

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting March 14, 2016 9:00 a.m.



KEN SCHAWA
CAROL HOLCOMB

County Judge
County Clerk

ALFREDO MUÑOZ
EDDIE MOSES
NETO MADRIGAL
JOE IVAN ROLAND

Commissioner Pct. 1
Commissioner Pct. 2
Commissioner Pct. 3
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.

2016.03.14.01 Invocation. Lockhart Ministerial Alliance.

Leo Carrasco, Associate Pastor of First United Methodist Church in Lockhart, Texas opened the meeting with prayer.

2016.03.14.02 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 of both flags.

2016.03.14.03 Announcements. Items or comments from Court Members or Staff.

Commissioner Muñoz reminded department heads and elected officials the 2015/2016 budget is now available for a copy. He attended a meeting with the Greater San Marcos Partnership and discussed possible economic development into the Lockhart area. **Commissioner Moses** announced the Luling Food Bank raised approximately \$6,500.00 at their recent fundraiser. He attended a CAMPO meeting where they discussed a Luling study. He stated a blinking light will be installed in McMahan on FM86 and FM713 due to the high traffic in that area. He attended the Rajun Cajun in Luling and the Caldwell County Stock Show stating good turn outs. He announced the upcoming Chili Cook off in Luling next month in April and encouraged everyone to attend the grand opening for the new La Quinta Inn & Suites hotel in Luling this Wednesday. **Commissioner Madrigal** met with Commissioner Ingalsbe from Hays County regarding flooding. He thanked the Unit Road Department for the repairs done after the recent rainfall. He congratulated the kids from the FFA and 4H Club for a great job with their livestock at the Stock Show. **Commissioner Roland** said some county roads are still in bad shape but acknowledged the Unit Road Department is doing all they can but do not have enough funds. He thanked citizens of Caldwell County for the turnout at the Black History Banquet and mentioned he received numerous thank you letters from kids at the Luling Stock Show. He announced the passing of a young man. **Judge Schawe** stated he is working close with CAPCOG on economic development for the county.

2016.03.14.04 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).

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Norm Thomas spoke of the costs and burdens of tubing on the river in Caldwell County. He presented a handout to the court. (DOCUMENT WAS NOT SUBMITTED FOR THE MINUTES OF THE COURT) He described the Mass Gathering Act and requested the court place this as an item on the court's agenda for discussion and a possible hearing.

Tom Goynes stated he owns a campground by the river and explained issues relating to people tubing and the consumption of alcohol on the river. He explained the Mass Gathering Act and requested the county eliminate or slow down the mass gatherings.

Michael Villalpando spoke of the election process in Hays county and issues pertaining to the election results in Caldwell County. He stated he contacted the Election's Office who referred him to the County Judge. He shared his concerns for precincts 301 and 302 asking why they are split.

Lou MacNaughton submitted pictures of the area where the proposed Palmer Ranch Subdivision would be located. (DOCUMENT WAS NOT SUBMITTED FOR THE MINUTES OF THE COURT) She explained issues and concerns pertaining to the flooding of roads in that area and Lytton Creek. She requested the developer of Palmer increase the size of the lots for safety reasons.

2016.03.14.05

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. Approve payment of County invoices in the amount of \$646,470.13.
- B. Accept Continuing Education Transcript of required hours for Tax Assessor-Collector, Darla Law.
- C. Accept the February 2016 Tax Collection Report.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve Consent Agenda items A-C. All voting "Aye".

2016.03.14.16

PUBLIC HEARING AT 9:30 AM concerning the approval of a Preliminary Plat for the Palmer Ranch Subdivision to include approximately 77.204 acres located on County Line Road (CR 172). **Cost:** None; **Speaker:** Commissioner Roland/Kasi Miles; **Backup:** 7

Kasi Miles opened the public hearing and explained the proposed preliminary plat for the Palmer Ranch Subdivision. Tyler Williams with Forister Ranch Investments addressed citizen comments and said a revised plat had already been made to address those concerns. He explained their goal is to build a nice subdivision for Caldwell County near the new elementary school that is being built in Lytton Springs. Kasi Miles said there is concern for flooding in the area but that adjustments can still be made before a final plat is approved. Alicia Thornton shared her concerns about the flooding and low water crossings in the area.

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2016.03.14.06

Reports / Special Presentations

Juvenile Crime Statistics – Director of Juvenile Probation, Jay Monkerud

Jay Monkerud discussed juvenile crime statistics. Commissioner Muñoz received clarification that the crime rate has normalized this year. Jay Monkerud stated Legislation may pass a law that would make 17 year olds be charged as juveniles instead of adults.

Pre-Trial Bond Suspension Report – April Craig, Community Supervision Officer

April Craig gave a report on the Pre-Trial program. Commissioner Moses received clarification that fewer pre-trial bonds were given this year than last.

(ALL OTHER AGENDA ITEMS)

2016.03.14.07

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

Martin Ritchey stated due to the amount of precipitation the county received, he recommended leaving the burn ban off.

Motion made by Commissioner Roland, second by Commissioner Madrigal to leave the burn ban off. All voting "Aye".

2016.03.14.08

Discussion/Action to approve a Proclamation Declaring March Red Cross Month in Caldwell County. **Cost:** None; **Speaker:** Judge Schawe/ Martin Ritchey; **Backup:** None.

Martin Ritchey introduced volunteers from the American Red Cross. Commissioner Madrigal thanked them on behalf of Precinct 3. Martin Ritchey read the Proclamation.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve the Proclamation Declaring March Red Cross Month in Caldwell County. All voting "Aye".

2016.03.14.09

Discussion/Action regarding a payment not to exceed \$6,566.00 for the replacement of the wireless hog trapping equipment lost in the October 2015 flood. **Cost:** TBD; **Speaker:** Commissioner Moses/ Nick Dornak; **Backup:** 2.

Nick Dornak explained the cost to replace the damaged wireless hog traps will cost \$3,550.80. He stated FEMA will reimburse \$4,924.00 for the traps. Commissioner Muñoz and Commissioner Moses explained the importance of continuing this program.

Motion made by Commissioner Moses, second by Commissioner Muñoz to spend \$3,550.80 to replace the hog traps. All voting "Aye".

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2016.03.14.10

Discussion/Action to accept public streets and drainage of Sunrise Meadows Subdivision Phase II development as complete and ready to begin the two year performance period of said public improvements as evidenced by a maintenance bond in the amount of \$71,073.35. **Cost:** None; **Speaker:** Judge Schawe/ Dwight Jeffrey; **Backup:** 4.

Commissioner Roland and Kasi Miles stated they spoke with Dwight Jeffrey from Unit Road and said there were no issues.

Motion made by Commissioner Roland, second by Commissioner Madrigal to accept roads of Sunrise Meadows Subdivision Phase II development as complete. All voting "Aye".

2016.03.14.11

Discussion/Action regarding the purchase of one new ambulance within the current fiscal year, and a second unit for the 2016-2017 fiscal year. **Cost:** TBD; **Speaker:** Judge Schawe/ Vance Rogers/ Erik Olufs; **Backup:** 10.

City Manager of Lockhart, Vance Rogers stated City Council approved of the purchase of a new ambulance on March 1, 2016 and is present before the court to see how the county wants to participate. He said the total amount approved by the Council was a little over \$198,000.00 and mentioned the ambulance boxes can be remounted which could save cost. Judge Schawe said he looked at finances and explained the county does not have the funds at this time unless using funds from the reserves. He recommended tabling this item until next fiscal year. Commissioner Moses stated the county will need to purchase two ambulances next fiscal year because the City of Luling is due a new one. Commissioner Muñoz recommended paying the county's portion of half the total amount for approximately \$100,000 using funds from the reserves. Commissioner Roland stated the county has always split the cost. Director of EMS, Erik Olufs explained the need for a new ambulance and explained the importance of the reusable ambulance boxes.

Motion made by Commissioner Muñoz, to go in halves with the City of Lockhart under \$100,000.00 to be pulled out of reserves.

County Auditor, Debra French reminded the court that a lot of funds were pulled from reserves because of the flooding last year. She said she would need to look at the total amount left in reserves before money is taken out. Judge Schawe mentioned the construction on Schuelke Road will cause the county to be cutting it close this year. Commissioner Madrigal agreed with Commissioner Muñoz to pay the county's portion out of reserves.

Commissioner Muñoz withdrew his motion.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to table this item until next meeting at which time County Auditor, Debra French will give a report on the reserves. All voting "Aye".

2016.03.14.12

Discussion/Action to amend the May 12, 2014 Resolution and Order Approving the County Transportation and Infrastructure Fund Grant Program Agreement designating the authorized representative, and making specific findings required by the Texas Department of Transportation **Cost:** None; **Speaker:** Judge Schawe; **Backup:** 1.

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Motion made by Commissioner Muñoz, second by Commissioner Moses to amend the May 12, 2014 Resolution and Order Approving the County Transportation and Infrastructure Fund Grant Program Agreement designating the authorized representative, and making specific findings required by the Texas Department of Transportation. All present voting "Aye". Commissioner Madrigal absent during voting.

2016.03.14.13

Discussion/Action regarding the lease of property at 1403 Blackjack in Lockhart to the Texas Health & Human Services Commission. **Cost:** TBD; **Speaker:** Judge Schawe; **Backup:** 1.

Judge Schawe stated they are currently in negotiations and that the contract is almost complete. Civil Attorney, Jordan Powell gave a status update on the contract and options for the court to proceed.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve the lease property of 1403 Blackjack in Lockhart with a contingency of counsel reviewing that one paragraph. All voting "Aye".

2016.03.14.14

Discussion/Action to approve a Resolution Authorizing the Sale of the Real Property at 100 East Market Street in Lockhart, Texas and Authorizing the County Judge to Sign the Deed. **Cost:** TBD; **Speaker:** Judge Schawe; **Backup:** 1.

Judge Schawe explained the court has already approved this but a resolution is required and being requested by the title company.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve a Resolution Authorizing the Sale of the Real Property at 100 East Market Street in Lockhart, Texas and Authorizing the County Judge to Sign the Deed. All voting "Aye".

2016.03.14.15

Discussion/Action to set a public hearing on March 28, 2016 at 9:30am regarding alterations to Powell Road in Luling. **Cost:** TBD; **Speaker:** Commissioner Moses; **Backup:** 1.

Commissioner Moses explained problems with drivers cutting through Powell Road and the petition to close off the end of that road. He stated there have been no complaints from the residents on Powell Road in regards to the petition. He said a public hearing will be held to discuss further.

Motion made by Commissioner Moses, second by Commissioner Muñoz to set a public hearing on March 28, 2016 at 9:30am regarding alterations to Powell Road in Luling. All voting "Aye".

2016.03.14.17

Discussion/Action to approve the preliminary plat for Palmer Ranch Subdivision off County Line Road (CR 172). **Cost:** None; **Speaker:** Commissioner Roland/Kasi Miles; **Backup:** 16.

Kasi Miles stated she has a letter from County Engineer, Tracy Bratton recommending the court approve the preliminary plat. Commissioner Roland agreed with approving the preliminary plat. Commissioner Madrigal received clarification on the driveways and floodplains. Kasi Miles said the property will be sold as a whole and would not be subdivided.

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Motion made by Commissioner Roland, second by Commissioner Moses to approve the preliminary plat for Palmer Ranch Subdivision off County Line Road (CR 172). All voting "Aye".

2016.03.14.18

Executive Session pursuant to Sections 552.071 and 552.072 of Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, lease, or value of County-owned property located at 201 E. San Antonio Street. Possible action may follow in open court. **Cost:** TBD; **Speaker:** Judge Schawe; **Backup:** None

Persons present in the executive session were: Judge Schawe, Commissioner Muñoz, Commissioner Moses, Commissioner Madrigal, Commissioner Roland, Civil Attorney Jordan Powell and Amelia Smith with Countywide Realty.

Executive Session began: 10:39 a.m.
Executive Session ended: 11:02 a.m.
Judge Schawe announced back in session: 11:04 a.m.

No action taken in closed court.

Action taken in open court:

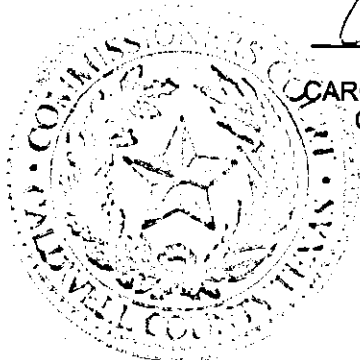
Motion made by Commissioner Muñoz, second by Commissioner Moses to authorize Countywide Realty to submit a counter letter of intent in relation to the letter of intent submitted on 201 E. San Antonio Street, as presented in closed session by Countywide Realty and counsel and authorize County Judge to sign. Commissioner Muñoz, Commissioner Moses and Commissioner Madrigal voting "Aye." Commissioner Roland abstained from voting.

2016.03.14.19

Adjournment. Motion made by Commissioner Muñoz, second by Commissioner Moses to adjourn. All voting "Aye".

Meeting Adjourned at 11:05 a.m.

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 14, 2016.



Carol Holcomb

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