

CALDWELL COUNTY
COMMISSIONERS COURT MINUTES
1403 Blackjack Street, Lockhart, Texas
Regular Meeting September 8, 2014 9:00 a.m.



TOM D. BONN County Judge
CAROL HOLCOMB County Clerk

ALFREDO MUÑOZ Commissioner Pct. 1
FRED F. BUCHHOLTZ Commissioner Pct.2
NETO MADRIGAL Commissioner Pct. 3
JOE IVAN ROLAND Commissioner Pct.4

Commissioner Buchholtz and Judge Bonn present at start of workshop.
Commissioner Madrigal and Commissioner Roland arrived at 8:35 a.m.

8:30 A.M. **WORKSHOP (No Action):** Report from program manager on remodeling of the new Caldwell County Judicial and Service Center. No action will be taken at this time. Project Manager Les Reddin reported the status of the Caldwell County Justice Center and showed the pictures of the progress that is continuing at this time. He explained that the County Auditor was reconciling the purchase of the furniture purchase. Members of the Court and the architect discussed the proposed purchase of ladders that could be used for the rolling files. The next workshop is scheduled for September 22, 2014.

Commissioner Muñoz arrived for meeting.
All Present

Call Meeting to order.

2014.09.08.01 **Invocation.** Lockhart Ministry Alliance.
Pastor James Greene with Lockhart Presbyterian Church opened the meeting in prayer.

2014.09.08.02 **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 Bonn led all present in the Pledge to both Flags.

2014.09.08.03 **Announcements:** Items or comments from Court Members or Staff.
Commissioner Buchholtz let the court know that he had attended the Legislative Conference in Austin approximately 10 days ago.

Commissioner Madrigal recognized and thanked the Emergency Service Employees and the many County employees that volunteered their assistance on Labor Day weekend during the Float Fest on the river.

2014.09.08.04 **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).

1. Susan Stewart urged the Court to pass the agenda item concerning the citizens committee to discuss the ordinance. She also urged them to pass the variance amendments being discussed today. She said that she agreed with the judge that while not all variances should be given, reasons for variances should be considered.

2. Byron Freidrich spoke in support of Commissioner Roland after the "vicious and threatening" attack of Brent Ryan attorney for Green Group Holdings at the August 25, 2014 Commissioner Court meeting. He spoke about the allegations about leakage being at a landfill in Alabama. There is connection with Green Group Holdings and this landfill. He said that Commissioner Roland is looking out for the best interest of his County.

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3. Kathleen Clough spoke to the Court and asked them to help Commissioner Roland to fight for the County. She asked the Court if they would allow her to dump garbage on their yard for 1 (one) dollar. She said that is what the landfill is proposing.

4. Leslie Holder said that she was shocked when she watched the August 25th meeting. She expressed that not only did Brent Ryan threaten Commissioner Roland, but also herself as a Caldwell County resident. She urged the Court to support Commissioner Roland and the County to protect the citizen's health.

(exceeding the time limit, she was asked to continue as the last agenda item of the day).

5. Frank Sughrue thanked the Court and especially Commissioner Roland for their time. He spoke about the events that had transpired at the CAPCOG meeting that was referred to at the August 25th meeting, saying that there were many mistakes in the information given by Brent Ryan including the name of the proposed landfill and that he was corrected by the CAPCOG panel.

6. Oscar Fogle said that about 80% of the water for Luling and Lockhart come from the San Marcos River purified by the Guadalupe Blanco River Authority Treatment Plant. He expressed his concerns for the need of a tax base in Caldwell County. He is concerned that the ordinance changes could hurt growth in the County.

7. Nick Dornak with Plum Creek Watershed spoke about the Texas Lutheran University Center for Leadership sponsors a "Hot Dog Day" of leadership and 20 students came to Luling this past Saturday to help clean up some of the sites on the watershed banks. More events to follow in the Community and Keep Lockhart Beautiful will take place on October 11. He thanked the County for support and Mike Bittner for his help with some safety equipment.

8. Jodie Friedrich spoke to the Court about the proposed landfill and gave an overview of the problem that has occurred at the landfill in Tuscaloosa, Alabama. She gave the Court a handout that spoke of partnership with Green Group Holdings. There is a lawsuit concerning the leakage of arsenic and lead and the change of permits. There was a host agreement signed in the area. She asks for protection for those who will be most affected by the landfill and the future growth of our County.

9. Alicia Thornton was concerned with development on flood plain and the chance of extreme flooding. The expense of cleanup from a flood would be devastating to our County. She said that Commissioner Roland is doing what he was elected to do.

2014.09.08.05 **Consent Agenda.** (Any member of the Court may request that an item within the Consent Agenda to be moved to the Regular Agenda for further discussion and action).

A. Pay Bills in the amount of \$1,069,628.48 for September 8th, 2014.

B. To consider approval of Commissioners Court Minutes for August 25th, 2014.
Motion made by Commissioner Muñoz, second by Commissioner Roland to approve Consent Agenda items A & B. All Voting "Aye"

2014.09.08.06 **Reports.**
Elections Department Report – Pamela Ohlendorf
Pamela Ohlendorf gave the Elections Department Report for August 2014.

Septic and Subdivision Report – Kasi Miles
Kasi Miles gave the Septic and Subdivision report for August 2014.

Treasurer's Report – Lori Rangel
Lori Rangel gave the Treasurers report for July 2014.

2014.09.08.07 **Special Presentations. None.**

(ALL OTHER AGENDA ITEMS)

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Judge Bonn moved these items forward.

2014.09.08.17 **Discussion/Action** to adopt the tax rate of \$0.6906 per \$100 of assessed valuation for the fiscal year 2014-2015.

NOTE: Pursuant to section 81.006 of the Local Government Code, at least four members of the Commissioners Court must be present to vote and at least three members must vote to consider approval of the tax rate. The vote to adopt the tax rate must be a roll call vote.

Required statutory motion: I move to adopt the order setting forth that the property tax rate be increased by the adoption of a tax rate of \$0.6906 per \$100 of valuation, which is effectively a 4.351768% increase in the tax rate.

Motion made by Commissioner Roland, second by Commissioner Muñoz to adopt the order setting forth that the property tax rate be increased by the adoption of a tax rate of \$0.6906 per \$100 of valuation, which is effectively a 4.351768% increase in the tax rate. Roll Call Vote: Commissioner Muñoz-Yes, Commissioner Buchholtz-Yes, Commissioner Madrigal-Yes, Commissioner Roland, Yes, Judge Bonn-Yes. Motion Passed

2014.09.08.18 **Discussion/Action** concerning ratification of the tax rate as it is reflected in the budget. **Cost:** None; **Speaker:** Judge Bonn/Larry Roberson; **Backup:** None.

Required statutory motion: I move to ratify the property tax increase of \$0.6906 per \$100 of assessed valuation that is reflected in the Caldwell County budget adopted on September 4, 2014.

Motion made by Commissioner Roland, second by Commissioner Madrigal to ratify the property tax increase of \$0.6906 per \$100 of assessed valuation that is reflected in the Caldwell County budget adopted on September 4, 2014. Roll Call Vote: Commissioner Muñoz-Yes, Commissioner Buchholtz-Yes, Commissioner Madrigal-Yes, Commissioner Roland, Yes, Judge Bonn-Yes. Motion Passed

2014.09.08.19 **Discussion/Action** to consider the selection of a committee by commissioner's court to discuss the Takings Impact Assessment and proposed amendments to Caldwell County Development Ordinance.

Motion made by Commissioner Roland, second by Commissioner Madrigal to form a citizens committee to discuss the Caldwell County Development Ordinance and will take names from the other Commissioners to form the Committee in addition that Judge Bonn will appoint members of advisory panel. All Voting "Aye"

2014.09.08.20 **Discussion/Action** to adopt Takings Impact Assessment of proposed amendments to Caldwell County Development Ordinance as required by Private Real Property Preservation Act.

Motion made by Commissioner Roland, second by Commissioner Buchholtz to adopt Takings Impact Assessment of proposed amendments to Caldwell County Development Ordinance as required by Private Real Property Preservation Act. All Voting "Aye"

2014.09.08.21 **Discussion/Action** to consider approval of procedural amendments to Caldwell County Development Ordinance, Sections 3.4(C), 3.6.4(B), 4.1(G), 4.3.2(H), 5.4, and 5.5. The Commissioner's Court is considering only the amendments addressed in the Takings Impact Assessment.

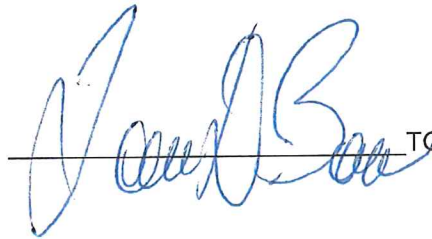
Motion made by Commissioner Roland, second by Judge Bonn to table this item. All Voting "Aye"

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- 2014.09.08.22** **Discussion/Action** to consider approval of publishing notice as required by Private Real Property Preservation Act for substantive amendment to Caldwell County Development Ordinance, Appendix Section G.1 as discussed in the Takings Impact Assessment. Motion made by Commissioner Roland, second by Commissioner Madrigal to approve of publishing notice as required by Private Real Property Preservation Act for substantive amendment to Caldwell County Development Ordinance, Appendix Section G.1 as discussed in the Takings Impact Assessment. Commissioner Muñoz, Commissioner Madrigal, Commissioner Roland and Judge Bonn Voting "Aye" Commissioner Buchholtz voting "No". Motion Passed
- 2014.09.08.23** **Discussion** regarding update on the status of appraisal report from Menn & Associates for the tax office at 100 E. Market Street and the judicial center at 201 E. San Antonio Street as approved at commissioners court on July 28, 2014. Judge Bonn reports that there is no update at this time other than we are close to having both appraisals for the current Judicial Center and the Tax office. Hopes are to have them both by the next meeting. One of them is complete at this time.
- 2014.09.08.08** **Discussion/Action** regarding Burn Ban for Caldwell County. Martin Ritchey spoke on weather conditions and even though there was a little rain, he recommended to keep the burn ban on. Motion made by Commissioner Roland, second by Commissioner Madrigal to keep the burn ban on. All Voting "Aye"
- 2014.09.08.09** **Discussion/Action** to consider approval of Resolution #13-2014 advocating hyperbaric therapy, other medical treatments and therapy for traumatic brain injuries (TBI) and post-traumatic stress disorder (PTSD). Motion made by Judge Bonn, second by Commissioner Muñoz to approve Resolution #13-2014 advocating hyperbaric therapy, other medical treatments and therapy for traumatic brain injuries (TBI) and post-traumatic stress disorder (PTSD). All Voting "Aye"
- 2014.09.08.10** **Discussion/Action** to consider approval of Invoice #210 for August 2014 timesheet for Les Reddin, LongLife Projects in the amount of \$7,200 for the Justice Service Center project management work. Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to approve Invoice #210 for August 2014 timesheet for Les Reddin, LongLife Projects in the amount of \$7,200 for the Justice Service Center project management work. All Voting "Aye"
- 2014.09.08.11** **Discussion/Action** to consider approval of Application and Certificate for Payment #8 for Braun and Butler Construction in the amount of \$683,951.55 for the Caldwell County Justice Center. Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to approve Application and Certificate for Payment #8 for Braun and Butler Construction in the amount of \$683,951.55 for the Caldwell County Justice Center. All Voting "Aye"
- 2014.09.08.12** **Discussion/Action** to consider approval of invoice #50009964 for the rolling office furniture files for new Caldwell County Justice Center in the amount of \$151,512.13. Motion made by Judge Bonn, second by Commissioner Muñoz to approve of invoice #50009964 for the rolling office furniture files for new Caldwell County Justice Center in the amount of \$151,512.13. All Voting "Aye"
- 2014.09.08.13** **Discussion/Action** to consider approval of Invoice #7 from Aulick & Associates in the amount of \$5,000 (40 hours at \$125/hour) for consultant services for the period of August 1st – 31st, 2014, regarding transportation projects for Caldwell County. Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve Invoice #7 from Aulick & Associates in the amount of \$5,000 (40 hours at \$125/hour) for consultant services for the period of August 1st – 31st, 2014, regarding transportation projects for Caldwell County. All Voting "Aye"

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- 2014.09.08.14** **Discussion/Action** to consider approval of Service Agreement with Motorola Solutions contract Number S00001017254 start date 10/01/2014 ending 09/30/2015 for maintenance and software for the Radio Network System. **Cost:** \$23,015.69 quarterly
This is a joint contract with the City of Lockhart and the County for the network. Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to approve Service Agreement with Motorola Solutions contract Number S00001017254 start date 10/01/2014 ending 09/30/2015 for maintenance and software for the Radio Network System at a rate of \$23,015.69 quarterly. All Voting "Aye"
- 2014.09.08.15** **Discussion/Action** to consider approval of the proposed City of Lockhart Animal Shelter budget for fiscal year 2014-2015 in the amount of \$116,621.
Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve the proposed City of Lockhart Animal Shelter budget for fiscal year 2014-2015 in the amount of \$116,621. All Voting "Aye"
- 2014.09.08.16** **Discussion/Action** to consider approval of reimbursing Deborah Kortan \$620.50 for food and drinks during the San Marcos River Fest held on August 31st, 2014 for emergency personnel.
Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve reimbursement of \$620.50 to Deborah Kortan for food and drinks during the San Marcos River Fest held on August 31st, 2014 for emergency personnel. Friendly amendment from Judge Bonn was accepted to use the funds from her budget under health and welfare. All Voting "Aye"
- 2014.09.08.24** **Adjournment**
Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to Adjourn. All Voting "Aye"



TOM D. BONN, County Judge