

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting June 12, 2017 9:00 a.m.



KEN SCHAWA	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 9:00 a.m. All members are present.

Invocation. Lockhart Ministerial Alliance

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 had a CAMPO Executive Board Meeting. Chisholm Trail Roundup was this last weekend. He helped put on the rodeo and a benefit team roping event, and was in the CTR Parade. His wife sewed stick horses and the food pantry was the charity chosen by the Committee to receive the proceeds. He attended the Cowboy Breakfast last week. A document was received back from Green Group and given to and discussed with the District Attorney's Office. He will take it to the Host Agreement Committee at their next meeting. He met with Judge Schawe and Mr. Johnson regarding Yarrington Road and FM 150 realignment. **Commissioner Moses** attended the Plum Creek Watershed Meeting and a small acreage ranch meeting hosted by Soil Conservation Services and AG Life. He says it is Watermelon Thump time and everyone should come out to Luling for the event. **Commissioner Theriot** met with Greater San Marcos Partnership regarding development sites within Caldwell County. He gives updates from CAMPO's Technical Advisory Committee. **Commissioner Roland** says good morning and that he rode in the Chisholm Trail Parade and is thankful for the Watermelon Thump handouts. This coming Saturday is Juneteenth at St. John's Colony.

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Martin Ritchey thanks the Rodeo Committee for sponsoring the roping event. A command post was set up around the Chisholm Trail Roundup and he thanks all the first responders and Community Emergency Response Team (CERT). He wants to note to the court that a plane landed in a field in Maxwell. Maxwell Volunteer Fire Department, San Marcos Fire Department, Emergency Management, and the Sheriff's Office responded, controlled the scene and then turned the case over to DPS, FFA, and TSP for investigation. There were no injuries. **Judge Schawe** congratulates the Sheriff's Department for passing jail standards. The report came back from the Constables and he is thankful for their work on the river. He met with the Historical Society regarding acoustics in the courtroom. They are working on ways to improve the sound.

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).

Brad Rockwell is representing TGFA and EPIC regarding item 7. He highlights the benefits the County has already gotten from participating in the hearing. He also explains the authority and influence the court still has regarding a permit being issued.

Oscar Fogle is a Caldwell County resident. He says the county has paid for a seat at the table and because Green Group has come back with another document he would like to see item 7 be delayed until the Host Agreement Committee has met to review it. He references a conversation with Judge Schawe about the reasons item 7 is on today's agenda.

Judge Schawe states he did not say the Host Agreement Committee has not done anything.

Robert Kohler owns land near the proposed landfill. He provides an inundation map from 2010 to the court and explains the related safety concerns (this map was not provided to the County Clerk for the minutes). He is also concerned that people buying land in the area are not being told about the proposed landfill.

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- 18. CALL FOR PUBLIC HEARING AT 9:30AM** concerning the approval of a Preliminary Plat for Green Oaks subdivision to include 9 lots on approximately 18.70 acres fronting Old Colony Line Road (CR 160).

Cost: None; Speaker: Commissioner Roland /Kasi Miles; Backup: 12.

Kasi Miles reviews the details of the Preliminary Plat and the communications regarding the public hearing.

Judge Schawe opens the public meeting at 9:26 a.m.

Eric Scott Ross from Buda asks the court to approve the Preliminary Plat for Green Oaks.

Judge Shcawe closes the public hearing at 9:27 a.m.

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

- 1. Approve payment of County invoices in the amount of \$327,025.04.**
- 2. Accept and approve the May 2017 Tax Collection Report submitted by the Caldwell County Appraisal District.**
- 3. Accept the Texas Association of Counties (TAC) Continuing Education Completion Certificates for Lori Rangel, County Treasurer.**
- 4. Approve Budget Amendment # 5 for the 2016-2017 Budget Year: Necessary line-item creation and addition to existing line item to account for the donation from Great Gonzo's Tubes, LLC to Caldwell County Constable Precinct 3.**

So moved by Commissioner Moses, second by Commissioner Haden to accept consent agenda items 1-4. All voting "Aye".

SPECIAL PRESENTATIONS

Adriana Cruz – Report from Greater San Marcos Partnership

Adriana Cruz reviews Greater San Marcos Partnership's recent activities and future plans for regional economic development with a slide show presentation.

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ACTION AGENDA ITEMS

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

Martin Ritchey says that fires have recently increased and based on the KBDI index he recommends the burn ban is instituted. Motion made by Commissioner Roland, second by Commissioner Haden to put the burn ban on. All voting "Aye".

6. **Discussion/Action** regarding the sale and use of certain fireworks for the Fourth of July holiday season; TEX. LOC. GOV'T. Code, §352.051(d)(1)3.
Cost: None; Speaker: Judge Schawe/Martin Ritchey; Backup: 1.

Martin Ritchey explains that per current State Law no action can be taken on this item. No action is taken.

7. **Discussion/Action** concerning withdrawing from the Contested Case Hearing and joint litigation agreement and any litigation regarding 130 Environmental Park.
Cost: TBD; Speaker: Judge Schawe; Backup: None.

Judge Schawe says it is past time for the County to withdraw. Motion made by Judge Schawe to withdraw from the Contested Case Hearing and joint litigation agreement and any litigation regarding 130 Environmental Park at this time. Commissioners Haden and Theriot request discussion. Commissioner Haden explains he is getting the Host Agreement Committee together and would like to see them have the opportunity to do their job before a decision is made. Commissioner Theriot explains his concern is monetary and he has questioned the value of the County's involvement in the case. He is not in favor of withdrawing at this time. He would like the Host Committee to have time to review the new document. Eric Mcgee with Allison, Bass, & Magee, LLP says there is no active matter that would result in monthly invoices. The contested case hearing is closed and all briefings are available. The next stage is TCEQ putting the item on their agenda. The process is similar to citizens' comments in this court. He says that to withdraw now would be to lose all the years of work. He clarifies he is not involved in the Host Agreement Process and understands a separate attorney was hired for that matter.

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Commissioner Haden corrects that there has not been another attorney hired and Eric Magee states he just wants to clarify he is not taking any funds to review any Host Agreement. He is not sending bills related to the Host Agreement. There will be an invoice coming but it is minimum right now. Commissioner Theriot would like to have a notification in advance when a bill will come from Eric Magee's office. Eric Magee explains that he coordinates with Civil Attorney Jordan Powell to know when he will be needed in Commissioners Court. Commissioner Theriot believes that the county is no longer in need of legal services and the county staffs attorneys if needed. Judge Schawe says that as long as they remain in the contested case they have to have counsel. Jordan Powell says she is not lead counsel on the case and feels it would be a big mistake to remove Allison, Bass, & Magee, LLP. Judge Schawe asks Eric Magee for a time frame on when the permit would be issued. He explains that his most updated information is that there will be a postponement because an attorney involved is asking for a delay due to sick leave. He also reviews his future involvement and steps in the case. Commissioner Roland thanks the court for not rushing into this decision. Motion died for lack of second. No action is taken.

- 8. Discussion/Action** regarding the invoice billing for elections to ESD #2, ESD #4 and the City of Martindale. **Cost: None; Speaker: Judge Schawe/Pamela Ohlendorf; Backup: None.**

Elections Administrator Pamela Ohlendorf reviews her communications for cost and payments from ESD #2 and ESD #4. Commissioner Haden has been asked if the item could be tabled until arrangements for payments could be made. Commissioner Theriot has had conversations with the parties involved. There was a difference in the original estimation and the final invoice. He agrees the item should be tabled and recommends the cost be halved. Motion made by Commissioner Haden, second by Commissioner Theriot to table. All voting "Aye". Ronnie Duesterheft says he understands a contract was signed and that they would be grateful for any help from the court but they will pay. He appreciates the County's help with the process.

- 9. Discussion/Action** to change the rate of vacation leave accrual from yearly to monthly. **Cost: None; Speaker: Judge Schawe; Backup: None.**

Judge Schawe and Commissioner Haden discuss the origin of the item. Commissioner Haden explains the benefits of changing the current system. County Treasurer Lori Rangel believes the item should be rolled out with the new handbook. Commissioner Haden confirms the timeframe with HR Coordinator Bob Bush. Motion made by Commissioner Moses, second by Commissioner Haden to table the item. All voting "Aye".

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10. Discussion/Action regarding filling the County Engineer position.

Cost: TBD; Speaker: Judge Schawe; Backup: None.

Commissioner Theriot says he and Judge Schawe met with a very qualified candidate for the new County Engineer Position. Jaquelin Thomas is introduced and Commissioner Theriot reviews her background and experience. Commissioner Theriot makes a recommendation that Jaquelin be offered the position of County Engineer for Caldwell County. The court discusses the responsibilities, duties, and pay of the County Engineer. Jaquelin Thomas goes over her expertise and experience with the court. Judge Schawe clarifies that there will still be outside assistance when needed. Commissioner Haden, Commissioner Theriot, and Commissioner Roland vote in favor, Commissioner Moses votes against a recommendation that Jaquelin be offered the position of County Engineer for Caldwell County. Motion carries.

11. Discussion/Action to consider the abandonment of Packard Street right-of-way in the town of Dale, Precinct 4. **Cost: TBD; Speaker: Commissioner Roland; Backup: 1 (Additional backup to be handed out in court).**

Motion made by Commissioner Roland, second by Commissioner Theriot to table the item. All voting "Aye".

12. Discussion/Action to approve adding the County Judge to the signature cards at the depository institution. **Cost: None; Speaker: Judge Schawe; Backup: None.**

Judge Schawe changes item 12's wording to "Having the County Judge have access to information at the depository institution." He also recommends another alternate to have access. He says it could be approved by Commissioners Court or by the Auditor and Treasurer. His main concern is the General Fund. Auditor Elizabeth Mundine and Treasurer Lori Rangel explain that the information can be obtained through their offices and they discuss with Judge Schawe getting specific dates from specific accounts. No action is taken.

13. Discussion/Action concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Billy and Billie Subdivision located off State Park Road. **Cost: None; Speaker: Commissioner Theriot/Kasi Miles; Backup: 11.**

Kasi Miles describes the plat and asks for approval from the court. So moved by Commissioner Moses, second by Commissioner Theriot. All voting "Aye".

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- 14. Discussion/Action** to accept public improvements in Sunrise Meadows Phase I for permanent county maintenance and to release maintenance bond posted by Cain Services as security against damages or defected work for public improvements in Sunrise Meadows Phase I, as provided by subsections 3.8.5(G) and 3.8.5(H) of the Caldwell County Development Ordinance.

Cost: None; Speaker: Commissioner Roland/Donald LeClerc; Backup: 4.

Commissioner Roland confirms with Unit Road Administrator Donald LeClerc that he has looked at it and is okay with it. Motion made by Commissioner Roland, second by Commissioner Haden to accept public improvements in Sunrise Meadows Phase I. Commissioner Haden, Commissioner Moses, and Commissioner Roland vote in favor. Commissioner Theriot votes against. Motion carries.

- 15. Discussion/Action** to accept public improvements in Spanish Oaks Estates for permanent county maintenance and to release maintenance bond posted by Cain Services as security against damages or defected work for public improvements in Spanish Oaks Estates, as provided by subsections 3.8.5(G) and 3.8.5(H) of the Caldwell County Development Ordinance.

Cost: None; Speaker: Commissioner Theriot/Donald LeClerc; Backup: 4.

Motion by Commissioner Theriot, second by Commissioner Haden to make the recommendation that we accept the improvement. Jordan Powell asks for confirmation that Commissioner Theriot's motion included both public improvements and releasing the maintenance bond. He confirms that both are included. All voting "Aye".

- 16. Discussion/Action** to accept public streets and drainage of Forister Ranch Section 5 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 \$26,100.00 and to release letter of credit back to Aus-Tex Parts & Service, LTD.

Cost: None; Speaker: Commissioner Roland/Donald LeClerc; Backup: 4.

Commissioner Theriot steps away as Judge Schawe reads item 16. Commissioner Roland confirms with Donald LeClerc that it is good. Motion made by Commissioner Roland, second by Commissioner Moses to accept public streets and drainage of Forister Ranch Section 5 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 \$26,100.00 and to release letter of credit back to Aus-Tex Parts & Service, LTD. All present voting "Aye".

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17. Discussion/Action to accept public streets and drainage of Forister Ranch Section 4 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 \$70,710.00 and to release letter of credit back to Aus-Tex Parts & Service, LTD.

Cost: None; Speaker: Commissioner Roland/Donald LeClerc; Backup: 4.

Motion made by Commissioner Roland, second by Commissioner Moses to accept public streets and drainage of Forister Ranch Section 4 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 \$70,710.00 and to release letter of credit back to Aus-Tex Parts & Service, LTD. All present voting "Aye". Commissioner Theriot is not present for the vote.

19. Discussion/Action to consider approval of a Preliminary Plat for Green Oaks subdivision to include 9 lots on approximately 18.70 acres fronting Old Colony Line Road (CR 160).

Cost: None; Speaker: Commissioner Roland /Kasi Miles; Backup: 26.

Commissioner Theriot returns. Commissioner Haden steps away. Kasi Miles is seeking approval for the final plat and says the details are in the backup. Motion made by Commissioner Roland, second by Commissioner Moses to approve a Preliminary Plat for Green Oaks subdivision to include 9 lots on approximately 18.70 acres fronting Old Colony Line Road (CR 160). All present voting "Aye".

20. Executive Session pursuant to Section 551.071 of the Texas Government Code: consultation with counsel regarding pending and/or contemplated litigation involving Caldwell County. Possible discussion and/or action may follow in open court. **Cost: None; Speaker: Commissioner Haden; Backup: None.**

Executive Session begins at 10:42 a.m. and court resumes at 11:07 a.m. No action is taken.

21. Adjournment.

So moved by Commissioner Moses, second by Commissioner Haden to adjourn. All voting "Aye". Meeting adjourned at 11:08 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 June 12, 2017.

Carol Holcomb

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

