

CALDWELL COUNTY
COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting June 8, 2015 9:00 a.m.



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

Call Meeting to Order. Meeting called to order at 9:00 a.m. by Judge Schawe. All members of the court were present.

2015.06.08.01 **Invocation.** Lockhart Ministry Alliance.

Pastor Rob Clopton, First United Methodist Church, opened the meeting with prayer.

2015.06.08.02 **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.

2015.06.08.03 **Announcements.** Items or comments from Court Members or Staff.

Commissioner Munoz attended the Lone Star Rail meeting over the week end. The proposed rail line will go straight through Caldwell County. Also Chisholm Trail Roundup will be this week end. **Commissioner Moses** attended funeral services for Marvin W. England, a Caldwell County historian and World War II Veteran who was 100 yrs. & 8 mths old. **Commissioner Madrigal** commented on the flood conditions in Pct. 3 and how they are beginning to get back to normal. **Commissioner Roland** commented on the bad conditions of the roads in Pct. 4 and how the county is working on them. Commissioner Roland also attended the funerals of Garland Roland and Esperanza Rangel. Commissioner Roland also had three relatives graduate from High School.

Martin Ritchey was asked at this time to come and give his flood report. Martin presented a detailed account of events and a slide presentation showing the wide spread flooding with Caldwell County receiving more than a foot of rain. The report covered the planning meetings, evacuations by helicopter as well as boat, and how Caldwell County was under flash flood emergency for two days. The county had about 80 roads closed as well as a tank battery fire to attend to. A heartfelt thank you went out to all who aided and assisted with the evacuations

and recovery efforts. Special thanks went out to area churches and organizations who volunteered.

2015.06.08.04

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).

Yolanda Kelley, 1269 Silver Mine Rd., would like to see the county take responsibility for county roads that were in bad condition before the floods occurred that are in even worse condition now.

Matthew Allen, Caldwell County Appraisal District, pointed out errors of omitted owners on the Dale Oaks and Lone Star Subdivisions preliminary plats that are on the agenda for today. He also voiced concerns of duplicated street names or misspelled street names on plats which could cause problems in times of emergency.

2015.06.08.05

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 \$277,990.99.

B. To accept the Financial Statements for Emergency Services District 1.

Motion made by Commissioner Munoz, second by Commissioner Moses to approve the consent agenda. All voting "Aye"

2015.06.08.06

Reports.

Treasurer's Report – Lori Rangel

Lori Rangel, Treasurer, gave her report for March 2015.

(ALL OTHER AGENDA ITEMS)

2015.06.08.07

Discussion/Action regarding the burn ban for Caldwell County.
Cost: None. Speaker: Commissioner Roland. Backup 0.

Martin Ritchey, Emergency Management, recommended leaving the burn ban off due to rain totals and saturated soil.

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

2015.06.08.08

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 voiced concerns that he had with the Time Warner fiber system and how it works. It was noted that the City and School District are getting on a fiber plan and that there is a time limit to get on the plan if the County would want to be included. The Judge asked Rich Finney with Dot Command Center, Inc. to prepare a proposal for Telecommunication and Information Systems Plan for Caldwell County. Mr. Finney was on hand to go over the proposal and answer questions from the court.

Motion made by Commissioner Munoz, second by Commissioner Madrigal to table until the next meeting on June 22nd. All voting "Aye"

2015.06.08.09

Discussion/Action to consider a purchase or lease option of two copiers for the Human Resource Office and the Treasurer's Office. **Cost: TBD. Speaker: Judge Schawe/Mark Hinnenkamp. Backup 1.**

Mark Hinnenkamp, IT Dept. and Debra French, Auditor, answered questions from the court in regards to the differences of the two copier options and the pros and cons of purchase/lease options.

Motion made by Commissioner Madrigal, second by Commissioner Moses to lease two smaller copiers for the Human Resource Office and the Treasurer's Office. All voting "Aye"

2015.06.08.10

Discussion/Action to set a public hearing for June 22, 2015 for approval of a final plat for the Forister Ranch, Section 3 Subdivision located of FM 1854 and FM 1185. **Cost: None. Speakers: Judge Schawe/Kasi Miles. Backup 1.**

Kasi Miles, Sanitation Dept. and Matthew Allen, Caldwell County Appraisal District answered questions from the court in regards to duplicated road names.

Motion made by Commissioner Roland, second by Commissioner Madrigal to set a public hearing for June 22, 2015 at 9:30 a.m. for approval of a final plat for the Forister Ranch, Section 3 subdivision located FM 1854 and FM 1185. All voting "Aye"

2015.06.08.11

Discussion/Action to set a public hearing for June 22, 2015 for approval of a preliminary plat for the Lone Star Subdivision located off FM 20 and Callihan Road. Cost: None. **Speakers: Judge Schawe/Kasi Miles. Backup 1.**

Kasi Miles, Sanitation Dept., assured the court that the misspelling of Callihan Road has been corrected.

Motion made by Commissioner Roland, second by Commissioner Madrigal to set a public hearing for June 22, 2015 at 9:45 a.m. for approval of a preliminary plat for the Lone Star Subdivision located off FM 20 and Callihan Road. All voting "Aye"

2015.06.08.12

Discussion/Action to set a public hearing for June 22, 2015 for approval of a preliminary plat for the Dale Oaks Subdivision located on Thompson Road near FM 1854. Cost: None. **Speakers: Judge Schawe/Kasi Miles. Backup 1.**

Kasi Miles, Sanitation Dept., assured the court that the six missing property owners will be addressed and added to the final plat.

Motion made by Commissioner Roland, second by Commissioner Madrigal to set a public hearing for June 22, 2015 at 10:00 a.m. for approval of a preliminary plat for the Dale Oaks Subdivision located on Thompson Road near FM 1854. All voting "Aye"

2015.06.08.13

Discussion/Action to order the creation of ESD #3 for the Martindale Volunteer Fire Department based on the election results from the May 9, 2015 election. Cost: None. **Speakers: Commissioner Madrigal/Jordan Powell Backup 1.**

Civil Attorney, Jordan Powell, advised the court that this is to formalize the results of the May 9, 2015 election to create EDS #3.

Motion made by Commissioner Madrigal, second by Commissioner Munoz to order the creation of ESD #3 for the Martindale Volunteer Fire Department based on the election results from the May 9, 2015 election. All voting "Aye"

2015.06.08.14

Discussion/Action to order the creation of ESD #4 for the Mid-County Volunteer Fire Department based on the election results from the May 9, 2015 election. Cost: None. **Speakers: Commissioner Munoz/Jordan Powell Backup 1.**

Civil Attorney, Jordan Powell, again advised the court that this is to formalize the results of the May 9, 2015 election to create ESD #4.

Motion made by Commissioner Munoz, second by Commissioner Moses to order the creation of ESD #4 for the Mid-County Volunteer Fire Department based on the election results from the May 9, 2015 election. All voting "Aye"

2015.06.08.15

Discussion/Action to consider the appointment of five commissioners to serve as the ESD #3 governing body until January 1, 2016. Cost: None.
Speaker: Commissioner Madrigal/Bill Hamilton. Backup 1.

Bill Hamilton, Jordan Powell and Martin Ritchey answered questions from the court in regards to the selection process.

Motion made by Commissioner Madrigal. Second by Commissioner Munoz to appoint Bill Hamilton, David Murdock, David Pearson, Ross Purcell and Richard Salmon to serve as the EDS #3 governing body until January 1, 2016. All voting "Aye"

2015.06.08.16

Discussion/Action to consider the appointment of five commissioners to serve as the ESD #4 governing body until January 1, 2016. Cost: None.
Speaker: Commissioner Munoz/Martin Ritchey. Backup 1.

Martin Ritchey addressed the court recommending the five commissioners who were submitted to serve as the ESD #4 governing body.

Motion made by Commissioner Munoz, second by Commissioner Moses to appoint Jerry Doyle, Martin Ritchey, Greg Pope, Juan Alvarez and Donny Graham to serve as the ESD #4 governing body until January 1, 2016. All voting "Aye"

2015.06.08.17

Discussion/Action to suspend Aulick and Associates, LLP's contract for engineering consulting services due to lack of reimbursement from Texas Department of Transportation. Cost: None. **Speaker: Commissioner Munoz Backup 1.**

Commissioner Munoz explained to the court that he has spoken to Mr. Aulick to not represent Caldwell County for this month due to problems with reimbursement of funds from TxDOT SH 130 Funds. Caldwell County will not get reimbursed the \$36,000.00 for prior work that Mr. Aulick has done for the county. Commissioner Munoz feels that it is important to have a consultant on this project.

Motion made by Commissioner Munoz, second by Commissioner Moses to suspend Aulick and Associates, LLP'S contract for engineering consulting services due to lack of reimbursement for Texas Department of Transportation. All voting "Aye"

2015.06.08.18 **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.**

10:41 a.m. Court enters into executive session. Members present: Commissioner Munoz, Commissioner Moses, Commissioner Madrigal, Commissioner Roland, Judge Schawe, Civil Attorney, Jordan Powell, and Eric Magee.

11:50 a.m. Executive session ends.

No action taken in closed session. No action taken in open court.

2015.06.08.19 **Executive Session** pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, lease, or value of real property related to the sale of County owned properties located at 201 E. San Antonio Street and 100 E. Market Street. Possible action may follow in open court. Cost: None. **Speaker: Judge Schawe Backup 0.**

11:51 a.m. Court enters in Executive session. Members present: Commissioner Munoz, Commissioner Moses, Commissioner Madrigal, Commissioner Roland, Judge Schawe, and Civil Attorney, Jordan Powell.

12:15 a.m. Executive session ends. No action taken in closed session.

Motion made by Commissioner Munoz, second by Commissioner Moses to put an RFP out to Caldwell County Realtors and form a committee to review the responses, on that committee will be Commissioner Munoz, the Auditor, Debra French, Civil Attorney Jordan Powell, and Judge Schawe as a Non-voting member.

Commissioner Munoz, Commissioner Moses, Commissioner Madrigal and Judge Schawe voting "Aye"

Commissioner Roland – Abstained.

2015.06.08.20 **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. Cost: None. **Speaker: Commissioner Munoz Backup: 0.**

12:18 a.m. Court enters into Executive Session. Members present: Commissioner Munoz, Commissioner Moses, Commissioner Madrigal, Commissioner Roland, Judge Schawe, and Civil Attorney, Jordan Powell.

12:29 a.m. Executive session ends. No action taken in closed session.

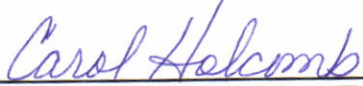
Motion made by Judge Schawe, second by Commissioner Munoz to give the Civil Attorney approval to settle litigation not to exceed \$1,000.00 with approval from the Judge and one Commissioner. All voting "Aye"

2015.06.08.21 **Adjournment.**

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

Meeting closed by Judge Schawe at 12:31 p.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 8, 2015.



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