

CALDWELL COUNTY
COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting February 9, 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

- 2015.02.09.01** **Invocation.** Lockhart Ministry Alliance.
Pastor Brian Dziadik-Willingham with Grace Lutheran Church opened the meeting in prayer.
- 2015.02.09.02** **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.
- 2015.02.09.03** **Announcements.** Items or comments from Court Members or Staff.
Commissioner Moses attended the fund raiser for the local Food Bank, \$9,615.00 was raised. Also on February 21, 2015, there will be a tire collection held for the County. This will be in Pct. 2 but for the entire County. The Go Texan Boots & Hearts Country Ball will be this Saturday evening and will raise money for local scholarships. Also March 14 is Caldwell County Day at the Houston Livestock Show and tickets are available. Commissioner Roland attended and enjoyed the Hot Rods & Hatters event this past weekend, on the square. It was a great turnout. Commissioner Madrigal thanked Texas Hatters for all the hard work with local businesses and the Community. Commissioner Muñoz spoke of the loss of a local icon, Lilly Serna. She was very involved with the community and will be greatly missed.
- 2015.02.09.04** **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. Jim D. Henderson spoke to the Court in opposition to Resolution 03-2015: Resolution in Opposition to the Application by 130 Environmental Park for Municipal Solid Waste Landfill. Permit Number 2383. Research that he presented shows discrepancies in the geological survey information that was submitted. He asks the Court to not approve the Resolution.
2. James Abshier spoke to the Court and supports Resolution 03-2015: Resolution in Opposition to the Application by 130 Environmental Park for Municipal Solid Waste Landfill. Permit Number 2383. He feels that the landfill could bring economic and ecological disaster to our County. He stated that he was opposed to the extension.

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3. Hopy Haden encouraged the Court to enter into a host agreement and is concerned that it could hurt the County's negotiation position if the Court does not begin to work with Green Group. He is against Resolution 03-2015 and stated that TCEQ's findings are different than the findings stated in the Resolution.

4. Linda Pittman spoke to the Court in opposition of the landfill. She spoke about the damage to wildlife, air and soil for generations to come, calling it a seal of death if approved. Since she requires an oxygen tank, she says that it make the difference in life or death.

5. Jessica Neyman spoke in favor of the Resolution 03-2015. Resolution in Opposition to the Application by 130 Environmental Park for Municipal Solid Waste Landfill. Permit Number 2383. She congratulated the Court calling it a bold step. She said that this shows that the Court joins other counties in seeing that the value in land and water are worth more than the immediate fiscal impact. She asked the Court to be firm and fair.

6. Lou MacNaughton spoke in opposition of the landfill. She asked the Court to be responsible and look at the bigger picture concerning drinking water and the quality of air for generations to follow.

7. Kathryn Meneley is not only concerned with the air and water quality but belonging to a family of volunteer fire fighters, she is concerned with increased fire safety in the that area from the creation of the landfill. Not only in the event of lightning at the site, but the carelessness of people that throw cigarettes out the windows of vehicles.

8. Darrell Scott is concerned that our County Court has other things to worry about than the proposed landfill. There are environmental infractions throughout the County that are being ignored. He spoke about property that had multiple cars and trash on them and other sites with large quantities of trash. He said that there were state agencies with expertise to regulate environmental infractions and he encouraged a host agreement with Green Group Holdings.

9. Frank Sughrue asked the Court to reject the extension for Green Group Holdings. He said that they have had 2 extensions already and if the extensions continued that other developers would expect preferential treatment also. He said that there are locations located within the area on the plat that are located over the flood plain. And that he supports the Resolution.

10. Sandra Billingsly urged the members of the Court to do their own research on Green Group. She explained that she is not opposed to growth, but that she would like to see compatible growth that would welcome other businesses to the area. She opposes the environmental park.

11. Robert D. Kohler stated that he has been a Caldwell County resident for about 14 years. He is concerned about damage to the watershed and the water quality throughout the County. He asked who would take responsibility for the damage that would be done if the landfill is built. He opposes the landfill and asked the court to deny the extension. He is in favor of the Resolution.

12. Oscar Fogle stated that he is not for or against the project, but has concerns about the preparation and wording of Resolution 03-2015. He explained that he has the confidence and trust in TCEQ, TxDOT, and those with the expertise to make the proper decisions. He urges the Court to not pass Resolution 03-2015.

13. Byron Friedrich spoke against any extension for Green Group Holdings and he is in favor of Resolution 03-2015. He asked the Court to stand up for Caldwell County and is concerned for the children of future generations.

14. Alicia Thornton supports Resolution 03-2015. She has concerns about a host agreement being signed by the Court and not having the right to speak out afterwards.

15. Jodie Friedrich is in support of Resolution 03-2015 and against any further extensions for Green Group. She believes that it is up to the Court to ensure prosperity for the County.

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2015.02.09.05 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. Approve payments of county invoices in the amount of \$187,368.23

B. To accept County Clerk Carol Holcomb, District Clerk Tina Morgan and Treasurer Lori Rangel's Certificates of Completion for completing the required 20 hours of continuing education for 2014 as prescribed in Sections 51.605 and 2256.008 of the Texas Government Code.

C. To approve the Caldwell County Historical Commission's newly elected and re-elected officers and to appoint new nominee's to the Historical Commission.

D. To acknowledge receipt from the Community Supervision and Corrections Department (CSCD) of Caldwell County for statement of financial position and the 4th quarter state report for fiscal year ending August 31st, 2014.

Motion made by Commissioner Muñoz, second by Commissioner Roland to approve Consent agenda items A-D. All Voting "Aye"

2015.02.09.06 Reports.

Septic and Subdivision Report – Kasi Miles

Kasi Miles gave the Septic and Sanitation report for the month of January 2015. She reported the results of the audit done by the Texas Water Development Board and said that the final report would be submitted to the Court when received. There were only 2 minor violations that were being corrected. Judge Schawe thanked her for her work.

Treasurer's Report – Lori Rangel

County Treasurer Lori Rangel gave the Treasurer's Report for the quarter ending December 2014.

2015.02.09.07 Special Presentation. None

(ALL OTHER AGENDA ITEMS)

2015.02.09.14 Discussion/Action to approve a Proclamation in appreciation to the Maxwell Volunteer Fire Department for fifty years of dedicated service.

Commissioner Madrigal spoke about the forming and maintaining of the Maxwell Volunteer Fire Department throughout the past 50 years. It has been maintained by a few of the families still residing in the Maxwell area. Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve a Proclamation in appreciation to the Maxwell Volunteer Fire Department for fifty years of dedicated service. All Voting "Aye"
Fire Chief Donald Leclerc accepted the Proclamation for the Department.

2015.02.09.08 Session pursuant to Section 551.071 of the Texas Government Code: Consultation with counsel regarding the preliminary plat application for 130 Environmental Park and activities associated with the project.

No action taken in Executive Session.

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- 2015.02.09.09** **Discussion/Action** to further extend the period for final action on preliminary plat application of 130 Environmental Park as allowed by Section 3.4(G) of the Caldwell County Development Ordinance. This extension will provide the applicant additional time to respond to technical comments from the county's engineering consultant and the county's engineering consultant additional time to review those responses. Motion made by Judge Schawe, second by Commissioner Roland to extend until March 9, 2015 with technical comments due no later than February 20, 2015. Judge Schawe amended, second by Commissioner Muñoz adding for this to be a final extension. All Voting "Aye"
- 2015.02.09.10** **Public Hearing** to discuss the approval or disapproval of the preliminary plat application for 130 Environmental Park located north of FM 1185 between U.S. 183 and Hommanville Trail, in the event the Court does not grant an extension. Possible action may follow.
Public Hearing is postponed. Anyone that would like to make a comment, Citizen Comments will be reopened at the end of the Agenda and they may fill out a request form and speak at that time.
- 2015.02.09.11** **Discussion/Action** to approve or disapprove the preliminary plat application for 130 Environmental Park located north of FM 1185 between U.S. 183 and Hommanville Trail, in the event the Court does not grant an extension.
No Action at this time.
- 2015.02.09.12** **Discussion/Action** to approve or deny Resolution Number 03-2015: Resolution in Opposition to the Application by 130 Environmental Park for Municipal Solid Waste Landfill. Permit Number 2383.
Motion made by Commissioner Roland and withdrawn to table this item until February 16, 2015. Motion made by Commissioner Roland, second by Commissioner Muñoz to table this item until February 23, 2015. All Voting "Aye"
- 2015.02.09.13** **Discussion/Action** to amend the Commissioner's Court minutes, regarding 130 Environmental Park, from the December 8th, 2014 meeting.
Motion made by Commissioner Muñoz, second by Commissioner Moses to amend the Commissioner's Court minutes from the December 8th, 2014 meeting. All Voting "Aye"
- 2015.02.09.15** **Discussion/Action** to approve Board of Directors for the Luling Foundation. Following nominees are: Gary Dickenson, Rick Johnson, and Bill Watson.
Motion made by Commissioner Moses, second by Commissioner Roland to approve Gary Dickenson to remain on the Board of Directors for the Luling Foundation. All Voting "Aye"
- 2015.02.09.16** **Discussion/Action** to set a public hearing February 23rd, 2015, for consideration of the final plat for Sunrise Meadows, Phase Two subdivision located off Barth Road (aka CR179).
Motion made by Commissioner Roland, second by Commissioner Moses to set a public hearing February 23rd, 2015, 9:30 a.m. for consideration of the final plat for Sunrise Meadows, Phase Two subdivision located off Barth Road (aka CR179). All Voting "Aye"

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- 2015.02.09.17 Discussion/Action** to consider approval to paint the newly acquired 2007 Crown Vic for Constable Precinct 3 and to issue a check payable to Economic Paint in Austin.
Cost: \$557.00.
Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve to paint the newly acquired 2007 Crown Vic for Constable Precinct 3 and to issue a check payable to Economic Paint in Austin not to exceed \$557.00. All Voting "Aye"
- 2015.02.09.18 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 February 9, 2015.

Carol Holcomb

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

