

COMMISSIONERS COURT MINUTES  
110 S. Main St. 2<sup>nd</sup> Floor, Lockhart, Texas  
Regular Meeting November 28, 2016 9:00 a.m.



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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

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**Call Meeting to Order.** Meeting called to order by Judge Schawe at 9:03 a.m. All members of the court present.

**2016.11.28.01**      **Invocation.** Judge Schawe opened the meeting with a prayer.

**2016.11.28.02**      **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.

**2016.11.28.03**      **Announcements.** Items or comments from Court Members or Staff.

Commissioner Muñoz hopes everyone had a good Thanksgiving and is looking forward to a good Christmas. Commissioner Moses hopes everyone goes out to help Blue Santa in Luling December 6<sup>th</sup> at Blake's. Proceeds will go towards presents and food for those who can't afford them at Christmas time. Brown Santa can be donated to at the Sheriff's Office. November 21<sup>st</sup> in Luling there was a program at Zedlar Mill for the Cross Country Team to get together and be recognized for all they've done. Commissioner Madrigal says good morning and Happy Thanksgiving. He says that even in Laredo he heard about the Luling Cross Country Team. Commissioner Moses adds that the Luling Cross Country Team is the National Champion of schools with five hundred and fewer students. Commissioner Roland says good morning and wishes everyone a blessed day.

**2016.11.28.04**      **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).

Martin Ritchey is addressing action item 13 as a resident of Westwood Road. He says the roads were repaired within the year and he doesn't know if the repairs weren't done properly, but since then there are major cracks and fractures in the roads.

**2016.11.28.05**      **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 \$82,955.01
- B. Approve renewal of Continuation Certificate Bond No. 15530860 for Court Clerk of Justice of the Peace, Precinct 1, Jenifer Watts in the amount of

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\$1,000.00 beginning December 11, 2016 and ending December 11, 2017.  
Cost: \$50.00.

- C. Accept the October 2016 Tax Collection Report from the Caldwell County Appraisal District.
- D. Accept Financial Audit Reports of Emergency Services Districts pursuant to Section 775.082 Health and Safety Code:
  - 1. Chisholm Trail Fire Rescue (Caldwell/Hays County ESD #1 )
  - 2. Maxwell VFD (Caldwell County ESD #2)
  - 3. Martindale VFD (Caldwell County ESD #3)
  - 4. Mid-County Fire Rescue (Caldwell County ESD #4).

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve consent agenda items A-C.

Judge Schawe says they will come back for discussion on A because they were over in the Elections Office so some money will have to be moved around. All voting "Aye".

Muñoz adds that another reason for holding off on item D is that the audits are not finished.

**(ALL OTHER AGENDA ITEMS)**

**2016.11.28.06**

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

Martin Ritchey says the Fire Chiefs are 7-2 in favor of the burn ban being back on. KBDI is at the tipping point so he feels we should listen to the Fire Chiefs' suggestion and approve putting the burn ban on.

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

**2016.11.28.07**

**Discussion/Action** to approve the appointment of Commissioner Moses to the Board of Directors of Capital Area Rural Transportation System (CARTS). **Speaker:** Commissioner Madrigal; **Cost:** None; **Backup:** None.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve the appointment of Commissioner Moses to the Board of Directors of Capital Area Rural Transportation System (CARTS). All voting "Aye".

**2016.11.28.08**

**Discussion/Action** to appoint Commissioner Roland Judge Pro-Tem for the year 2017. **Speaker:** Commissioner Madrigal; **Cost:** None; **Backup:** None.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to appoint Commissioner Roland Judge Pro-Tem for the year 2017.

Judge Schawe and Commissioner Madrigal discuss voting on the matter again in January.

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Commissioners Muñoz, Moses, and Madrigal voting "Aye". Commissioner Roland abstained.

**2016.11.28.09**

**Discussion/Action** regarding the selection of a copier vendor. **Speaker:** Judge Schawe/Mark Hinnenkamp. **Cost:** TBD; **Backup:** None.

IT Director, Mark Hinnenkamp reviewed proposals between seven vendors, he recommends Dahill out of Austin and goes over the benefits of their contract. Judge Schawe says they will save \$50,000.00 yearly. Mr. Hinnenkamp says Dahill is sending back machines and erasing hard drives at no charge. Muñoz confirms the machines will have to be returned and drives wiped and asks when the contract starts. Hinnenkamp answers mid-January after contracts are signed and transitions are made.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve a contract with Dahill.

Judge Schawe adds there is still a contract with Ricoh signed in the last year that is ongoing. Mark Hinnenkamp confirms those are seven copiers on a separate contract. All voting "Aye".

Judge Schawe thanks Mr. Hinnenkamp and Karen Sphar for their work on the project.

**2016.11.28.10**

**Discussion/Action** regarding the renewal of the County Information Resources Agency (CIRA) contract for the purposes of the administration of the county website. **Speaker:** Judge Schawe; **Cost:** \$1,050; **Backup:** 20.

Motion made by Commissioner Muñoz, second by Commissioner Moses to renew the County Information Resources Agency (CIRA) contract for the purposes of the administration of the county website. Commissioner Muñoz says he will have the judge sign the order. All voting "Aye".

**2016.11.28.11**

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

Judge Schawe wants to add not to exceed \$90,000.00 to the action. Commissioner Madrigal invites Brian Dreessen, an engineer from Flint Hills Resources, to answer any questions. He states that the intersection is narrow and large vehicles turning is causing multiple problems. He goes over what this project will cover including TxDot's participation and the changes to the roads. The cost estimate for the project is just over \$90,000.00. Ninety-five percent of the project is on County Road so Commissioner Madrigal agreed that the County would serve as the agent of construction. Flint Hills Resources will provide plans, specifications, estimates, and funding. There will be an AFA (Advanced Funding Agreement) between TxDot and Caldwell County. Flint Hills Resources and Caldwell County will have a funding agreement. All the bidding for the project will go through the County.

Commissioner Muñoz, Commissioner Madrigal, and Judge Schawe discuss the cost of the action. Brian Dreessen explains Flint Hill Resources would like to cap at

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\$90,000.00 and that the estimate costs may go up. Michael Aulick, planning consultant, says TxDot will want to bill some of their time for instruction, engineering, and inspection. Commissioner Muñoz and Judge Schawe discuss what the County is liable for if all Flint Hill Resources is going to pay is \$90,000.00. Judge Schawe clarifies that today they are approving the project not to exceed \$90,000.00. Michael Aulick says the present agreement has not satisfied any party involved. The resolution is not ready for adoption and he asks if they could table this until next Commissioners Court.

Motion by Commissioner Muñoz, second by Commissioner Madrigal to table the discussion/action to endorse and approve Flint Hills Resources Funded Intersection Improvement Project on SH 21 and CR 176 (Lone Star Dr.). All voting "Aye".

**2016.11.28.12**

**Discussion/Action** to discount road repair by 25%, not to exceed \$5,000 on .20 of a mile on River Road in Martindale. **Speaker:** Commissioner Madrigal; **Cost:** Not to exceed \$5,000; **Backup:** None.

Commissioner Madrigal explains that since that last discussion they have met with all parties involved and came to an agreement to repair the road.

Motion made by Commissioner Madrigal, second by Commissioner Roland to proceed with this project at 25% discount on the inter-local agreement with the City of Martindale.

Judge Schawe explains that each tubing business and the City of Martindale will be contributing twenty-five percent of the costs to Caldwell County who will be doing the work at a twenty-five percent discount. Commissioner Moses voices his concern about the agreement. Judge Schawe asks for any other discussion. Commissioners Muñoz, Madrigal, and Roland vote in favor and Commissioner Moses votes opposed.

**2016.11.28.13**

**Discussion/Action** regarding the conditions and construction of Old Fentress Road, Westwood Road, Cherryville Road and to approve payment to Aaron Concrete. **Speaker:** Judge Schawe; **Cost:** TBD; **Backup:** 1.

Planning consultant Michael Aulick gives the Commissioners and Judge photos of the roads from back in July/August when they were repaired and about thirty days ago showing repair and damage (photos attached). Judge Schawe would like discussion before the payment concerning the quality of the work and the unapproved additional costs. Michael Aulick recommends a partial payment of \$1 million dollars and holding back the remaining \$137,000.00. Commissioner Muñoz and Judge Schawe discuss the condition of the roads. Motion made by Commissioner Muñoz to pay \$1 million dollars and hold the \$137,000.00 until the details are resolved. No second. Motion made by Commissioner Moses, second by Commissioner Madrigal to table the discussion until Michael Aulick, Jordan Powell, Civil Attorney, and Andrea Ranft, Civil Engineer, have a chance to talk about options. All voting "Aye".

**2016.11.28.14**

**Discussion/Action** regarding the appropriation of the \$97,537.00 collected by the Criminal District Attorney's Office through the pursuit of bond forfeitures. **Speaker:** Commissioner Muñoz; **Cost:** TBD; **Backup:** None.

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Commissioner Muñoz says that at the last meeting he asked Civil Attorney Jordan Powell and Debra French, County Auditor, to meet. Jordan Powell says she met with Debra French and County Treasurer Lori Rangel. They discussed the comprisal of the \$97,537.00. She believes they are all on the same page about the monies and agree on a process going forward that will work for all parties involved. Debra French is asked by Commissioner Muñoz to answer questions regarding amounts the forfeiture budget was over/under for fiscal years. Debra French answers Commissioner Muñoz and says all the money will be classified in prior years. Judge Schawe comments the audit is a different subject stating the \$97,537.00 is for the general fund and cannot be earmarked for anything other than general bills. Judge Schawe asked for any other discussion. No action taken.

**2016.11.28.15**

**Adjournment.** Motion made by Commissioner Muñoz, second by Commissioner Roland to adjourn. Meeting adjourned at 9:46 a.m.

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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 November 28, 2016.

*Carol Holcomb*

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







