

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting June 26, 2017 9:00 a.m.



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

Jerry Doyle, President of Caldwell County ESD 4, announces they have a Quarum present and calls their meeting to order with roll call of members present. They are present to discuss item 8.

Invocation. Lockhart Ministerial Alliance

Judge Schawe opens the meeting with 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 says Human Resources Coordinator Bob Bush has the revisions to the employee manual ready to send to TAC. Once TAC has approved the new manual there should be a Workshop scheduled. He participated in the Watermelon Thump parade and nacho booth. The next Host Agreement Committee Meeting was rescheduled for June 29th at 4pm at the Justice Center. He also wants to clarify it is an advisory committee that will review documents, only the court can take action. **Commissioner Moses** welcomes everyone. He and Judge Schawe attended a conference in Corpus Christi. He thanks everyone who came out to the Thump. There is a 4th of July Parade in McMahan on Saturday the 1st. There is also a parade in Martindale on July the 4th. He thanks the Foundation Farm for the float's truck and trailer.

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Commissioner Theriot says he and Commissioner Moses attended a Special Meeting in Guadalupe County Commissioners Court regarding amending a mass gathering permit that would allow for more guests at Float Fest. They spoke against the increase and the court voted against it but that is not necessarily the situation's conclusion. They will monitor what happens going forward and appreciate Martin Ritchey's assistance. **Commissioner Roland** says good morning. He attended Juneteenth which had a large crowd and the Watermelon Thump for the 27th time. He thanks Commissioner Moses for the trailer in the Thump Parade and Judge Schawe for the use of his truck in the Chisholm Trail Parade. **Judge Schawe** says he visited the pound, which is an expense to the county, and that there are many animals that need a good home. He is working on the budget. He says Emergency Management would be his most difficult job if not for Martin Ritchey.

Martin Ritchey is presented a Life Saving Award.

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).

Randy Laney is a Lytton Springs resident who says any allegations about corruption in the court are false. He feels any anger about the landfill should be addressed with TCEQ. He also asks for deed restrictions in new construction.

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

1. **Approve payment of County invoices in the amount of \$226,388.48.**
2. **Approve payment to SB Contractors, LLC in the amount of \$649,772.87.**
3. **Accept the Texas Association of Counties (TAC) Judicial Education Completion Record for the Fiscal Year of 9/1/2016 through 8/31/2017 for County Judge Ken Schawe.**

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- 4. Approve renewal and payment of Surety Bond in the amount of \$100,000.00 for Chief Deputy County Clerk Teresa Rodriguez, effective July 27, 2017 for a term of one year.**

- 5. Accept Single Audit Reports and Schedules for Fiscal Year Ended September 30, 2016 prepared by Rutledge Crain & Company, PC.**

Motion made by Commissioner Moses, second by Commissioner Haden to accept consent agenda items 1-5. Judge Schawe and Treasurer Lori Rangel discuss a budget item in the backup. Judge Schawe shares the cost of indigent healthcare and how it is paid. All voting "Aye".

ACTION AGENDA ITEMS

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

Martin Ritchey thanks the court for the honor he was awarded. He discusses the reasons he recommends the burn ban remain in effect and some welding regulations due to some fires caused by welding. Commissioner Theriot asks how the burn ban effects firework sales and Martin Ritchey explains why the county could not restrict fireworks during the last meeting and what steps would be required to restrict them at this time. Motion made by Commissioner Roland, second by Commissioner Haden to leave the burn ban on. All voting "Aye".

- 7. Discussion/Action** to set a date and time for a public hearing for the purpose of discussing the installation of speed humps on Spring River Drive (CR 103A).
Cost: TBD; Speaker: Commissioner Theriot; Backup: 1.

Commissioner Theriot explains the need for and potential cost of speed humps on Spring River Drive based on his meeting with Unit Road Administrator Donald LeClerc. He recommends the Public Hearing be on the next agenda. Civil Attorney Jordan Powell and the court discuss the deadline for the item to be on the agenda. Motion made by Commissioner Theriot, second by Commissioner Haden to set the Public Hearing for July 10th at 9:30am. All voting "Aye".

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13. PUBLIC HEARING AT 9:30AM concerning the cancellation of the Eli Smith Acres subdivision located off Sundance Court (CR 64) .

Cost: None; Speaker: Commissioner Theriot /Kasi Miles; Backup: 11.

Kasi Miles explains the cancelation and that the posting was completed. No speaker.

15. PUBLIC HEARING at 9:30 AM concerning the approval of a Preliminary Plat for County Line Estates, Section 2 subdivision to include 15 lots on approximately 16.998 acres fronting County Line Road (CR 172). **Cost: None; Speaker: Commissioner Roland/ Kasi Miles; Backup: 13.**

Kasi Miles invites anyone who would like to speak to do so at this time.

Philip Dannly owns land adjacent to the plat and has questions and concerns about the subdivision including the roads and their upkeep, and the potential of floodplain growth. (he shows a floodplain map to the court, it is not provided for Court Minutes)

Commissioner Roland responds to Mr. Dannly's concerns.

Randy Laney lives in the area where the plat is located. He discusses vehicles getting stuck in the creek area around County Line Road. He asks the developer to have deed restrictions and for the County to fix the roads.

17. PUBLIC HEARING at 9:30 AM concerning the approval of a Final Plat for Acorn Ranch subdivision to include 9 lots on approximately 29.016 acres fronting FM 20 and Taylorsville Road (CR 158).

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

Kasi Miles invites anyone who would like to speak to do so at this time. No speaker.

19. PUBLIC HEARING at 9:30 AM concerning the approval of a Preliminary Plat for Murphy Ranch, Section One & Two to include 5 lots in Section One and 36 lots in Section Two on approximately 51.94 acres fronting Taylorsville Road (CR 158).

Cost: None; Speaker: Commissioner Moses /Kasi Miles; Backup: 6.

Kasi Miles invites anyone who would like to speak to do so at this time. No speaker. Public Hearing concluded at 9:46 a.m.

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8. **Discussion/Action** regarding the invoice billing for elections to ESD #2, ESD #4 and the City of Martindale.

Cost: TBD; Speaker: Commissioner Theriot; Backup: 3.

Commissioner Theriot reviews the agenda item and his recommendations. Jerry Doyle explains the election's cost estimate being off, the financial situation within ESD #4, and how having to pay the bill will potentially affect ESD #4. Emergency Services District #4 Treasurer Gregory Pope reiterates the financial position for ESD #4 and asks the court to consider a further reduction. Edward Hanna is Mid-County Fire Chief and Service Provider for Caldwell County. He emphasizes the need for firefighter training and safety equipment to assist the public. Commissioner Theriot apologizes for the misunderstanding and recognizes the impact. He feels that the election did have hard costs and the county coffers need to be reimbursed. Motion made by Commissioner Theriot that we reduce the invoiced amount by fifty percent and allow a two year budget cycle for the payment of that amount. Commissioner Haden asks if Commissioner Theriot would be opposed to extending the repayment to four years. Commissioner Theriot accepts the friendly amendment to the motion, second by Commissioner Haden that the invoice be paid out over four years rather than two. Judge Schawe confirms the amended motion is a fifty percent reduction over a four year payout. Commissioner Moses would like the amount reduced to one third rather than by fifty percent. Judge Schawe explains the estimate was based on the cost of a General Election rather than a Special Election and going forward that will be double checked. The court confirms the money will come out of the Contingency Account. Commissioner Haden and Commissioner Theriot vote in favor, Commissioner Moses votes against, and Commissioner Roland does not vote. Judge Schawe says the motion passed but is asked by Karen McCrary with the Luling Newsboy and Signal for a vote by show of hands. Commissioner Haden and Commissioner Theriot vote for the motion and Commissioner Moses and Commissioner Roland vote against. The court discusses their options to break the tie or change the motion. Civil Attorney Jordan Powell explains that Judge Schawe's vote will have to either pass or fail the motion. If it fails a new motion can be made. Judge Schawe votes in favor of the motion and it passes 3-2 with Commissioner Haden, Commissioner Theriot, and Judge Schawe voting in favor and Commissioner Moses and Commissioner Roland voting against. Jerry Doyle adjourns the meeting of ESD #4

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- 9. Discussion/Action** to authorize Commissioner Theriot and the Unit Road Department to issue an Invitation for Bids related to a road improvement project at the intersection of State Highway 21 and County Road 176 located in the City of Mustang Ridge. **Cost: TBD; Speaker: Commissioner Theriot; Backup: 1.**

Commissioner Theriot explains that Flint Hills will reimburse the cost of the project and this motion will allow for bids to be requested and then opened in court. Motion made by Commissioner Theriot, second by Commissioner Haden to approve authorization to issue an invitation to bid. All voting "Aye".

- 10. Discussion/Action** to utilize the standing retainer agreement with Allison, Bass & Magee related to the overflow of Public Information Act requests.
Cost: TBD; Speaker: Commissioner Haden; Backup: 3.

Commissioner Haden and Jordan Powell explain the need for assistance due to the amount of requests and there being deadlines for releasing the information. Commissioner Theriot, Jordan Powell, and Judge Schawe discuss details related to the requests. Motion made by Commissioner Haden, second by Commissioner Moses to utilize the standing retainer agreement with Allison, Bass & Magee related to the overflow of Public Information Act requests. All voting "Aye".

- 11. Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Sunfield South located at the southeast corner of intersection of Martindale Lake Road (CR109B) and SH 142.
Cost: None; Speaker: Commissioner Theriot / Kasi Miles; Backup: 35.

Kasi Miles goes over the plat details and requests approval from the court. So moved by Commissioner Theriot, second by Commissioner Haden to accept. All voting "Aye".

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12. Discussion/Action concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Connor's Acres located off Westwood Road (CR 215).

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

Kasi Miles explains the reason for the plat and requests the court's approval. So moved by Commissioner Haden, second by Commissioner Theriot. All voting "Aye".

14. Discussion/Action to consider the cancellation of the Eli Smith Acres subdivision located off Sundance Court (CR 64).

Cost: None; Speaker: Commissioner Theriot /Kasi Miles; Backup: 15.

Commissioner Theriot steps away. Kasi Miles explains the agenda item. Motion made by Commissioner Roland, second by Commissioner Moses to cancel it. All present voting "Aye". Commissioner Theriot is not present.

16. Discussion/Action to consider approval of a Preliminary Plat for County Line Estates, Section 2 subdivision to include 15 lots on approximately 16.998 acres fronting County Line Road (CR 172).

Cost: None; Speaker: Commissioner Roland/ Kasi Miles; Backup: 34.

Kasi Miles says the developer is present if the court has questions based on the Public Hearing and emphasizes that it is a Preliminary Plat that can have issues corrected before the Final Plat. Commissioner Theriot returns. The engineer for developer Julio Lucero goes over details about the Plat and answers questions from the court. The court discusses tabling the item. Motion made by Commissioner Roland, second by Commissioner Theriot to approve the Preliminary Plat with the understanding that any improvements we want done we can do between now and the Final Plat. All voting "Aye".

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18. Discussion/Action to consider approval of a Final Plat for Acorn Ranch subdivision to include 9 lots on approximately 29.016 acres fronting FM 20 & Taylorsville (CR 158).

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

Kasi Miles reviews the backup and requests approval. Motion made by Commissioner Roland, second by Commissioner Moses that we approve the Final Plat for Acorn Ranch. All voting "Aye".

20.Discussion/Action to consider the approval of a Preliminary Plat for Murphy Ranch, Section One & Two to include 5 lots in Section One and 36 lots in Section Two on approximately 51.94 acres fronting Taylorsville Road (CR 158).

Cost: None; Speaker: Commissioner Moses /Kasi Miles; Backup: 32.

Kasi Miles says this is a different situation and explains the details pertaining to this plat and its correlation to agenda item 21. She is asking for the court's approval. So moved by Commissioner Moses, second by Commissioner Haden. All voting "Aye".

21.Discussion/Action to consider the approval of the Final Plat for Murphy Ranch, Section One to include 5 lots on approximately 6.87 acres fronting Taylorsville Road (CR 158). **Cost: None; Speaker: Commissioner Moses/Kasi Miles; Backup: 11.**

Kasi Miles asks for the courts approval. So moved by Commissioner Moses, second by Commissioner Theriot. All voting "Aye".

22. Adjournment.

So moved by Commissioner Moses, second by Commissioner Haden to adjourn. All voting "Aye". Meeting adjourned at 10:33 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 26, 2017.

Carol Holcomb

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

