

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting April 24, 2017 9:00 a.m.



KEN SCHAWÉ	County Judge	HOPPY HADEN	Commissioner Pct. 1
CAROL HOLCOMB	County Clerk	EDDIE MOSES	Commissioner Pct. 2
		ED THERIOT	Commissioner Pct. 3
		JOE IVAN ROLAND	Commissioner Pct. 4

Call Meeting to Order.

Judge Schawe calls the meeting to order at 9:01 a.m. All members present.

Invocation.

Kenneth Sneed, Lockhart Church of Christ Elder, opens the meeting in prayer.

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 leads all present in the pledge to both flags.

Announcements. Items or comments from Court members or staff.

Commissioner Haden attended a CAMPO Executive Board meeting. They are still working to correct the system that makes it more difficult for rural areas to get assistance. He volunteered at the Kiwanis 5K and Relay for Life that was held this past weekend. He attended two Payroll Committee Meetings and they will soon have an electronic time sheet for beta testing. He also met with staff and Commissioner Theriot about the Subdivision Ordinance. CAMPO and TxDOT have money set aside to widen HWY 21. **Commissioner Moses** and Donald LeClerc, Unit Road Administrator, held a meeting to explain how the Unit Road system works and gets funding. This Saturday at Luling's Watermelon Thump Pavilion there is a cake auction and BBQ plates for sale raising scholarship money for seniors at Luling High School. **Commissioner Theriot** expands on the Subdivision Ordinance and the future steps involved. He has a CAMPO Technical Advisor Committee meeting today and thanks Donald LeClerc. There is a ribbon cutting at San Marcos Airport in Caldwell County Friday the 19th for Coast Flight Training. **Commissioner Roland** attended a fish fry fundraiser to rebuild an old school and he thanks all the participants. A rally was held yesterday to see how many people they could get to come to tonight's meeting. He confirms with Judge Schawe that people will be able to speak tonight.

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Judge Schawe says the county needs to work to get as much money for roads as possible. He also says redetermination has been requested for the four-hundred and sixty-something thousand owed to the State. He commends the District Clerk's office for having no errors according to a Comptroller auditor's memo.

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).

Olivia Whittier is a Lockhart resident who would like help making Pebblestone Road/CR 90 safer and smoother and not have to walk a mile to retrieve her mail.

Kris Whittier works off of Pebblestone Road/CR 90 and says that due to the road condition property is damaged, workers are difficult to hire, and emergency services could have issues.

Katharine Patil lives off of Pebblestone Road/CR 90 and would like to know who actually has control of/owns the road because it affects so many things.

Eleanor Melville owns a land off of Pebblestone Road/CR 90 and would like to build there but cannot until the conditions change.

Flora Amaya lives off of Pebblestone Road/CR 90 and has a licensed foster home. She has had to stop taking the children for walks because the road is unsafe.

Diana Corbett is concerned about Pebblestone Road/CR 90 and would like to know if it is a County Road.

Randy Laney is a Dale resident and would like the court to provide a dash cam for Constable Precinct 2.

Frank Sughrue is a Lockhart resident and says the six pages provided for item 12 are not worth being on the agenda or gathering the Committee and Commissioner Theriot should step down from the Committee.

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Commissioner Theriot clarifies that he is not on the Host Agreement Committee.

Byron Friedrich is a Lockhart resident who is an effected party and opposes the dump. He says the Commissioners are responsible to protect the County.

CONSENT AGENDA. (The following consent items may be acted upon in one motion).

1. **Approve payment of County invoices in the amount of \$339,362.43.**
2. **Accept and approve the March 2017 Tax Collection Report submitted by the Caldwell County Appraisal District.**

Motion made by Commissioner Moses, second by Commissioner Theriot to accept consent agenda items 1 & 2. All voting "Aye".

ACTION AGENDA ITEMS

3. **Discussion/Action** regarding Resolution 06-2017 Crime Victims Services Grant for 2018-2019. **Cost: None; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe reads the resolution. So moved by Commissioner Moses, second by Commissioner Haden. All voting "Aye".

4. **Discussion/Action** regarding a Proclamation declaring April 30 – May 7, 2017 Soil & Water Stewardship Week. **Cost: None; Speaker: Commissioner Haden; Backup: 1.**

Donny Graham with Caldwell-Travis Soil and Water Conservation District reads the Proclamation. So moved by Commissioner Haden, second by Commissioner Moses. All voting "Aye".

5. **Discussion/Action** regarding a Proclamation declaring May 1 – 5, 2017 Air Quality Awareness Week. **Cost: None; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe reads the Proclamation. So moved by Commissioner Theriot, second by Commissioner Roland. All voting "Aye".

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- 6. Discussion/Action** regarding the burn ban. **Cost: None; Speaker: Judge Schawe/Martin Ritchey; Backup: None.**

Martin Ritchey goes over some fire hazards and does not recommend a burn ban at this time. Motion made by Commissioner Roland, second by Commissioner Haden to leave the burn ban off. All voting "Aye".

- 7. Discussion/Action** to approve a bid for the hazard mitigation plan. **Cost: \$1,000 - \$2,000 (Estimated); Speaker: Judge Schawe/Martin Ritchey; Backup: None.**

Martin Ritchey received four bids that he unseals and reads in court. The bids are submitted by Community Development Management Co., Inc. out of Lockhart Texas, H2O Partners, Inc. out of Austin Texas, HALFF Associates out of Austin Texas, and Langford Community Management Services out of Leander Texas. He asks for the item to be tabled and time to review the bids and bring the item back to the court. So moved by Commissioner Moses, second by Commissioner Haden. All voting "Aye".

- 8. Discussion/Action** to adopt an order regulating the use of certain fireworks for the Memorial Day fireworks season in accordance with Section 352.051 of the Texas Local Government Code. **Cost: None; Speaker: Judge Schawe/Martin Ritchey; Backup: None.**

Martin Ritchey says the County cannot adopt or order regulations on fireworks due to KBDI index and draught conditions. No action is taken.

- 9. Discussion/Action** regarding tire cleanup on Sandholler Road (CR 165) and adjoining property. **Cost: \$3,000.00-\$4,000.00; Speaker: Judge Schawe; Backup: None.**

The court and Civil Attorney Jordan Powell discusses the tire dumping situations with a pending criminal case verses without, setting a precedent, and how the county will get back any money they spend on tire clean up. Motion made by Commissioner Roland, second by Commissioner Moses to table the item. All voting "Aye".

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- 10. Discussion/Action** to approve a Memorandum of Understanding (MOU) between the County and certain Outfitters to provide security and emergency services along the San Marcos River. **Cost: TBD; Speaker: Commissioner Theriot; Backup: to be handed out in Court.**

Commissioner Theriot thanks all the staff involved in getting the MOU completed yesterday. He also clarifies the MOU will not replace or substitute the area on the river becoming a special district. He says thank you to the representatives from the river outfitters who assisted with the MOU and goes over what the MOU provides to the County. Commissioner Theriot answers the court's questions. Motion made by Commissioner Theriot, second by Commissioner Haden to approve the MOU between Caldwell County and the specified tubing outfitters. All voting "Aye".

- 11. Discussion/Action** to approve a budget amendment for the Unit Road Department from Line Item 002-1101-4630 to 002-1102-4510 in the amount of \$50,000.00 to cover necessary equipment repairs. **Cost: None; Speaker: Judge Schawe / Elizabeth Mundine; Backup: 4.**

Judge Schawe explains the budget amendment. So moved by Commissioner Moses, second by Commissioner Haden. All voting "Aye".

- 12. Discussion/Action** to set a meeting date and time for the Host Agreement Committee to discuss the information recently provided to the County by Green Group Holdings. **Cost: None; Speaker: Commissioner Haden; Backup: 6.**

The court discusses tabling the item until the meeting resumes in the evening so that anyone who wants to can address the topic before it comes up on the agenda. Commissioner Theriot speaks about what he would like from the Host Agreement Committee. Commissioner Haden says he will bring anything to the Committee that comes whether or not the offer is liked. Commissioner Roland and Jordan Powell discuss what can be done when contracts are breached. Judge Schawe tables the item until the evening.

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13. Discussion/Action regarding the courthouse lawn. **Cost: TBD; Speaker: Commissioner Moses; Backup: 1.**

Commissioner Moses confirms the lawn will have to be replaced. The court discusses a company doing everything verses the County buying material and providing labor as well as continued care and the priority level of the lawn. Judge Schawe says the money might not be in the budget. Motion made by Commissioner Haden, second by Commissioner Moses that we take Commissioner Moses' numbers and use them to get it in the budget that commences in October and execute it next Spring. All voting "Aye".

Citizens' Comments Continued

Judge Schawe announces the rest of the Citizen's Comments will be heard at this time. Commissioner Theriot gets confirmation from the court that citizens will be able to speak in the evening on topics other than the Host Agreement. Jordan Powell gets verification on how Citizen's Comments will be run in the evening and Judge Schawe further clarifies how they will be handled once court reconvenes.

Robert Kohler discusses the tire dumping issue. Also, he is encouraged by the Host Agreement Committee taking their time and collecting input for a good rounded document.

Judge Schawe recesses the meeting at 10:52 a.m.

COURT WILL BE IN RECESS UNTIL 7:00PM

Call Meeting back to Order.

Judge Schawe calls the meeting back to order at 7:03 p.m. and reviews courtroom protocol.

Citizens' Comments Continued

Dennis Hobbs is part of a company that owns land near the proposed landfill. He provides the court with packets (hand out was not presented to the County Clerk for the minutes) and highlights issues with Green Groups' submissions.

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Clayton Sughrue is a Lockhart resident and is putting a face to the generation he says the court is selling out if they sign a Host Agreement and thanks Commissioner Roland.

Alicia Thornton is a Lytton Springs resident and reads from an Austin American Statesman article regarding the SOAH hearing and discusses issues with Green Group.

Lou Mac Naughton lives in Caldwell County and says TCEQ has turned down similar landfill permits and goes over upcoming Texas litigations regarding landfills.

Leslie Holder is a Lytton Springs resident who reviews Green Group's actions in other communities where they do business and says these things could happen in Caldwell County.

Patton King owns a ranch next to the proposed landfill and says people go from supporting to opposing the landfill, but never the reverse. Then he reviews permit application documents (hand out from Mr. King to the court was not presented to the County Clerk for the minutes).

Linda Lloyd lives near the proposed landfill site. She asks the court who would invite a dump to their party or home. She is against the Host Agreement.

Barbara Sanchez is a Lockhart resident who says the Commissioners are responsible to keep residents safe from a company with questionable practices.

John Spezia was not allowed to speak because shorts are prohibited in the courtroom.

Alex Cortez has a daughter who lives where the runoff from the landfill would end up. He says Green Group is deceptive and simply making a "money grab" at the County's expense.

12. Discussion/Action to set a meeting date and time for the Host Agreement Committee to discuss the information recently provided to the County by Green Group Holdings. **Cost: None; Speaker: Commissioner Haden; Backup: 6.**

Judge Schawe reopens discussion for item 12. Commissioner Haden gives updated information related to a Host Agreement along with the process for and the reasons for an agreement. The Host Agreement Committee plans to meet Thursday morning at 9:00 a.m. No action is taken.

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14. 7:00 PM Discussion/Action regarding the signing of a Host Agreement with Green Group Holdings. **Cost: None; Speaker: Commissioner Roland; Backup: 21.**

Commissioner Roland does not want to take action on item 14. Discussion on item 12 continues. Judge Schawe clarifies no action is needed for a committee to schedule a meeting and Commissioner Haden says that people can sit in at the meetings. Commissioner Roland, Commissioner Haden, Judge Schawe, and District Attorney Fred Weber discuss Commissioner Roland attending the meeting Thursday morning. Because Judge Schawe will not be there Commissioner Roland can attend without it requiring an open meeting format. Commissioner Roland says he would like to be on the committee. Judge Schawe and Fred Weber explain there was a Commissioners Court meeting with a motion and a vote confirming the committee members. Commissioner Theriot comments regarding himself being impacted by a landfill and his beliefs regarding negotiating the Host Agreement.

Citizens' Comments Continued

Judge Schawe asks for a motion to adjourn but County Clerk Carol Holcomb tells him there are more Citizens' Comments and the court discusses hearing the comments or taking a show of hands to confirm who is against the Host Agreement. The Commissioners agree to hear the remaining speakers.

Adam Smith purchased acreage in Dale and just found out about the proposed landfill which he says is close to Black's BBQ and that people waiting in line outside will smell trash.

Rebeca Coan moved to and fell in love with Dale. She says if the landfill prevails she will put effort into making sure that it is what people associate with the Commissioners' names.

Sandy Gravel owns property in precinct 4 and is disappointed in the court. She asks why Commissioner Roland is not on the committee and says it is skewed toward signing an agreement.

John Castillo is a Lockhart resident and elected City Council Member who says if the majority of people in a precinct do not want the landfill democracy should keep them protecte

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Marisa Perales is an attorney for EPICC. She says the committee should include Commissioner Roland and their meetings should be public. Let TCEQ and attorneys do their jobs.

Kathleen Clough lives in district one and does not want the court to support or negotiate a Host Agreement.

Brenda Martin is a Caldwell County resident and does not want the trash or noise. Green Group should not be trusted or negotiated with. They are just taking advantage of a poor community.

Plato Alexander is a high school student in Caldwell County and thanks everyone who spoke. He wants to keep Lockhart beautiful and return to live here someday.

Neto Madrigal is a former Commissioner who reminds the current Commissioners they took an oath to serve and protect. No money is worth what Green Group is bringing, let TCEQ do their job and do not sign a Host Agreement.

Adjournment.

Motion made by Commissioner Haden, second by Commissioner Theriot to adjourn. All voting "Aye".

Court adjourned at 8:20 p.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 April 24, 2017.

Carol Holcomb

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

