

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting June 25, 2018 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 9:00 a.m. All members are present.

Invocation. Lockhart Ministerial Alliance

Caldwell County resident Kenneth Sneed 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 Wright passes on announcements.

Commissioner Moses shares details from the Luling Watermelon Thump, the Commissioner's Conference he attended, and the hiring progression for a Plum Creek Watershed Coordinator.

Commissioner Theriot discusses the Luling Watermelon Thump as well along with ongoing Economic Development partners and projects.

Commissioner Roland explains that he missed the Luling Watermelon Thump due to a death in the family and recognizes the refurbishment in St. John's Colony.

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).

Kati Harber will wait to speak during the Public Hearing.

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

1. **Approve payment of County invoices in the amount of \$ 360,487.43.**
2. **Ratify re-occurring County payments in the amount of:**
 - A. **\$ 289,706.18 (Payroll for 06/01/2018 - 06/15/2018)**
 - B. **\$ 85,916.97 (Payroll Tax for 06/01/2018 – 06/15/2018)**
3. **Accept May 2018-2019 Tax Collection Report submitted by the Caldwell County Appraisal District.**
4. **Accept ESD financial reporting from Emergency Services District No. 4 (ESD #4) for Fiscal Year Ending April 30, 2018.**
5. **Accept Internal Revenue Service (IRS) Form 990-N Filing (Electronic Notice for Tax-Exempt Organization) for Tri-Community Volunteer Fire Department for year ending 12/31/2017.**
6. **Accept Internal Revenue Service (IRS) Form 990-EZ filing for McMahan Volunteer Fire Department for year ending 12/31/2017.**
7. **Accept Texas A&M AgriLife Extension Continuing Education Credit hours for Commissioner, Precinct 2, Eddie Moses.**

Motion made by Commissioner Moses, second by Commissioner Wright to accept Consent Agenda items 1-7. All voting "Aye".

AGENDA ACTION ITEMS

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

Martin Ritchey recommends leaving the burn ban on. Motion made by Commissioner Roland, second by Commissioner Moses to leave the burn ban on. All voting "Aye".

9. **Discussion/Action** to execute the Interlocal Agreement between Guadalupe-Blanco River Authority (GBRA) and Caldwell County for Installation, Operation and Maintenance of Flood Sirens. **Cost: TBD (County shall be responsible for all Operation & Maintenance expenses which exceed GBRA contribution set forth in the agreement); Speaker: Judge Schawe / Martin Ritchey; Backup: 22.**

Martin Ritchey explains and recommends approval of the updated Interlocal Agreement. So moved by Commissioner Theriot, second by Commissioner Moses. All voting "Aye".

10. **Discussion/Action** to approve the updated Basic Emergency Operations Plan. **Cost: None; Speaker: Judge Schawe / Martin Ritchey; Backup: To be distributed in court.**

Martin Ritchey explains that this is the five-year re-filing of the Basic Emergency Operations Plan and confirms that Commissioners can meet with him one-on-one with questions.

So moved by Commissioner Moses, second by Commissioner Theriot. All voting "Aye".

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11. **Discussion/Action** regarding consideration and approval of a Resolution by the Commissioners Court of Caldwell County, Texas authorizing and approving publication of Notice of Intention to issue Certificates Of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing an effective date. **Cost: None; Speaker: Judge Schawe; Backup: 9.**

Stephanie Leibe, Bond Attorney with Norton Rose Fulbright, LLP, explains the publication details including the content and the timeline and answers questions from the court. County Auditor Barbara Gonzales and County Financial Advisor Jennifer Ritter also answer questions and detail next steps.

Judge Schawe asks for a motion. Commissioner Wright says he will make a motion, second by Commissioner Moses. All voting "Aye".

12. **Discussion/Action** regarding the sale of Caldwell County property #45648. **Cost: None; Speaker: Judge Schawe; Backup: None.**

Judge Schawe describes the property for sale and confirms that the sale will be through a sealed bid that does not have to be accepted.

Commissioner Moses says he will make a motion, second by Commissioner Roland. All voting "Aye".

Civil Attorney Jordan Powell asks to re-open item eleven to record what motion was approved. Judge Schawe says only publication was approved.

Jordan Powell asks what the motion was for item twelve and Judge Schawe says it was to approve to sell with a sealed bid.

16. **PUBLIC HEARING at 9:30AM:** concerning the approval of a Preliminary Plat for Tower Meadows subdivision to include 23 lots on approximately 78.438 acres off Tower Road and Black Ankle Road. **Cost: None; Speaker: Commissioner Wright / Kasi Miles; Backup: 4.**

Kasi Miles opens the Public Hearing at 9:27 a.m. and invites anyone who would like to speak.

Frank Andrews is concerned about the condition of the Tower Road and Black Ankle Road and would like restrictions put in place by the builders and the County as well as the current residents' opinions considered before building begins.

Kati Harber lives on Tower Road and says their road is deplorable and that the impact of an additional seventeen driveways onto Tower Road should be considered and restrictions put into place.

Judge Schawe and Kasi Miles discuss additional residents' concerns and that the builders are present if they need to answer questions.

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James Brewster Jr. also lives on Tower Road and says he is concerned about the traffic issue and that the builders need to have their own utilities and build their own entry into the subdivision.

Mark Mullin is an owner of Tower Meadows who says he recognizes the roads are bad and hopes they will benefit from the tax base increase, that rural sub-division regulations and restrictions are in place, and though he'd like to he knows he cannot make everyone happy.

Public Hearing closes at 9:45 a.m.

- 17. Discussion/Action** to consider approval of a Preliminary Plat for Tower Meadows subdivision to include 23 lots on approximately 78.438 acres located off Tower Road and Black Ankle Road. **Cost: None; Speaker: Commissioner Wright / Kasi Miles; Backup: 11.**

Kasi Miles reviews the subdivision details, stating that all is in order and asks for approval from the court. Motion made by Commissioner Wright, second by Commissioner Theriot.

Court Members, Jacque Thomas, Martin Ritchey, Mark Mullin, Kasi Miles, and Jordan Powell discuss a traffic impact study including what it would cost, the timeframe in relation to the plat's approval, and whether it can or cannot be required.

They also discuss emergency restrictions, regulation enforcement after lots are sold, low water crossings, similar road issues and concerns being county wide, an extension for the plat, and what the court is requesting from Mark Mullin.

Commissioner Theriot withdraws his second and Commissioner Wright resends his motion. New motion made by Commission Theriot, second by Commissioner Wright to table this item acknowledging the agreement of the applicant to that action until a meeting in the near future that additional information is brought to the court regarding the adequacy of public facilities specifically the road system.

Judge Schawe, Kasi Miles, Mark Mullin, and Jordan Powell continue discussions.

Matt Warren who works with Mark Mullin says he does not think a traffic analysis will help with the concerns that have been brought up and that those concerns are outside of the subdivision's property.

- 13. Discussion/Action** to approve Budget Amendment #16 for Sheriff's Department by increasing earned Estimated Revenue line item 001-6000-0971 / River Patrol Revenue in the amount of \$84,724 aligned with the 001-4300-1160 / River Patrol Expense in the amount of \$70,054 for Sheriff's Department. **Cost: None; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe explains the agenda item and asks for approval. So moved by Commissioner Moses, second by Commissioner Theriot. All voting "Aye".

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- 14. Discussion/Action** authorizing the Unit Road Department to purchase two pickups and radios from remaining balance in Machinery and Equipment account, (Line item: 002-1101-5310). **Cost: TBD; Speaker: Commissioner Theriot / Donald LeClerc; Backup: None.**

Commissioner Theriot explains the agenda item and Unit Road Administrator Donald LeClerc discusses details with court members and Barbara Gonzales regarding the cost and the source of the funds.

Motion made by Commissioner Theriot, second by Commissioner Moses we move forward with authorizing them to try to see if he can come back to us with the procurement process of these vehicles and their needed radios within the amount available.

Commissioner Roland, Donald LeClerc, and Barbara Gonzales further discuss recommendations.

Commissioner Wright, Commissioner Moses, Commissioner Theriot, and Commissioner Roland vote in favor. Judge Schawe votes against. Motion passes.

Commissioner Theriot steps away.

- 15. Discussion/Action** to approve Budget Amendment #17 decreasing budget line item 002-1103-3135 / Operating Supplies in the amount of (\$6,000) and increasing budget line item 002-1103-4529 / Contract Labor in the amount of \$6,000 netting a \$0 cost to Unit Road. **Cost: None; Speaker: Judge Schawe / Donald LeClerc; Backup: 1.**

Judge Schawe explains the agenda item and asks for a motion to approve. So moved by Commissioner Moses, second by Commissioner Roland. All present voting "Aye".

SPECIAL PRESENTATION

Martin Ritchey: Presentation of Award to BR3T Long Term Recovery Team for their support of housing recovery in Caldwell County following the devastating Memorial 2015 Flood, All Saints Day 2015 Flood and leadership in building a collaborative team that will serve the community for future disasters.

Special Presentation begins at 10:30 a.m.

Martin Ritchey details who is receiving the award and why. He displays the award and explains that the recipients could not be present.

Special Presentation concludes at 10:33 a.m.

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18. **EXECUTIVE SESSION** pursuant to Sections 551.071 and 551.087 of the Texas Government Code: consultation with counsel and deliberation regarding economic development negotiations associated with Project Soar. Possible action may follow in open court. **Cost: TBD; Speaker: Commissioner Theriot / Mike Kamerlander; Backup: None.**

Executive Session begins at 10:34 a.m.

Commissioner Wright, Commissioner Moses, Judge Schawe, Commissioner Theriot, Commissioner Roland, Jordan Powell, and Mike Kamerlander are all present.

Executive Session ends at 10:54 a.m. No action is taken.

19. **Adjournment.**

Judge Schawe asks for a motion to adjourn. Motion made by Commissioner Moses, second by Commissioner Theriot. All voting "Aye".

Meeting adjourns at 10:55 a.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 June 25, 2018.

Carol Holcomb

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

