

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting July 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. Judge Schawe and Commissioners Haden, Moses, and Theriot are present. Commissioner Roland is not present.

Invocation. Lockhart Ministerial Alliance

Pastor James Greene of First Presbyterian Church 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 the time keeping committee had a meeting. He announces a memorial for the hot air balloon victims on Saturday the 29th from 12:30 to 1:00 p.m. at the Lutheran Church in Maxwell. **Commissioner Moses** thanks Unit Road for fixing some roads. He attended a septic tank information meeting in Luling. **Commissioner Theriot** says thank you to the law enforcement who worked Float Fest this last weekend. There was an internal subdivision review, the Subdivision Committee will meet next week and get recommendations back to the court. He says the Schuelke Road project is winding down and thanks Jackie Thomas and project engineer. **Judge Schawe** says Commissioner Roland is at the doctor's office and should be joining court later. He says Westwood road is also being worked on.

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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).

Kathryn Meneley is here regarding item sixteen. She would like to see Commissioner Roland replace Judge Schawe on the Host Agreement Committee.

Terry Alford owns land along the tubing route and allows emergency vehicles to access the river from his land, but this weekend they drove over his septic system and did not give tickets to trespassers. If these things continue he says he will lock his gates and hire private security.

Chico Ramirez is requesting a variance on a housing regulation. He takes care of his mother, wife, and soon his mother-in-law. Their current house is sold so they do not have another option.

Linda Hinkle asks to speak when Commissioner Roland is back in court.

James Samson is a Prairie Lea resident and supports the public hearing referenced in item 17. He is concerned by the term "installation" because the stop signs were already installed, he would like them removed, and will return to discuss the matter if the public hearing is set.

Robert Kohler owns a farm in the Lytton Springs area and supports item 16. He says the Host Agreement Committee has four people out of precinct 1 and two out of precinct 2 and one out of precinct 4. He says it is unbalanced and he hopes the court would vote to correct that.

Andrew McClish thanks the court for getting item 17 on the agenda.

Byron Friedrich lives on FM 1185 in Lytton Springs. He said he is disappointed in Luling's decision to sign the resolution. He says he agrees with Mr. Kohler that the Host Agreement Committee is not balanced.

Frank Sughrue says Commissioner Roland is on the way and he requests item 16 is bumped to the end of the agenda if he has not arrived. He would like Judge Schawe to step down from the Host Agreement Committee and Commissioner Roland and Byron Friedrich to be added.

Marisa Perales passes out a copy of the City of Luling's Resolution (a copy is in the backup). She reviews her issues with the Resolution and recommends the court not accept it.

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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 \$196,325.64.**
2. **Accept the June 2017 Tax Collection Report submitted by the Caldwell County Appraisal District.**
3. **Accept the Continuing Education credit certification from the V. G. Young Institute of County Government for Judge Ken Schawe.**
4. **Accept the Continuing Education credit certification from the V. G. Young Institute of County Government for Commissioner Edward "Eddie" Moses, Precinct Two.**
5. **Approve Budget Amendment # 11 for the Building Maintenance Department in the amount of \$1,211.00 from Line Item 001-6520-1040 to Line Item 001-6520-1046 to provide funding for restructuring of personnel salaries based upon duties.**
6. **Approve Budget Amendment # 12 for the Constable Precinct 1, Constable Precinct 3 in the amount of \$3,000.00 transferring funds for the purpose of river patrol activities from Line Item 001-4321-1036 to 001-4323-1036.**
7. **Accept Financial Reporting Statements and/or Form 990 for the year ending 2016 from the following Volunteer Fire Departments as required by Paragraph 8 of the Rural Fire Protection Service Contract with Caldwell County: McMahan Volunteer Fire Department IRS Form 990EZ, Tri-Community Volunteer Fire Department IRS Form 990N, Dale Volunteer Fire Department IRS Form 990 and Delhi Volunteer Fire Department IRS Form 990EZ.**
8. **Accept Financial Audit Reports of Emergency Services Districts pursuant to Section 775.082 Health and Safety Code: ESD # 2 (Maxwell VFD), ESD #4 (Mid-County VFD)**

Judge Schawe explains consent item 5. Commissioner Theriot approves the consent agenda, second by Commissioner Haden. All present voting "Aye". Commissioner Roland is not present.

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SPECIAL PRESENTATIONS

Julie Zimmerman: Texas 4H Roundup Participants, Scholarship Recipients & Livestock Judging Team

Julie Zimmerman introduces 4H Coordinator Elsie Lacy who directs all of the Texas 4H Roundup Participants present to share with the court their 4H experiences, their numerous awards and scholarships, their upcoming competitions, and their fundraiser details.

Commissioner Roland arrives to court.

ACTION AGENDA ITEMS

20. PUBLIC HEARING AT 9:30AM regarding to the installation of school zone signs for the Lockhart Montessori School on Westwood Road for the public safety of students, residents and motorists.

Cost: TBD; Speaker: Commissioner Haden/Donald LeClerc; Backup: 1 (Unit Rd).

Public Hearing opens at 9:49 a.m. Commissioner Haden explains accidents have been occurring on that section of road and that the signs could assist in decreasing them. Judge Schawe opens the floor to anyone who would like to speak. Tom Bonn, the property owner directly south of the school expresses why he feels the signs are needed. There are no other speakers and the Public Hearing is closed at 9:52 a.m.

22. PUBLIC HEARING at 9:30 AM concerning the approval of a Final 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: 13.

Judge Schawe opens the Public Hearing at 9:52 a.m. Kasi Miles opens the floor to anyone who would like to speak. There are no speakers and the Public Hearing closes at 9:53 a.m.

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9. **Discussion/Action** to accept the City of Luling Resolution regarding Green Group Holdings. **Cost: None; Speaker: Judge Schawe/Mark Mayo; Backup: None.**

Luling's City Manager Mark Mayo goes over the intentions of the resolution and says he will answer any questions. Commissioner Theriot and Commissioner Haden are concerned about items in the resolution that are not current because there is no Host Agreement. Commissioner Theriot invites Alfonso Sifuentes with Green Group Holdings to clarify if the items are on the table but Alfonso Sifuentes says he is not in a position to speak to that. Commissioner Roland does not believe that any surrounding cities will get a dime. Judge Schawe and Mark Mayo explain that by accepting the resolution the court is just acknowledging the City of Luling's wishes. Motion made by Commissioner Moses, second by Judge Schawe that we accept the resolution. Commissioner Theriot and Commissioner Haden clarify that Caldwell Commissioners Court has chosen to remain in the contested case and question the purpose of the resolution being brought to the court. Civil Attorney Jordan Powell explains that accepting the resolution does not carry any legal weight one way or the other. Commissioner Moses, Judge Schawe, and Commissioner Theriot vote in favor, Commissioner Roland, and Commissioner Haden vote against. Motion passes 3 to 2.

18. **Discussion/Action** to execute a contract between the County and Greater San Marcos Partnership for the purpose of Economic Development activities.
Cost: None; Speaker: Commissioner Theriot; Backup: 5.

Commissioner Theriot explains the agenda item. Recommendation made by Commissioner Theriot, second by Commissioner Haden to establish an economic development services agreement between the County and the partnership and to increase the level of funding out of the refund monies to \$30,000 from \$10,000. Judge Schawe explains the funds come from unclaimed capitol credits and lists what they have to be used for. All voting "Aye".

13. **Discussion/Action** regarding a donation to Capital Area Council of Governments (CAPCOG) Clean Air Coalition.
Cost: \$1,471 Speaker: Judge Schawe; Backup: 2.

Judge Schawe asks Andrew Hoekzema, CAPCOG Regional Services Division Director, to speak regarding the agenda item. He explains the need for the donation, the amount requested, and how other entities have responded. Commissioner Roland clarifies that the amount on the agenda is a misprint. Motion made by Commissioner Theriot, second by Commissioner Haden for approval at the amount of \$2,351.00. All voting "Aye".

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10. Discussion/Action regarding the burn ban.

Cost: None; Speaker: Judge Schawe/Martin Ritchey; Backup: None.

Carine Chalfoun, Assistant Emergency Management Coordinator recommends leaving the burn ban on. Motion made by Commissioner Roland, second by Commissioner Moses to leave the burn ban on. All voting "Aye".

11. Discussion/Action regarding employee health insurance benefits plan renewal.

Cost: TBD; Speaker: Judge Schawe; Backup: 1

The court discusses the new plans' options and potential advantages and disadvantages. Commissioner Moses would like plan 2, Commissioner Haden, Judge Schawe, Commissioner Roland, and Commissioner Theriot would all like to stay with plan 1. County Treasurer Lori Rangel asks how long the court has known the new options and why county employees have not seen them. Motion made by Commission Roland, second by Commissioner Haden to accept the current renewal. Commissioner Haden, Commissioner Theriot, and Commissioner Roland vote in favor. Commissioner Moses votes against. Motion carried.

12. Discussion/Action to approve the renewal of the contract with court collection services with Graves, Humphries, Stahl, LTD.

Cost: TBD; Speaker: Judge Schawe; Backup: 3.

Judge Schawe explains the agenda item. Motion made by Commissioner Moses, second by Commissioner Theriot to accept. All voting "Aye".

14. Discussion/Action to approve making a donation to Seton Care-A-Van Gala.

Cost: None; Speaker: Judge Schawe/Megan Pumarejo; Backup: 3.

Megan Pumarejo explains the benefits of the County's potential donation. Motion made by Commissioner Haden, second by Commissioner Moses to donate \$2,000.00 directly to the Seton Care-A-Van. All voting "Aye".

15. Discussion/Action regarding the renewal of the Texas Department of Motor Vehicles fees collected by the Tax Assessor-Collector.

Cost: None; Speaker: Judge Schawe; Backup: 2.

Judge Schawe recommends leaving the fees as they are. Motion made by Commissioner Moses, second by Commissioner Theriot that we accept it. All voting "Aye".

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16. **Discussion/Action** regarding Commissioner Roland replacing Judge Schawe on the Host Agreement Committee and appointing an additional member (Byron Friedrich) to the Host Agreement Committee.

Cost: None; Speaker: Commissioner Roland; Backup: None.

Commissioner Theriot exits. Commissioner Roland says he would like to replace Judge Schawe on the Host Agreement Committee and for Byron Friedrich to be appointed to the committee. Commissioner Theriot returns. Commissioner Roland and Judge Schawe discuss if the Judge should be on the committee and Commissioner Roland not wanting a Host Agreement. Linda Hinkle speaks now that Commissioner Roland is present and says if Byron Friedrich were added he should be back-up in case Frank Sughrue cannot attend a meeting. She says the committee has already been formed, is a good team, represents the County, and should not change. Frank Sughrue requests to speak. Commissioner Haden explains Frank Sughrue adjusted his schedule to attend meetings and describes how the committee was formed and their goals. Frank Sughrue clarifies his schedule and meeting attendance and says that Commissioner Roland should be on the committee because precinct 4 is his. Judge Schawe feels he should be on the committee but will leave it up to the court. Commissioner Theriot, Commissioner Haden, and Commissioner Moses agree it is fine for Commissioner Roland to replace Judge Schawe, but three members from the court should not be on the committee and the committee should have results as soon as possible. Motion made by Commissioner Roland to accept item 16. Item dies for lack of a second. Recommendation made by Commissioner Theriot, second by Commissioner Haden that Commissioner Roland replace Judge Schawe on the Host Agreement Committee and that we not add an additional member other than that. Commissioner Theriot says Commissioners Court can create an agenda item for August the 28th and if the committee has not made progress he would like to dissolve the committee and bring the discussion back to the court. A vote by show of hands is requested. All voting in favor. Commissioner Haden gets clarification from Civil Attorney Jordan Powell on how to prevent violating The Open Meetings Act.

17. **Discussion/Action** to set a date and time for a public hearing for the purpose of discussing the installation of stops signs in Prairie Lea, Precinct 2, located at intersection of St. Joseph St. and School St.

Cost: TBD; Speaker: Commissioner Moses; Backup: None.

Motion made by Commissioner Moses, second by Commissioner Theriot for the public hearing to be set for August 14th at 9:30 a.m. All voting "Aye"

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19. **Discussion/Action** to purchase maps, pamphlets and digital brochures from Aerial Focus for the purpose of economic development.

Cost: \$16,044.80; Speaker: Commissioner Theriot; Backup: 1.

Commissioner Theroit explains the agenda item and the costs proposed. Motion made by Commissioner Theriot, second by Commissioner Moses for approval. All voting "Aye".

21. **Discussion/Action** regarding the installation of speed humps on Spring River Drive (CR 103A).

Cost: \$694.00; Speaker: Commissioner Theriot /Donald LeClerc; Backup: 1.

The court discusses and Jordan Powell confirms the item is misprinted and was voted on during the previous Commissioners Court. No action is taken.

23. **Discussion/Action** to consider approval of a Final 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: 35.

Kasi Miles is looking for approval for Green Oaks Subdivision. Motion made by Commissioner Roland, second by Commissioner Moses. All voting "Aye".

24. **Discussion/Action** regarding a septic variance request for Chico Ramirez, Jr.

Cost: TBD; Speaker: Commissioner Haden; Backup: 1.

Commissioner Haden explains the agenda item. Kasi Miles answers questions from the court and explains the ordinance. They all discuss enforcing the ordinance, issues it has caused, and possible solutions for Chico Ramirez, Jr. Motion made by Commissioner Haden, second by Commissioner Theriot to table the item. All voting "Aye".

25. **Discussion/Action** regarding the salaries of Elected Officials.

Cost: TBD; Speaker: Judge Schawe; Backup: 1.

Judge Schawe is asking for input from the Commissioners but will go over it more during the Workshop. The court discusses percentage increases for elected officials and full time officials' pay potentially being increased to match similarly sized counties. No action is taken.

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Judge Schawe calls for a recess at 11:25 a.m. Court reconvenes at 11:38 a.m.

26. BUDGET WORKSHOP

Speaker: Judge Schawe; Backup: 42.

Judge Schawe goes over County offices' budget requests. He focuses on items he is undecided about and items that the Commissioners and County office representatives disagree with him about.

27. Adjournment.

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

Meeting adjourns at 1:32 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 July 24, 2017.



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

