

CALDWELL COUNTY  
COMMISSIONERS COURT MINUTES  
110 S. Main St. 2<sup>nd</sup> Floor, Lockhart, Texas  
Regular Meeting June 22, 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

**Agenda**

**Call Meeting to Order.**

Meeting called to order at 9:02 a.m. by Judge Schawe with all members present.

**2015.06.22.01 Invocation.** Lockhart Ministry Alliance.

Pastor James Greene, First Presbyterian Church, opened the meeting with prayer.

**2015.06.22.02 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.

**2015.06.22.03 Announcements.** Items or comments from Court Members or Staff.

**Commissioner Munoz** congratulated the Lockhart Chamber of Commerce for a great Chisolm Trail Roundup. Also that Commissioners Moses, Madrigal and himself attended a very informative conference this past week.

**Commissioner Moses** reminded everyone about the Luling Watermelon Thump coming up later this week Thursday-Sunday. **Commissioner Madrigal** reported on the clean-up progress in Pct. 3 from the recent floods and thanked Martin Ritchey and the Emergency Management team for all they have done. **Commissioner Roland** reported that he is still getting a lot of calls about the road conditions in Pct. 4. He also attended the Juneteenth celebration and the Roland family reunion this past week-end. **Judge Schawe** stated that the curfew he issued for the upcoming storm was done for safety reasons.

**2015.06.22.04**

**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).

**Matthew Allen**, Caldwell County Appraisal District, addressed the court with issues with the Forister Ranch, Lone Star and Dale Oaks subdivisions.

**Malcolm Johnson**, Riverbend HOA-Martindale, addressed the court requesting assistance with trash pick-up caused by the recent floods. Martin Richey explained FEMA's process in regards to the trash pick-up.

**Patton King**, Lazy K Ranch-Lockhart, addressed the court concerning the Forister Ranch Section 3 subdivision lines which have a part of his property platted in the subdivision. He would like to see this corrected before the final platting.

**Stephanie Langenkamp**, Riverbend Lane-Martindale, would like to see the county be pro-active about assisting all property owners with debris removal related to recent flooding.

**Joy Jungers**, Riverbend Lane-Martindale, addressed the court concerning flood debris removal and thanked the court for addressing their concerns.

**Ronald Dempsey**, Developer-Forister Ranch, addressed the property boundaries concerning the subdivision which has been taken care of.

**2015.06.22.05**

**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. Pay county invoices in the amount of \$115,691.80.
- B. Pay Carl Ohlendorf Insurance Company for the bonding of Assistant Auditor, Accounts Payable Clerk, and Floating Clerk in the total amount of \$100.00.
- C. Approve budget amendment number 2014-12 for the Retainer Agreement with Allison, Bass & Magee, LLP for legal services regarding the SH130 Environmental Park in the amount of \$3,844.00.

- D. Approve budget amendment number 2014-13 for reimbursement to employees who incurred expenses due to payroll issues in the total amount of \$50.00.

Motion made by Commissioner Munoz, second by Commissioner Moses to approve consent agenda items A-D. All voting "Aye"

**2015.06.22.06**

**Reports.**

Unit Road Report – Dwight Jeffery

Commissioner Madrigal announced that Dwight Jeffery was unable to be at Commissioners Court this morning due to the shortage of staff at the Unit Road Dept. Mr. Jeffery will be available to give his report at the next meeting.

**(ALL OTHER AGENDA ITEMS)**

**2015.06.22.10**

**Discussion/Action** regarding the burn ban for Caldwell County. **Cost: None. Speaker: Judge Schawe/Martin Ritchey. Backup 0.**

Martin Ritchey, Emergency Management, addressed Tropical Storm Bill and concerns for more flooding in the area and the recovery process from the Memorial Day floods. The search for 2 missing children is still ongoing. Due to the amounts of rain in the area Mr. Ritchey's recommendation is to leave the burn ban off.

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

**2015.06.22.11**

**Discussion/Action** to discuss and authorize rate of pay and emergency overtime for the Emergency Management Part-time Employee. **Speakers: Judge Schawe/Deborah Kortan/Martin Ritchey. Backup 0.**

Judge Schawe stated this item should be tabled due to this item should be discussed in executive session and that the employee is not present.

Motion made by Judge Schawe, second by Commissioner Munoz to table until July 13, 2015. All voting "Aye"

**2015.06.22.16**

**Discussion/Action** to consider waiving all residential construction fees, for a maximum of two years, for the May 2015 flood victims. **Cost: None. Speakers: Commissioner Madrigal /Kasi Miles. Backup 1.**

Kasi Miles, Sanitation Dept., asked the court to waive the residential reconstruction fees to cover section (D) of the Residential Construction Permit Application Form.

Motion made by Commissioner Madrigal, second by Commissioner Roland to waive all residential construction fees, for a maximum of two years, for the May 2015 flood victims. All voting "Aye"

**2015.06.22.07**

**Public hearing at 9:30 am** to discuss consideration of a final plat for the Forister Ranch, Section 3 subdivision to include approximately 66.36 acres located off FM 1185 and FM 1854. Cost: None. **Speakers: Judge Schawe/Kasi Miles. Backup 1.**

Start: 9:30 a.m.

**Kasi Miles**, Sanitation Dept. briefed to the court in regards to the preliminary plat for Forister Ranch, sections 3, 4, & 5 were approved in 2001 under the old subdivision rules, while some are under the new subdivision rules. **Patton King** spoke to the court with additional concerns of run-off water coming down the hill into his lake. He would like to see that addressed if possible.

**Donald Dempsey**, Developer-Forister Ranch, stated to the court the issue with part of Mr. Patton King's property that is included in the subdivision has been addressed and corrected. Mr. Dempsey stated any run off water was addressed through the surveys and by the engineers.

End: 9:33 a.m.

**2015.06.22.12**

**Discussion** to address unapproved expenditures, over exceeding budget amounts and expenditures for no line-items. **Speakers: Judge Schawe/Debra French. Backup 0.**

Debra French, Auditor, came before the court explaining the process of exceeding budget or no line-items in the past and that this money would come out of contingency or reserve money. Ms. French would like to have these items come before the court as budget amendment items on the agenda for approval before being paid rather than consent agenda items if possible. The Auditor also asked the court for guidance on how the court would like to handle these issues. Judge Schawe asked that each department be mindful of their budgets before making purchases. The Commissioners and Jordan Powell, Civil attorney discussed issues with making budget amendments within the department's budget with approval from the court before purchases are made if possible, but that sometimes this will not be possible and will need to be addressed after the fact.

**2015.06.22.08**

**Public hearing at 9:45 am** to discuss consideration of a preliminary plat for the Lone Star subdivision to include approximately 57.051 acres located on Hwy 20 and Callihan Road (CR 112). Cost: None. **Speakers: Judge Schawe/Kasi Miles. Backup 1.**

Start: 9:49 a.m.

Kasi Miles, Sanitation, stated all fees and paper work are in order. All changes needed will be addressed before the final plat is approved.

There were no public speakers.

End: 9:51 a.m.

**2015.06.22.13**

**Discussion** to address salaries of elected officials. No action will be taken. **Speakers: Judge Schawe. Backup 1.**

Judge Schawe announced to the court that he had researched other counties similar to Caldwell County and that Caldwell County is getting paid a lot less than other counties. After looking at the budget the County Judge recommends that the salaries stay fixed. Judge Schawe reported that there is a 30% decrease in minerals that is keeping the market values down and the only way to increase salaries is to cut expenses and or raise the tax rate. The Commissioners were all in agreeance that the Unit Road Dept. and the Sheriff's Department need more money and that they were o.k. with leaving their salaries as they are.

**2015.06.22.09**

**Public hearing at 10:00 am** to discuss consideration of a preliminary plat for the Dale Oaks subdivision to include approximately 48.775 acres located on Thompson Road (CR 189) near FM 1854. Cost: None. **Speakers: Judge Schawe/Kasi Miles. Backup 1.**

Start: 10:01 a.m.

Kais Miles, Sanitation Dept., stated all fees and paperwork are in order for a preliminary plat. There were no public speakers.

End: 10:02 a.m.

**2015.06.22.14**

**Discussion/Action** to consider approval of proposal from Dot Command Center, Inc. to prepare a plan for our Telecommunication and Information Systems. **Cost: \$8,000.00. Speakers: Judge Schawe/Rich Finney. Backup 1.**

Judge Schawe stated he is still waiting for the audit from Time Warner which could be another two weeks. Mark Hinnenkamp, IT Dept., spoke to the court about the all points system vs. point to point connections.

Motion made by Judge Schawe, second by Commissioner Madrigal to table until July 13, 2015. All voting "Aye"

**2015.06.22.15**

**Discussion/Action** to approve the Caldwell County Feral Hog Task Force bylaws. Cost: None. **Speaker: Commissioner Moses. Backup 1.**

Jordan Powell, Civil Powell, reviewed the bylaws and did not see any red flags with them. Nick Dornack, Administrator Feral Hog Task Force, explained that the bylaws will be in place to keep the structure of the Task Force and the idea is to maintain a sustainable entity here.

Motion made by Commissioner Moses, second by Commissioner Munoz to adopt the Caldwell County Feral Hog Task Force bylaws. All voting "Aye"

**2015.06.22.17**

**Discussion/Action** to consider approval for the preliminary plat for Lonestar subdivision to include approximately 57.051 acres located on FM 20 and Callihan Road (CR 112). Cost: None. **Speakers: Judge Schawe/Kasi Miles. Backup 1.**

Kasi Miles, Sanitation, asked for the courts approval for the preliminary plat for Lonestar subdivision with the minor details that were addressed in court of adding the adjoining property owners which will be addressed by final plat.

Motion made by Commissioner Madrigal, second by Commissioner Moses to approve the preliminary plat for Lonestar subdivision to include approximately 57.051 acres located on FM 20 and Callihan Road (CR 112). All voting "Aye"

**2015.06.22.18**

**Discussion/Action** to consider approval for the preliminary plat for Dale Oaks subdivision to include approximately 48.775 acres located on Thompson Road (CR 189) near FM 1854. Cost: None. **Speakers: Judge Schawe/Kasi Miles. Backup 1.**

Kasi Miles, Sanitation Dept. stated everything is good to go for the preliminary plat.

Motion made by Commissioner Roland, second by Commissioner Madrigal to approve the preliminary plat for Dale Oaks subdivision to include approximately 48.775 acres located on Thompson Road (CR 189) near FM 1854. All voting "Aye"

**2015.06.22.19**

**Discussion/Action** to consider approval for the final plat for Forister Ranch, Section 3 subdivision to include approximately 66.36 acres located off FM 1185 and FM 1854, contingent upon: (1) the applicant posting fiscal security or construction and acceptance of the improvements; and (2) the agreement of county legal counsel with specific language relating to drainage easements and maintenance thereof. Cost: None. **Speakers: Judge Schawe/Kasi Miles/Tracy Bratton. Backup 1.**

Kasi Miles, Sanitation Dept. had Tracy Bratton, County Engineer, speak to the court concerning two issues during the review with the final plat of posting fiscal security and addressing the drainage easements with the court not approving until these issues are taken care of.

Motion made by commissioner Roland, second by Commissioner Madrigal to approve the final plat for Forister Ranch, Section 3 subdivision to include approximately 66.36 acres located off FM 1185 and FM 1854, contingent upon: (1) the applicant posting fiscal security or construction and acceptance of the improvements; and (2) the agreement of county legal counsel with specific language relating to drainage easements and maintenance thereof. All voting "Aye"

**2015.06.22.20**

**Discussion/Action** to consider waiving or reducing the site development fees for Lockhart Independent School District for the construction of the new Elementary school located at 9000 FM 1854, Dale, Texas. Cost: None. **Speakers: Commissioner Roland /Kasi Miles/Tracy Bratton. Backup 1.**

Kasi Miles, Sanitation Dept. received a letter from the Senior Project Manager, Russell W. Wallace requesting the court to consider waiving or reducing the site development fees for the construction of a New Elementary in the Lytton Springs area. Tracy Bratton, County Engineer, did not have an opinion one way or the other, but asked the court to be consistent with this. Commissioner Roland stated that he was against waiving or reducing fees due to the fact of the bad shape of the county roads.

Motions made by Commissioner Roland, second by Commissioner Moses to not waive or reduce the site development fees for Lockhart Independent School District for the construction of the new Elementary school located at 9000 FM 1854, Dale, Texas. All voting "Aye"

**2015.06.22.21**

**Discussion/Action** 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)]. Cost: None. Speaker: Judge Schawe. Backup 0.**

There was no Executive Session on item 21.

**2015.06.22.22**      **Executive Session** pursuant to Section 551.071 of the Texas Government Code: consultation with counsel regarding pending and/or contemplated litigation involving Caldwell County. Possible discussion and/or action may follow in open court. **Speaker: Judge Schawe. Backup 0.**

Start: 10:44      No action was taken in Executive session.

End: 11:05      No action was taken in open court.

**2015.06.22.23**      **Adjournment.**

Motion made by Commissioner Munoz, second by Commissioner Moses to adjourn. All voting "Aye"

Meeting closed by Judge Schawe at 11:06 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 22, 2015.



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

