

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting December 12, 2016 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. Meeting called to order by Judge Schawe at 9:00 a.m. All members of the court present.

2016.12.12.01 **Invocation.** Lockhart Ministerial Alliance. No minister present Judge Schawe led an opening prayer.

2016.12.12.02 **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.

2016.12.12.03 **Announcements.** Items or comments from Court Members or Staff.
Commissioner Muñoz thanks the people of Caldwell County for their encouragement, support, and voice during his time as Commissioner. He also thanks Caldwell County employees for their dedication and hard work. It has been a pleasure and he congratulates the new commissioner. He encourages people to get involved and says he has been on committees in the community for nineteen years and will continue to be involved. Commissioner Moses thanks Commissioners Muñoz and Madrigal. Muñoz helped him when he was new on the board. In Luling Blue Santa collected over \$10,000.00. You can still give to Brown Santa. David Brent, Sheriff's Chief Deputy is retiring and Moses thanks him for his years of service. He suggests you drive to Luling to look at all the Christmas lights. Commissioner Madrigal says he had a great honor to serve Caldwell County for twelve years and to be the people's representative. He served three different administrations and four judges but they all wanted to serve and protect Caldwell County and make it a better place for future generations. He says a lot has been accomplished but there's much more to do and he asks the new court to work together to accomplish goals. Commissioner Roland says he is tender-hearted and that he hates to see his friends (Commissioners Muñoz and Madrigal) go, but he trusts God and has met with Hoppy Haden and they have a lot in common. His Christmas present is his daughter being here from Canada.

Martin Ritchey gives a brief from the NTSB (National Transportation Safety Board) hearing. He was part of a delegation from Caldwell County that traveled to Washington and met with NTSB Chairman Christopher Hart and attended hearings that went over the incident in the Maxwell area. Martin Ritchey explains that the pilot of the balloon had several past infractions with the law. They would have precluded him from receiving a pilot's license, but for a balloon license such infractions, by law, have to self-reported to the FAA (Federal Aviation Administration). Mr. Ritchey says that the NTSB gave high kudos to Caldwell County's First Responders. He thanks all first responders involved and says thanks to Caldwell County for the busses and the use of the grounds here to take care of the families of the victims.

Judge Schawe recognizes Margaret Riddle, all of her volunteers, and also Pegasus School for working with all the Christmas decorations. He also says thank you to Judge Blomerth, David Brent, and Janie Ortiz who are all retiring this year. He recognizes Commissioners Muñoz and Madrigal who are presented with plaques to thank them for their service to Commissioners Court.

COMMISSIONERS COURT MINUTES
Regular Meeting on December 12, 2016

2016.12.12.04 **Citizens' Comments.** Comments will be limited to four (4) minutes per person.
No citizens' comments.

2016.12.12.05 **Consent Agenda.** The following consent items may be acted upon in one motion.

- A. Approve payment of County invoices in the amount of \$1,195,779.11.
- B. Accept the November 2016 Tax Collection Report from the Caldwell County Appraisal District.
- C. Approve the Interlocal Agreement for Alternative Dispute Resolution Services with the Dispute Resolution Center (DRC), in which the Commissioners Court approved entering into on September 26th, 2016.
- D. Approve the issuance and payment of Bond Number 14268134 for Daniel C. Law, Sheriff, in the sum of \$5,000.00 beginning January 01, 2017 for a term of four years.
- E. Approve the issuance and payment of Bond Number 62983406 (State Bond) for Darla Law, County Tax Assessor Collector, in the sum of \$100,000.00 beginning January 01, 2017 for a term of four years.
- F. Approve the issuance and payment of Bond Number 62983458 (County Bond) for Darla Law, County Tax Assessor Collector, in the sum of \$100,000.00 beginning January 01, 2017 for a term of four years.
- G. Approve the issuance and payment of Bond Number 62984207 for Hoppy Haden, County Commissioner, Precinct One in the sum of \$3,000.00 beginning January 01, 2017 for a term of four years.
- H. Approve the issuance and payment of Bond Number 62986620 for Edward A. Theriot, County Commissioner, Precinct Three in the sum of \$3,000.00 beginning January 01, 2017 for a term of four years.
- I. Approve the issuance and payment of Bond Number 62997812 for Tom Will, Constable, Precinct Two in the sum of \$1,500.00 beginning January 01, 2017 for a term of four years.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve consent agenda items A-I. All voting "Aye".

SPECIAL PRESENTATIONS

David Marsh - CARTS

David Marsh from CARTS wants to recognize Commissioner Madrigal and thank him for his twelve years of service to CARTS during his time as a Caldwell County Commissioner and he presents him with a plaque. He also welcomes Commissioner Roland to the Board.

Kathy Green - *Central Texas Food Bank's new facility and plans for expansion of services.*

Kathy Green is Advocacy and Public Policy Director for CTFB and an elected liaison for the court. She presents the court with packets about CTFB and details some of the partners in the area. Kathy Green then describes the new facility and how much more food they will be able to distribute. She talks about their food sources, fund raisers, and education to the public. She details the food insecurity in Caldwell County and how they are working to combat it. She encourages spreading the word and volunteering.

COMMISSIONERS COURT MINUTES
Regular Meeting on December 12, 2016

Commissioner Moses and Kathy Green talk about volunteering at local banks.

2016.12.12.16

CALL FOR PUBLIC HEARING at 9:30 AM: concerning the approval of a Preliminary Plat for Sunfield North subdivision to include 14 lots on approximately 31.015 acres located on State Highway 142, Jolly Road (CR 230) and Cistern Road (CR 104). **Speaker:** Commissioner Madrigal/Kasi Miles; **Cost:** None; **Backup:** 5.

Judge Schawe opens the public hearing at 9:30 a.m.

Kasi Miles introduces the agenda item and asks for any comment from the public. Alejandro Gutierrez is a Maxwell resident who expresses his concerns about the subdivision. He feels houses should be built there rather than a subdivision and says the roads will not support the additional traffic. He is also concerned about drainage and fire safety for the area.

Judge Schawe closes the public hearing at 9:36 a.m.

2016.12.12.17

Discussion/Action to consider approval of a Preliminary Plat for Sunfield North subdivision to include 14 lots on approximately 31.015 acres located on State Hwy 142, Jolly Road (CR 230) and Cistern Road (CR 104). **Speaker:** Commissioner Madrigal/Kasi Miles; **Cost:** None; **Backup:** 21.

Kasi Miles is just looking for approval for the Preliminary Plat. Commissioner Madrigal says he shares some of Alejandro Gutierrez's concerns. Motion made by Commissioner Madrigal to table the item, second by Commissioner Roland. Discussion between Kasi Miles, Judge Schawe, Commissioner Madrigal, and Zach Potts of Sunfield North about the Plat being preliminary and there being between a month and a half and two months for the meeting to take place with Mr. Gutierrez. Kasi Miles trusts Bowman Consultant Tracy Bratton's review of the Preliminary Plat and says nothing can be recorded until Final Plat so she recommends approving, but states it is up to the court.

Commissioners Madrigal and Roland vote to table the item and Commissioners Muñoz and Moses vote against tabling.

Judge Schawe says he'll go on the suggestion of staff. There is no reason not to accept the Preliminary Plat so he will accept it. Commissioner Muñoz asks that the court readdress this and ensure a meeting between Mr. Gutierrez, Kasi Miles, and Zach Potts. Kasi Miles reassures the court that a meeting will be set up this week. Motion to table failed.

(ALL OTHER AGENDA ITEMS)

2016.12.12.06

Discussion/Action regarding the burn ban for Caldwell County. **Speaker:** Judge Schawe/Martin Ritchey; **Cost:** None; **Backup:** None.

Martin Ritchey says the Volunteer Fire Chiefs voted 7-1 to keep the burn ban in effect. Motion made by Commissioner Roland, second by Commissioner Muñoz to keep the burn ban in place. All voting "Aye".

2016.12.12.07

Discussion/Action to adopt an order regulating certain fireworks in unincorporated areas of the county. **Speaker:** Judge Schawe/Martin Ritchey; **Cost:** None; **Backup:** 1.

COMMISSIONERS COURT MINUTES
Regular Meeting on December 12, 2016

Martin Ritchey explains the conditions that merit a burn ban are the same ones that merit this order. Sticks and Fins would be prohibited because their direction cannot be controlled. Commissioner Moses and David Brent discuss how the fireworks are regulated and restricted. Martin Ritchey and Commissioner Muñoz explain to Commissioner Moses that the point is to prevent any fire possible and based on state regulations this is the minimum that can be done. The court discusses the ability to change the order if conditions change, concluding with Civil Attorney Jordan Powell it could only be done if a special meeting were called.

Motion made by Commissioner Muñoz, second by Commissioner Roland to adopt an order regulating certain fireworks in unincorporated areas of the county. Commissioners Muñoz, Madrigal, and Roland voting in favor, Commissioner Moses voting against. Order passed. Jordan Powell adds that she will draft a more specific Order.

2016.12.12.08

Discussion/Action to approve the contract between Graves Humphries Stahl, LTD (GHS) for the purposes of court collection services. **Speaker:** Judge Schawe; **Cost:** TBD; **Backup:** 3.

Judge Schawe, Commissioner Muñoz, and Jordan Powell discuss the status and length of the contract. Jordan Powell asks if the court would table the discussion. Dallas Osborn from Graves Humphries Stahl, LTD gives more detail about the contract. Commissioner Muñoz would like to allow the new court to review the contract.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to table approving the contract. All voting "Aye".

2016.12.12.09

Discussion/Action to accept the donation to the county by Constable Michael Bell of a 2009 Chevrolet Tahoe to be used to Department 4323, Constable, Precinct 3. **Speaker:** Judge Schawe; **Cost:** TBD; **Backup:** None.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to accept the donation to the county by Constable Michael Bell of a 2009 Chevrolet Tahoe to be used to Department 4323, Constable, Precinct 3. Commissioner Moses, Commissioner Madrigal, and Judge Schawe discuss the condition and use of the vehicle. All voting "Aye".

2016.12.12.10

Discussion/Action to endorse and approve the Flint Hills Resources Funded Intersection Improvement Project on SH 21 and CR 176 (Lone Star Dr.) **Speaker:** Commissioner Madrigal; **Cost:** TBD; **Backup:** 4.

Commissioner Madrigal relates the details of the project and introduces planning consultant Michael Aulick who goes over previous works done with Flint Hills Resources and the current agreement. The County can ask for more money if the project goes over the current estimate. Commissioner Madrigal endorses working with Flint Hills Resources. Commissioner Muñoz is concerned about the cost going over and Michael Aulick highlights the ability of the County to ask for more funding if the bids come in high.

Motion made by Commissioner Madrigal, second by Commissioner Roland to endorse and approve the Flint Hills Resources Funded Intersection Improvement Project on SH 21 and CR 176.

Judge Schawe asks Michael Aulick if his fees are part of Flint Hills Resources' estimate but Mr. Aulick answers he has not discussed that with them yet.

Commissioner Roland adds that 176 is now in his precinct and discusses with Mr. Aulick the future prospect of that road again having an outlet. All voting "Aye".

COMMISSIONERS COURT MINUTES
Regular Meeting on December 12, 2016

- 2016.12.12.11** **Discussion/Action** to execute the Interlocal Cooperation Contract between the Texas Department of Public Safety and Caldwell County for Driver License Office Space. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** 9.
- Motion made by Commissioner Muñoz, second by Commissioner Moses to execute the Interlocal Cooperation Contract between the Texas Department of Public Safety and Caldwell County for Driver License Office Space. All voting "Aye".
- 2016.12.12.12** **Discussion** regarding the re-formation of the Subdivision Committee and re-defining the scope of the Committee. **Speaker:** Commissioner Roland; **Cost:** None; **Backup:** None.
- Commissioner Roland explains wanting to form a new committee regarding subdivisions and meeting with one of the upcoming Commissioners. Commissioner Muñoz asks if he would like to table the discussion until the new court can review it.
- Motion made by Commissioner Roland, second by Commissioner Madrigal to table the discussion. All voting "Aye".
- 2016.12.12.13** **Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Sand Hill Acres located on Sand Hill Road (CR 161). **Cost:** None; **Speaker:** Commissioner Moses / Kasi Miles; **Backup:** 11.
- Kasi Miles describes the short form Plat and asks for approval.
- So moved by Commissioner Moses, second by Commissioner Muñoz to approve of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Sand Hill Acres located on Sand Hill Road. All voting "Aye".
- 2016.12.12.14** **Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Baker Estates located off U.S Highway 183 and Mineral Springs(CR 114). **Speaker:** Commissioner Moses/Kasi Miles; **Cost:** None; **Backup:** 14.
- Kasi Miles explains the details of this Final Plat and that all is in order.
- So moved by Commissioner Moses, second by Commissioner Muñoz approving an order authorizing the filing of a Final Plat (Short Form Procedure) for Baker Estates located off U.S Highway 183 and Mineral Springs. All voting "Aye".
- 2016.12.12.15** **Discussion/Action** to accept public streets and drainage of Dale Oaks Subdivision as complete and ready to begin the two year performance period of said public improvements as evidenced by a Letter of Credit in the amount of \$27,399.68 and to release the construction security/cashier's check in the amount of \$273,996.80 back to the developer. **Cost:** None; **Speaker:** Commissioner Roland / Kasi Miles; **Backup:** 2.
- Kasi Miles goes over the details of the action and Donald LeClerc, Unit Road Administrator, states everything on his punch list was completed.
- So moved by Commissioner Roland, second by Commissioner Madrigal to accept public streets and drainage of Dale Oaks Subdivision as complete and ready to begin the two year performance period of said public improvements as evidenced by a Letter of Credit in the amount of \$27,399.68 and to release the construction security/cashier's check in the amount of \$273,996.80 back to the developer. All voting "Aye".

COMMISSIONERS COURT MINUTES
Regular Meeting on December 12, 2016

2016.12.12.18

Discussion/Action to approve payment to Aaron Concrete. **Speaker:** Judge Schawe.
Cost: TBD; **Backup:** None.

Judge Schawe says he met with the parties involved and that there was a change order for the eighty-two thousand dollars (\$82,000.00). He also says there will be additional work to fix road damage. He and Michael Aulick agree on paying the County's bill and waiting for TxDot's approval of the change order.

Motion made by Commissioner Muñoz, second by Commissioner Moses to pay Aaron Concrete \$1,054,598.65 to finish out the contract. Judge Schawe, Commissioner Muñoz, and Michael Aulick discuss the road conditions going forward, the County being under budget, and communication with TxDot. All voting "Aye".

2016.12.12.19

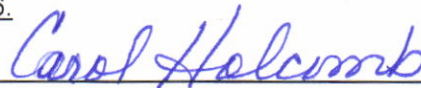
Discussion/Action regarding payment of invoices received at the end of the calendar year and giving Judge Schawe approval to authorize payment. **Speaker:** Judge Schawe;
Cost: TBD; **Backup:** None.

Judge Schawe goes over the action item. Motion made by Commissioner Muñoz, second by Commissioner Moses to approve the Judge to pay invoices received at the end of the calendar year and report the payments to the court in January. Commissioner Madrigal asks Judge Schawe to look at a pending bill for cleanup in Martindale. All voting "Aye".

2016.12.12.20

Adjournment. Motion made by Commissioner Muñoz, second by Commissioner Moses to adjourn. All voting "Aye". Meeting adjourned at 10:19 a.m.

I, CAROL HOLCOMB, COUNTY CLERK AND EX OFFICIO 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 December 12, 2016.



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

