned the drainage issue.
- 2015.02.23.10 **Discussion/Action** to consider the approval or disapproval of the final plat for the Sunrise Meadows, Phase Two subdivision located off Barth Road (aka CR179).
Kasi Miles let the Court know that the road name will be addressed on the mylar and there will be a detention pond for drainage. Tracy Bratton's recommendation is to approve the plat. Judge Schawe closed the public hearing at 10:07 a.m.. Motion made by Commissioner Roland, second by Commissioner Moses to approve the final plat for the Sunrise Meadows, Phase Two subdivision located off Barth Road (aka CR179). All Voting "Aye"
- 2015.02.23.11 **9:30 am Public Hearing** to discuss support or opposition regarding the Petition for the Creation of Emergency Services District 4.
Martin Ritchey spoke on behalf of the Mid-County Fire/Rescue. This department is proposed to become Emergency Services District 4. He spoke about their budget and the need for updated equipment and vehicles. They have approximately 116 volunteers within the department.
- 2015.02.23.12 **Discussion/Action** to consider the approval or denial of the Petition for the Creation of Emergency Services District 4.
Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve the Petition for the Creation of Emergency Services District 4. All Voting "Aye"
- 2015.02.23.13 **Discussion/Action** to order an election to confirm creation of Emergency Services District 4 (if the Petition is granted) and to authorize the imposition of a tax not to exceed the rate allowed by Section 48-e, Article III, Texas Constitution.
Motion made by Commissioner Muñoz, second by Commissioner Madrigal to order an election to confirm creation of Emergency Services District 4. Election day to be held on May 9, 2015. All Voting "Aye"

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- 2015.02.23.14** **Discussion/Action** to authorize the County Judge to execute a Chapter 381 Economic Development Incentive Agreement between Pure Castings Company and Caldwell County, as presented by counsel in executive session. Sandra Mauldin gave a brief overview of the Chapter 381 Economic Development Incentive Agreement between Pure Castings Company and Caldwell County. Greg Patek gave a brief overview of the company and the products that they manufacture. They employ approximately 100 employees. Motion made by Commissioner Muñoz, second by Commissioner Moses to authorize the County Judge to execute a Chapter 381 Economic Development Incentive Agreement between Pure Castings Company and Caldwell County. All Voting "Aye"
- 2015.02.23.15** **Discussion/Action** to approve or deny Resolution Number 03-2015: Resolution in Opposition to the Application by 130 Environmental Park for Municipal Solid Waste Landfill. Permit Number 2383. Commissioner Roland stated that he felt that this was in the best interest of the County and that he was disappointed in the proposed host agreement. Judge Schawe indicated that he believed the Resolution would have little effect on TCEQ's decision and encouraged the Court to work together. Motion made by Commissioner Roland, second by Commissioner Madrigal to approve Resolution Number 03-2015: Resolution in Opposition to the Application by 130 Environmental Park for Municipal Solid Waste Landfill. Permit Number 2383. All Commissioners Voting- Yes. Judge Schawe Voting- No. Motion Passed
- 2015.02.23.16** **Discussion/Action** to approve Taylor Security Systems, Inc. Change Order number 1 regarding fire alarm additions to the Luling Annex at 505 E. Fannin St. Luling. Cost: \$8,872.03. Motion made by Commissioner Moses, second by Commissioner Madrigal to approve Taylor Security Systems, Inc. Change Order number 1 regarding fire alarm additions to the Luling Annex at 505 E. Fannin St. Luling, at a cost not to exceed \$8,872.03. All Voting "Aye"
- 2015.02.23.17** **Discussion/Action** to approve or deny Resolution number 04-2015: Approving the Acceptance of Grant # 2667603 from the Office of the Governor Criminal Justice Division for the Funding of the Caldwell County Challenge Court. Steve Thomas gave a brief update and explained that this was for approval of submission of Grant # 2667603 from the Office of the Governor Criminal Justice Division for the Funding of the Caldwell County Challenge Court. Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve the submission of Grant # 2667603 from the Office of the Governor Criminal Justice Division for the Funding of the Caldwell County Challenge Court. All Voting "Aye"
- 2015.02.23.18** **Discussion/Action** regarding the burn ban for Caldwell County. Martin Ritchey state that the weather conditions and the moisture indexes provided, he recommended to leave the burn ban off at this time. Motion made by Commissioner Roland, second by Commissioner Muñoz to leave the burn ban off. All Voting "Aye"

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2015.02.23.19

Discussion/Action to consider the possible relocation of County offices to the County Courthouse.

Judge Schawe explained that this item had been tabled until the next meeting but things have been worked out. Commissioner Muñoz explained that he was glad that the stakeholders had been able to come together and work it out. Motion made by Commissioner Muñoz to approve the new plan that was submitted to the Court, with the exception, that the office on the third floor that is currently the auditor's staff be Kasi Miles' office. Before a second on the motion, a friendly amendment was offered by Judge Schawe who would like to wait on designation of that office until the auditor's office becomes settled in to see what is available, but was not accepted by Commissioner Muñoz. Motion made by Commissioner Muñoz, second by Commissioner Roland to approve the new plan that was submitted to the Court, with one exception, that the office on the third floor that is currently the auditor's staff be Kasi Miles' office. Commissioner Muñoz, Commissioner Madrigal and Commissioner Roland Voting "Aye". Commissioner Moses and Judge Schawe voting "No". Motion Passed

Citizen's Comments were reopened at this time.

(10)1. Oscar Fogle said that he was not for or against the proposed landfill. He said that he couldn't believe that the Commissioners Court has slammed the door on Green Group. Now, they do not have to work with the County. He is not in favor of Resolution Number 03-2015, but it has already been approved.

(11) 2. Jodie Friedrich passed a handout to the Court. She thanked the members that had voted in favor of Resolution Number 03-2015 and for standing up for the County.

(12) 3. Patton King said he applauded the Commissioners Court for the steps that they had taken today. He has a well on his property and has concerns of leakage from the landfill. He said that various church groups, scouting organizations and family events were held on his property and he has concerns that the landfill will have an impact on them returning. The landfill would be right across the fence.

(13) 4. Frank Shugrue thanked the Commissioners for passing Resolution Number 03-2015. He feels that they have opened a door to stop the landfill and save the County.

(14) 5. Robert Koehler thanked the Court for passing Resolution Number 03-2015. He has been in Caldwell County for about 13 years. He is concerned with the watershed and any future contamination from sewage treatment plants and the proposed landfill. He spoke about the involvement of GBRA with the water treatment plants. He appreciates the efforts that the Court is making for Caldwell County.

2015.02.23.20

Executive Session pursuant to Section 551.071 of the Texas Government Code: consultation with counsel regarding all pending and/or contemplated litigation involving Caldwell County. Possible action may follow in open court.

Persons present in executive session: Commissioner Muñoz, Commissioner Moses, Judge Schawe, Commissioner Madrigal, Commissioner Roland, Jordan Powell, Fred Weber, Eric Magee, and Stan Lewieki.

No Action Taken in Executive Session. No action followed in open court.

Executive Session began -11:22 a.m. and ended 12:16 p.m.

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2015.02.23.21

Adjournment.

Motion made by Commissioner Muñoz, second by Judge Schawe to Adjourn. All Voting "Aye"

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 February 23, 2015.

Carol Holcomb

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

