

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting March 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

Call Meeting to Order.

2015.03.23.01

Invocation. Lockhart Ministry Alliance.

John Griffin with The Bread of Life Church opened the meeting with prayer.

2015.03.23.02

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 to both Flags.

2015.03.23.03

Announcements. Items or comments from Court Members or Staff.

Commissioner Muñoz said that he had attended the Cesar Chavez March the past weekend. He said that it was a good turnout.

2015.03.23.04

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. **Claudia Brown** said that she lives across the street from the proposed landfill site. She is pleased that the Court will be a party at the Contested Case Hearing. Representing the County is the foremost position.
2. **Kyle Bishop** lives directly across the street. He is a pastor in the area. He thanks the Court for doing the right thing. It's sometimes costly and not always easy. He thanked them for seeking party status.
3. **Kathleen Clough** said that the Court did something bold when the Court made the decision to take part in the Contested case hearing. She said that fear of what it may cost has become a concern. She explained that there is no cost at this first step. There are multiple options available later on for any new decisions.
4. **Jodie Friedrich** said taking part in the contested case hearing for the 130 landfill will be the biggest thing for our County. The County must have a voice. She said that she had a packet with over 800 signatures opposing the landfill and asked the Commissioners to stand up for the County residents.
5. **Byron Friedrich** encouraged the members of the Court to attend the contested case hearing. He explained the procedure and asked the Court to represent the County with the facts.
6. **Frank L. Sughrue** gave the Court a packet of information. He said that there was no cost to seek party status and requested that the Court put together a plan for our County.

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7. **Fermin Islas** said that he is hopeful that the Judge has changed his vote concerning seeking party status. He congratulated the Commissioners for standing up for the citizens and the County. He spoke about the concerns for economic values, protecting the water supply and possible leaking. He said that after spending \$10.8 million for the new Justice Center, he feels that fighting the landfill would be money well spent for our County. He hopes that Judge Schawe will change his vote.
8. **Ronald L. Forest** told everyone about the Job Fair that will be held at the Compassion Center in Luling on April 1st. He gave a brief overview of the Compassion Center and shared concerns for unemployment situations in Caldwell County.
9. **Alfred Cano** said that he was a member of the silent majority. He feels that representatives are listening to a small group. That it is going to cost the County money. He asks them to get out of the small circle and hear the majority of the County.
10. **Robert Kohler** explains that the County does not have to retain legal counsel for the contested hearing. He stated that it is not necessary to hire outside council. The County attorneys can represent if needed. There is plenty of time to think about outside representation.
11. **Leslie Holder** said that since the announcement of the proposed landfill, a group of vigilant citizens have researched all the dangers. She spoke about legacy, duty and conscience. She asked the Court to keep the meanings in the forefront while in Executive Session.
12. **Deborah Bissonnet** said that the proposed landfill will be a nuisance and a problem for our County not just for years or decades. It will impact generations to come.
13. **Lou Mac Naughton** spoke about the impact that the proposed landfill would have on our County. Environmental, financial and the dangers of additional traffic are just the beginning. The effects would be for generations.
14. **Marisa Perales** said that she was not in favor of reconsideration by the Court. She explained the process that Guadalupe County has decided to approach the issue. She explains that there is no cost to the process in the first steps.
15. **Linda Pittman** said that last week, the Court made her proud to be a Caldwell County citizen. The image of having left a legacy can be favorable. She asked the Court not to be the one that left a legacy of a landfill.
16. **Kathy Haigler** spoke against 2015.03.23.10 to re-consider requesting party status in the contested case hearing regarding 130 Environmental Park, SOAH Docket No. 582-15-2082; TCEQ Docket No.2015-0069-MSW and related matters. She does not want her tax dollars to be used for a lawsuit. She said that every single minute does cost the county. She asks the Court to be smart and not get involved in the lawsuit.
17. **Jessica Neyman** expressed appreciation to agreeing to seek party status. She spoke about "Roberts Rules of Order" and the legality of the posting. She thanked the Court for serving the County.
18. **Alicia Thornton** read a letter written by a landowner that has changed his mind for an investment property in Caldwell County. The owners name was Javier Fuentez.

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2015.03.23.05

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 \$485,908.89
- B. To pay Carl Ohlendorf Insurance Company for the Bonding Certificate of Sanitation Director Kasi Miles in the amount of \$50.00
- C. To approve Maxwell Volunteer Fire Department Federal Exemption Return.
- D. To approve nominees Connie Amaya and Bill McNeil to the Caldwell County Historical Commission.

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

(ALL OTHER AGENDA ITEMS)

2015.03.23.06

Discussion/Action to extend Michael Aulick's consulting contract with Caldwell County until the end of the fiscal year. Cost: Not to exceed \$30,000.00
Commissioner Muñoz explained to the Court that Michael Aulick has been a great asset to the County while working with TXDOT and the other entities to secure moneys for the road plans. Michael Aulick explained to the Court that 2/3rd of his fee should be reimbursed by TXDOT when the jobs are finished and as long as the regulations are followed.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to extend Michael Aulick's consultant contract for six months, not to exceed \$30,000. All Voting "Aye"

2015.03.23.07

Discussion/Action to consider authorizing the County Judge to enter into a consulting agreement for the services of County Auditor Larry Roberson after his separation date of April 2, 2015. Cost: \$125.00 per hour.
Due to the short span of time between Larry Roberson leaving and the new Auditor, Debra French coming on board, County Judge Schawe requested authorizing the County Judge to enter into a consulting agreement for the services of Larry Roberson after his separation date of April 2, 2015, at \$125.00 per hour. Larry explained that he doesn't feel that all questions have been answered in the short amount of time.

Motion made by Commissioner Madrigal, second by Commissioner Roland to authorizing the County Judge to enter into a consulting agreement for the services of Larry Roberson after his separation date of April 2, 2015, at a cost of \$125.00 per hour. All Voting "Aye" The Commissioners all agreed that Larry had been a great asset to the County and thanked him for all of his work.

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2015.03.23.08

Discussion/Action to consider the disposition of surplus shelving and desk located at the old County Clerk's Office to another county and/or a political subdivision within Caldwell County in accordance with the Texas Local Government Code Section 263.152.

Judge Schawe discussed the storage of surplus shelving and desks. He said that he would like to donate them to other Counties that will come and move at their cost. Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve #8. Civil Attorney Jordan Powell explains that the property cannot be given to another County. It can be given to a charitable organization within the County or may be sold to other Counties.

Motion changed by Commissioner Madrigal, second by Commissioner Munoz to sell County surplus shelving and desk located at the old County Clerk's Office to another county and/or a political subdivision. All Voting "Aye"

2015.03.23.09

Discussion/Action regarding the burn ban for Caldwell County.

Martin Ritchey was unable to attend but sent an e-mail to the Judge. He recommended to leave the burn ban off.

Motion made by Commissioner Roland, second by Commissioner Madrigal to leave the burn ban off at this time. All Voting "Aye"

2015.03.23.10

Discussion/Action to re-consider requesting party status in the contested case hearing 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 Section 551.071 of the Texas Government Code: consultation with counsel regarding pending and/or contemplated litigation involving Caldwell County.

Executive Session began: 10:25 a.m.

Executive Session ended: 11:32 a.m. No Action Taken in closed session; No action taken in open session

2015.03.23.11

Discuss/Action to consider entering into a Retainer Agreement with Allison, Bass & Magee, LLP, for legal services regarding 130 Environmental Park, SOAH Docket No. 582-15-2082; TCEQ Docket No. 2015-0069-MSW and related matters and authorize the County Judge to sign.

Upon Commissioner Munoz's inquiry, Civil Attorney, Jordan Powell stated the County may hire at a later date but recommends hiring now. Judge Schawe made note that there is only \$12,000 left of the \$80,000 professional budget. Jordan Powell clarified not to use the word "consider" as part of the motion.

Motion made by Commissioner Madrigal, second by Commissioner Roland to enter into a Retainer Agreement with Allison, Bass & Magee, LLP, for legal services regarding 130 Environmental Park, SOAH Docket No. 582-15-2082; TCEQ Docket No. 2015-0069-MSW and related matters and authorize the County Judge to sign. Judge Schawe and Commissioner Munoz were opposed. Motion carried.

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2015.03.23.12 **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)].

Civil Attorney, Jordan Powell requests the item be passed for it is not needed. Judge Schawe passed the item, no action taken,

2015.03.23.13 **Adjournment**
Motion made by Commissioner Muñoz, second by Commissioner Moses 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 March 23, 2015.



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

