

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting December 11, 2017 9:00 a.m.



KEN SCHAWÉ	County Judge	TERRY WRIGHT	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 9:03 a.m. All members are present.

Invocation. Lockhart Ministerial Alliance

Judge Schawe 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.

Judge Schawe introduces and welcomes Commissioner Terry Wright. **Commissioner Wright** thanks Judge Schawe and says he looks forward to serving Precinct 1 and Caldwell County and hopes to carry on in his father's footsteps. He was sworn in Friday and is making his way around to County Offices to introduce himself and he attended a San Marcos Partnership meeting with Commissioner Theriot.

Commissioner Moses welcomes Commissioner Wright and says there is a Blue Santa dinner in Luling at Blake's Restaurant tomorrow and Brown Santa is collecting also. Luling Chamber of Commerce is having a Christmas Party tomorrow but he will be at the Special Meeting with Lockhart City Counsel.

Commissioner Theriot welcomes Commissioner Wright who he says is working hard to get up to speed. He and Judge Schawe met with a group looking at corridor studies along 150 and Yarrington, improvements should begin soon. He was in a Santa Claus parade in Martindale last night. He says Brown Santa and Blue Santa fundraisers are good causes.

Commissioner Roland congratulates Commissioner Wright and says he got along well with his father when they served together. He says he was in a Christmas Parade Saturday. He says due to loud music in his precinct over the weekend he contacted the Sheriff.

Judge Schawe says thank you to the Maintenance Department for replacing the courtroom's bulbs. He was in Christmas Parades in Martindale and Lockhart. He says there will be some improvements made to highways US 183 and Interstate 10 and that there will be a Special Meeting tomorrow at 6:30p.m. He met with San Antonio Water Supply (SAWS) who are almost done with installation in Caldwell.

COMMISSIONERS COURT MINUTES
Regular Meeting on December 11, 2017

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).

There are no Citizens' Comments.

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

1. **Approve payment of County invoices in the amount of \$ 259,609.28 .**
2. **Ratify re-occurring County payments in the amount of:**
 - A. **\$292,290.47 (Payroll)**
 - B. **\$133,342.67 (Department of Motor Vehicle Fees)**
3. **Accept and approve the Chapter 59 Asset Forfeiture Audit Report for the Sheriff's Office for the Fiscal Year 2017.**
4. **Approve Budget Amendment # 1 for FY 2017-2018 to transfer funds within the Building Maintenance Department Budget from Repairs & Maintenance to Individual Line Items for projected building expenses that have not been budgeted in the past and do not include major projects.**
5. **Approve Budget Amendment # 2 for FY 2017-2018 to transfer funds from Contingency needed for mass mail out of voter registration for the Elections Office.**
6. **Accept and approve the Surety Bond for Terry Wright, Commissioner, Precinct One, Bond # 63437784.**

Motion made by Commissioner Moses, second by Commissioner Theriot to approve Consent Agenda items 1-6. All voting "Aye".

ACTION AGENDA ITEMS

7. **Discussion/Action** to receive the County Judge's acceptance of the resignation of Hoppy Haden, Caldwell County Commissioner of Precinct One and appointment of Terry Wright, his successor in office. **Cost: None; Speaker: Judge Schawe; Backup: 3.**

Judge Schawe explains that Commissioner Wright has already replaced Commissioner Haden but the agenda item will record the change in the record. So moved by Commissioner Moses, second by Commissioner Theriot. All voting "Aye". Commissioner Theriot thanks Commissioner Haden for his work over the last year.

COMMISSIONERS COURT MINUTES
Regular Meeting on December 11, 2017

8. **Discussion/Action** to appoint a Judge Pro Tem in lieu of Commissioner Haden's resignation. **Cost: None; Speaker: Judge Schawe; Backup: None.**

Commissioner Moses nominates Commissioner Roland as the Pro Tem, second by Commissioner Theriot. All voting "Aye".

9. **Discussion/Action** to approve the appointment of Commissioner Theriot to replace Commissioner Haden on the CAMPO Transportation Policy Board. **Cost: None; Speaker: Judge Schawe; Backup: 1.**

Commissioner Moses nominates Commissioner Theriot as the CAMPO representative, second by Commissioner Roland. All voting "Aye".

10. **Discussion/Action** to approve a Proclamation recognizing emergency responders for their work during Hurricane Harvey. **Cost: None; Speaker: Judge Schawe/Martin Ritchey; Backup: 2.**

Emergency Services Coordinator Martin Ritchey reads the Proclamation. Motion made by Commissioner Roland, second by Commissioner Moses to approve the Proclamation recognizing emergency responders for their work during Hurricane Harvey. All voting "Aye".

11. **Discussion/Action** to approve the reappointments of Jerry Doyle, Donnie Graham and Greg Pope for 2 year terms as Commissioners for the Caldwell County Emergency Services District No. 4. **Cost: None; Speaker: Judge Schawe/Martin Ritchey; Backup: 1.**

Martin Ritchey explains the agenda item. Motion made by Commissioner Moses, second by Commissioner Wright to reappointment Jerry Doyle, Donnie Graham and Greg Pope for 2 year term for Caldwell County Emergency Service Department. All voting "Aye".

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

Martin Ritchey reviews the changes in recent forecasts and does not recommend a burn ban at this time. Motion made by Commissioner Roland, second by Commissioner Moses to leave the burn ban off. All voting "Aye".

COMMISSIONERS COURT MINUTES
Regular Meeting on December 11, 2017

13. **Discussion/Action** to adopt an order regulating certain fireworks in the unincorporated areas of the county during the New Year's sales time period. **Cost: None; Speaker: Judge Schawe/Martin Ritchey; Backup: 1.**

Martin Ritchey explains the agenda item and does not recommend regulating sticks and fins at this time. So moved by Commissioner Theriot, second by Commissioner Moses per the recommendation. All voting "Aye".

14. **Discussion/Action** to approve the matching percentage amount to employee retirement fund accounts. **Cost: TBD; Speaker: Judge Schawe; Backup: 2.**

Judge Schawe is recommending increasing employee matching to 1.75 from 1.50 using the funds from the Employee Long-Term Disability Benefit Policy, which was discontinued. This increase and the recent addition of an Employee Assistance Program will reallocate all of the funds back to employees. Motion made by Commissioner Wright, second by Commissioner Theriot to increase the match to 1.75 percent. All voting "Aye".

18. **PUBLIC HEARING at 9:30am** to discuss consideration of a preliminary plat for Compostela subdivision to include approximately 48 lots on 78.437 acres located on Williamson Road (CR 177). **Cost: None; Speaker: Commissioner Roland/Kasi Miles; Backup: 17.**

Judge Schawe opens the Public Hearing at 9:28 a.m. and Kasi Miles invites anyone who would like to speak to come forward.

Matthew Allen with Caldwell County Appraisal District is concerned that some items on the plat have not been checked by the 911 Coordinator Jaclyn Archer because she has been at training. He would like to confirm there will be communication with Jaclyn Archer before the plat is approved. Judge Schawe confirms that as a Preliminary Plat there will be time for review before final approval.

15. **Discussion/Action** finalizing the State Audit for Court Costs, Fees and Fines. **Cost: None; Speaker: Judge Schawe/Barbara Gonzales; Backup: 3.**

County Auditor Barbara Gonzales reviews the history of the State Audit and thanks Internal Auditor Jan Bower for her hard work and money-saving due diligence. Judge Schawe and Barbara Gonzales discuss what funds will be used to pay the remaining fine. Commissioner Theriot and Barbara Gonzales discuss preventing future fines. Judge Schawe asks for a motion to accept. So moved by Commissioner Theriot, second by Commissioner Roland. All voting "Aye".

COMMISSIONERS COURT MINUTES
Regular Meeting on December 11, 2017

16. **Discussion/Action** to adopt a resolution of the Caldwell County Commissioners Court to recommend support of TxDOT's efforts to apply for CAMPO call for projects to construct improvements to State Highway 304 in Bastrop and Caldwell Counties. **Cost: None; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe explains the agenda item and County Engineer Jacque Thomas reads the resolution. Judge Schawe explains the County would not have to fund the projects. So moved by Commissioner Moses, second by Commissioner Wright. Commissioner Moses and Martin Ritchey strongly support the project due to safety concerns. All voting "Aye".

17. **Discussion/Action** to detail recommended changes to the Caldwell County Development Ordinance, as provided by Caldwell County staff and the Caldwell County Subdivision Committee. **Cost: None; Speaker: Commissioner Theriot; Backup: 74.**

Commissioner Theriot says the Committee has submitted its recommended modifications and because only four modifications were not voted on unanimously he provided the court a list of those four items including how committee members voted. He would like the court to discuss and review the information and come back with a decision later.

Court members, Subdivision Committee member Linda Hinkle, and Civil Engineer Tracy Bratton discuss the four revisions and the cost of a Takings Impact Assessment. Motion made by Commissioner Theriot, second by Commissioner Wright that we move to the TIA assessment stage. All voting "Aye".

19. **Discussion/Action** to consider a variance request from Appendix A, Table B-2 of the Caldwell County Subdivision Ordinance to allow a right-of-way of less than sixty ft. (60') in width concerning Compostela subdivision located on Williamson Road (CR 177). **Cost: None; Speaker: Commissioner Roland/Tracy Bratton/Kasi Miles; Backup: 18.**

Civil Engineer Tracy Bratton explains the reason for the variance request and that the next two agenda items are to either allow or deny the variance. He expounds on the effects of approving verses denying the variance and recommends the court's approval. Motion made by Commissioner Roland, second by Commissioner Moses that we give a variance request for Appendix A, Table B-2 of the Caldwell County Subdivision Ordinance to allow a right-of-way of less than sixty feet in width concerning Compostela subdivision located on Williamson Road which is County Road 177. All voting "Aye".

COMMISSIONERS COURT MINUTES
Regular Meeting on December 11, 2017

20. **Discussion/Action** to consider the approval of a preliminary plat for Compostela subdivision with variance request approval to include 48 lots on approximately 78.437 acres on Williamson Road (CR 177). **Cost: None; Speaker: Commissioner Roland/Tracy Bratton /Kasi Miles; Backup: 19.**

Tracy Bratton recommends approval. Motion made by Commissioner Roland, second by Commissioner Theriot to approve the Preliminary Plat. All voting "Aye".

21. **Discussion/Action** to consider the approval or denial of preliminary plat for Compostela subdivision without variance request approval to include 48 lots on approximately 78.437 acres on Williamson Road (CR 177). **Cost: None; Speaker: Commissioner Roland /Tracy Bratton /Kasi Miles; Backup: 19.**

Judge Schawe says item 21 will be pulled. No action is taken.

22. **Discussion/Action** to consider a variance request from the Caldwell County Subdivision Ordinance under Section B.2. General Street Design and Section B.5. Design of Private Gravel Roadways for approximately 8 tracts out of 111.956 acres located on Dickerson Road (CR 107). **Cost: None; Speaker: Commissioner Theriot/Linda Hinkle; Backup: 9.**

Commissioner Theriot and developer Danny Norris, who is requesting the variance, discuss the requested variance and conditions related to its approval. Motion made by Commissioner Theriot, second by Commissioner Roland to approve the variance with conditions. Judge Schawe asks Commissioner Theriot to review the conditions. Commissioner Theriot says 1) The private roads must be twenty feet wide, have an all-weather surface, and turn-arounds provided at the end. 2) The owners must have a recorded maintenance agreement approved by the County, preferably through an HOA. 3) The development is limited to on-site-built residential homes with a maximum of two homes on each twelve acre lot. 4) There can be no further subdivision of the lots unless the roads are brought up to full standards and approved by the County.

23. **Adjournment.**

Judge Schawe asks for a motion to adjourn. So moved by Commissioner Moses, second by Commissioner Roland. All voting "Aye".

Court adjourns at 10:48 a.m.

COMMISSIONERS COURT MINUTES
Regular Meeting on December 11, 2017

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 11, 2017.

Carol Holcomb

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

