

CALDWELL COUNTY
COMMISSIONERS COURT MINUTES
1403 Blackjack Street, Lockhart, Texas
Regular Meeting May 27, 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

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 gave the update for the new Judicial Center. At this time, the roof repairs have been done and the concrete on the front of the building will be poured when the ground dries from the rain this week. The next report will be on June 16, 2014.

9:00 A.M.

REGULAR MEETING

Call Meeting to order.

Judge Bonn is not in attendance
Commissioner Madrigal will be Judge Pro Tem.

2014.05.27.01

Invocation. Lockhart Ministry Alliance
Pastor Rob Clopton opened the meeting with prayer.

2014.05.27.02

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).
Commissioner Madrigal led all present in the Pledge to both Flags.

2014.05.27.03

Announcements: Items or comments from Court Members or Staff.
Commissioner Muñoz recognized Veteran Services Officer David Francis for the very nice Memorial Day Ceremony. He thanked all that were involved with it. Commissioner Madrigal thanked everyone involved and 4-H for serving refreshments.

2014.05.27.04

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, the balance of comments will continue as the last agenda item of the day).

1. Kevin Kadlecek with Walton Group, wanted to express his support for the Transportation Projects and that they would be dedicating property for the right of way if needed for connectivity. He asks the Court to be mindful about the Fee Schedule in the County Ordinance, as that new businesses will also look at all of the surrounding Counties when they consider their plans.

2. Patton King spoke to the court in opposition of the proposed landfill. His family has been in Caldwell County in excess of 150 years. He read a letter from another citizen expressing her concerns about the landfill.

3. Lou Mac Naughton expressed her concerns and opposed the proposed Resolution. She read some examples of entities that had opposed other landfills and waste problems.

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4. Alicia Thornton is concerned that Commissioner Buchholtz isn't listening to the citizens of Caldwell County. She is concerned that this Resolution will stifle the voice of the citizens.
5. Eddie Moses opposes the landfill and the Resolution. He expressed the concerns about the air quality and said that people did not buy their land to live by a dump.
6. Rick Vees was very surprised to see the Resolution. If the Court signs the Resolution, he feels that it will mean that the Court doesn't care. There is a question of being in favor or opposed. If it is passed, he feels that they don't care.
7. Frank Sugrue feels that if the Court passes the Resolution that this means they don't care. He says that this subject will never go away, that it will have impact on our County forever. He questions the meaning of the Resolution.
8. Jodie Friedrich spoke about the Fee change for Site Construction Permit in the Development Ordinance. Her research shows that Caldwell County averages to be in the same amounts as neighboring Counties. She opposes the signing of the Resolution proposed today.
9. Leslie Holder said that if signed, the proposed Resolution is in violation of the 1st Amendment rights. It will stifle the voice of the citizens. This will impact our property values as well as impact generations. She opposes the proposed Resolution.
10. Byron Friedrich say's that one of the obligations of the Court is to protect the physical safety, health issues and water quality of the citizens of this County. It is important for elected representatives to take a stand. He opposes the proposed Resolution.
11. David Green spoke about Agenda Item 2014.05.27.18 & 19. He is concerned with the question of "Conflict of Interest" for the County to approve using Bowman Consulting and urges them not to take any action on this item. Concerning #19, He urges the Court to not take action on this item as well.
12. Mike Geneva said that if he had known about the proposed landfill before buying, that he would not have moved here and that now many people will not move here. He and his family moved here in 2006.

2014.05.27.05 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 \$136,414.15 for May 27th, 2014.

B. To approve Commissioners Court Minutes for May 19th, 2014.

Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to approve Consent Agenda. All Present Voting "Aye"

2014.05.27.06 Reports.

Building Maintenance Report – Curtis Weber

Curtis Weber was not present. Commissioner Roland read the Maintenance Report for the month of April, 2014.

Environmental Investigator Report – Mike Bittner

Mike Bittner gave the Environmental Report for April 2014. He reported that there was still a high percentage of tires dumped in the County.

Human Resources Report – Deborah Kortan

Deborah Kortan gave the Human Resource Report for April 2014. She discussed software problems, the formation of new Employee Handbooks and other work in process for the office.

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IT Report – Mark Hinnenkamp

Mark Hinnenkamp reported that the decision for the new phone system would be settled soon.

Texas AgriLife Extension Service Report – Carissa Wilhelm/ Michael Haynes

Carissa gave the report for both, she and Michael. It has been a busy time with the District 10 4-H Fashion show in Lockhart. About 350 people visited for it. The State Roundup is soon approaching. There were 2 Water Fair events held in the District this past week. The Luling Foundation event and the Memorial Day event took place this past month also. June will be a very busy month also. Commissioner Madrigal asked her to thank the children and all the parents for their hard work.

2014.05.27.07 Special Presentations. None.

(ALL OTHER AGENDA ITEMS)

- 2014.05.27.08 Discussion/Action** to approve extending Architect's contract and approving the architect to engage an engineer for the design and extension of the road behind the new Judicial Center to MLK Blvd.
Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to approve extending Architect's contract and approving the architect to engage an engineer for the design and extension of the road behind the new Judicial Center to MLK Blvd. All Present Voting "Aye"
- 2014.05.27.09 Discussion/Action** to approve Resolution #08-2014 regarding the Commissioners Court's position on the 130 Environmental Park in Caldwell County, Texas.
Motion made by Commissioner Madrigal, second by Commissioner Muñoz to table this item indefinitely. All Present Voting "Aye"
- 2014.05.27.10 Discussion/Action** regarding Burn Ban for Caldwell County.
Motion made by Commissioner Roland, second by Commissioner Madrigal to leave the burn ban off at this time. All Present Voting "Aye"
- 2014.05.27.11 Discussion/Action** to approve the sale and regulation of fireworks in Caldwell County.
Motion made by Commissioner Madrigal, second by Commissioner Buchholtz to approve the sale and regulation of fireworks in Caldwell County. All Present Voting "Aye"
- 2014.05.27.12 Discussion/Action** to consider disposition of Genie Manlift.
Motion made by Commissioner Muñoz, second by Commissioner Roland to post the Genie Manlift on gov.deals with a minimum bid of \$45,000.00. All Present Voting "Aye"
- 2014.05.27.13 Discussion/Action** to keep a third automobile for Constable Precinct 1 to help maintain level of warrant collections.
Commissioner Muñoz explained the use of a third vehicle for the Constables Office. Constable Precinct 1 Smitty Terrell spoke to the court explaining that the vehicle that was being discussed would never be used in traffic pursuit, only for warrant collection. Motion made by Commissioner Muñoz, second by Commissioner Roland to approve Constable Pct. 1, Smitty Terrell to keep a third automobile for warrant collections. All Present Voting "Aye"
- 2014.05.27.14 Discussion/Action** to approve Resolution #09-2014 appointing the County Judge as the official county representative for the purchase of property next to the new Judicial and Service Center and authorizing him to execute any documents relating to the purchase.
Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to approve Resolution #09-2014 appointing the County Judge and or Judge Pro Tem, Commissioner Madrigal as the official county representative for the purchase of property next to the new Judicial and Service Center and authorizing him to execute any documents relating to the purchase. All Present Voting "Aye"

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EXECUTIVE SESSION BEGINS: 10:25 a.m.

2014.05.27.15 **EXECUTIVE SESSION** pursuant to Section 551.072 of the Government Code to deliberate the possible sale of county-owned real estate within the City of Lockhart. No action will be taken in executive session.

EXECUTIVE SESSION ENDS: 10:40 a.m.

2014.05.27.16 **Discussion/Action** to select up to three transportation projects to submit to CAMPO requesting newly available funding for Fiscal Year 2015-2019.

Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to select candidate projects as follows, **1.** (12) US 183 in Luling **2.** (3) FM 20 and Westwood Intersection, and **3.** (1) County View Rd/CR 235 as the three transportation projects to submit to CAMPO requesting newly available funding for Fiscal Year 2015-2019. All Present Voting "Aye"

2014.05.27.17 **Discussion/Action** to hold a joint County Commissioners Court and City of Lockhart Council meeting on Tuesday, June 17th at 6:30 pm at City Council Chambers (Eugene Clark Library) regarding the SH 130 Plum Creek Mitigation Area. Guadalupe-Blanco River Trust has a proposal to take title to the 265 acre wetland mitigation site from TxDOT.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to hold a joint County Commissioners Court and City of Lockhart Council meeting on Tuesday, June 17th at 6:30 pm at City Council Chambers (Eugene Clark Library) regarding the SH 130 Plum Creek Mitigation Area. All Present Voting "Aye"

2014.05.27.18 **Discussion/Action** to approve using engineer consultant, Bowman Consulting, for the purpose of approving subdivision plats and deeds for Caldwell County.

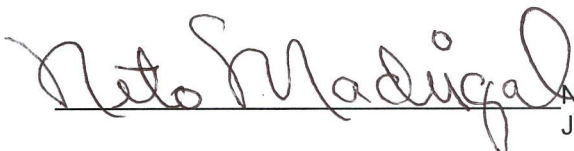
Tracy Bratton with Bowman Consulting spoke to the Court about the law pertaining to time restraints of plat approval. Motion made by Commissioner Roland, second by Commissioner Muñoz to approve using engineer consultant, Bowman Consulting, for the purpose of approving subdivision plats and deeds for Caldwell County. All Present Voting "Aye"

2014.05.27.19 **Discussion/Action** to approve conducting a takings impact assessment regarding proposed amendments for development ordinance.

Motion made by Commissioner Roland, second by Commissioner Muñoz to approve conducting a takings impact assessment regarding proposed amendments for development ordinance. After Discussion, Commissioner Roland withdrew his motion. Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to table this item until June 16, 2014. All Voting "Aye"

2014.05.27.20 **Adjournment**

Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to Adjourn.



NETO MADRIGAL, Commissioner Pct. 3
Judge Pro Tem