

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting February 27, 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 9:02 a.m.

Invocation. Lockhart Ministerial Alliance

Pastor Rob Clopton 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 committee meeting regarding automated timekeeping went well and a list of recommendations will likely come before the court after the next meeting. **Commissioner Moses** and Judge Schawe attended the Elections Office meeting to look at new machines for the election. They will be easy to learn and he recommends them. This coming weekend is the Caldwell County Stock Show; come out to help participants raise money for education. There was a pancake and sausage breakfast in McMahan Saturday. McMahan also has a chili super and cake auction March 25th from 5-7p.m. He says he has traveled the county and observed the roads; when he finds a problem and calls Unit Road system they are always out the next day. He appreciates them getting things done. **Commissioner Theriot** announces they have decided to move forward with the hiring of a County Engineer. The position is already in the budget and will work with Unit Road and help with program management. Also, his son got married this weekend. **Commissioner Roland** says good morning and thanks everyone who came out to the Progressive Club's banquet it was another bunker year. **Judge Schawe** went with Martin Ritchey to look at a base at Austin Bergstrom Airport where planes can help fight wild fires. Martin will add to the details.

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.

Kenwood Meaker is a Luling resident who congratulates the Luling Track Team on their championship. He also says that because the three judge panel recommends a permit be issued we should see what we can get for this county and its cities. We need legal representation on our side.

Leslie Holder is a Lytton Springs resident. She reads from an article published in Union Town Alabama February 10th regarding the Green Group losing a lawsuit against ACLU and residents who made negative comments about them on Facebook. She lists reasons to be concerned about doing business with this corporation.

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Marcos Villalobos lives in Lockhart and supports an agreement with Green Group. He has gone to Alabama and Georgia to visit landfill projects and the issues listed by opposition do not exist there. People he has spoken to do not know about or want the landfill. Those most affected will be people who live next to the landfill.

Lou Mac Naughton is a Caldwell County resident. She says once people hear a little about the landfill they are against it. The judges' proposal is not law. Economically the landfill is bad use of 1200 acres. No one is immune to the landfill's affects. It's the Court's job to decide if the location is compatible to protecting human life. She asks the court to protect people and do their job.

Randy Laney lives in Lytton Springs. Code enforcement in the county is a joke because of limited staff. County wide only two people are checking code and sanitation. The Development Ordinance needs updates but without manpower code is meaningless. Judge Pape or a Bastrop County Commissioner should be warned about not having a landfill ordinance because of a hint of a landfill is worse for social fabric of society than floods or fire.

Jason Ralls is in support of 130 Environmental Park because it will create jobs and work for local businesses. He encourages the court to negotiate the host agreement.

Kenneth Sneed is a 34 year resident of Caldwell County. As a tax payer he would like to understand what goes on in Commissioners Court and because the acoustics in the courtroom are bad a better sound system should be invested in. He gives details about the upcoming Caldwell County Junior Livestock Show and its benefits.

David Green is president of 130 Environmental Park LLC. Updates the court on state permitting application and responds to commissioner actions. The conclusion of the judges in the contested case hearing was that overall the site is suitable for the landfill. Regardless of the past adversarial actions from the county he is going to draft a new agreement for the court based on comments over the last several years and the current permit status.

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

1. **Approve payment of County invoices in the amount of \$344,495.24.**
2. **Accept and approve the January 2017 Tax Collection Report submitted by the Caldwell County Appraisal District.**

So moved by Commissioner Moses, second by Commissioner Haden to approve items 1 and 2 on the consent agenda. All voting "Aye".

SPECIAL PRESENTATIONS

3. **April Craig: Adult Supervision Program**

April Craig is the Pretrial Bond Officer for Caldwell County and discussed the success of the program. She goes over her handout and reports on the details of the program and how it benefits defendants and the County.

ACTION AGENDA ITEMS

4. **Discussion/Action** regarding a Proclamation recognizing the Luling High School Boys Cross Country Team. **Cost: None; Speaker: Commissioner Moses; Backup: 1.**

Commissioner Moses calls Coach Barnett and his team up to the front. The Coach introduces the team and his Assistant Coach and explains the numerous records they have broken and the numerous championships they have won. Commissioner Moses reads the proclamation. Motion made by Commissioner Moses, second by Commissioner Haden to accept the proclamation. All voting "Aye".

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

Martin Ritchey discusses weather over President's Day weekend. He urges citizens to register their home phones for weather alerts. He and Judge Schawe went to Austin Bergstrom Airport to view a fire-retardant airplane refilling facility. This will assist with large fires in the area and he is thankful to everyone who had a part in getting it to Austin. As far as the burn ban conditions do not call for it at this time but there is a chance Judge Schawe might execute an emergency ban if conditions change. Motion made by Commissioner Roland, second by Commissioner Theriot to leave the burn ban off. All voting "Aye".

6. **Discussion/Action** regarding the contract for the electronic postage meter located at the Caldwell County Justice Center. **Cost: TBD; Speaker: Judge Schawe; Backup: 9.**

Judge Schawe explains what contract was chosen, the amount saved, and services provided under the contract. Motion made by Commissioner Haden, second by Commissioner Moses to contract with NeoPost for this postage system. Commissioner Moses asks if it's the 48 or 60 month term. The court decides 60 months to save money. All voting "Aye".

7. **Discussion/Action** to appoint a committee to bring back recommendations of Economic Development as authorized under Section 381.004 of the Local Government Code. **Cost: TBD; Speaker: Judge Schawe; Backup: None.**

Judge Schawe explains the need for the committee and that he or a Commissioner could get it together. Commissioner Theriot says he would be interested in sitting on that committee. Motion made by Commissioner Haden, second by Commissioner Moses to appoint Commissioner Theriot to assemble a committee with economic development representatives from Lockhart and Luling and Lockhart/Luling Chamber of Commerce. All voting "Aye".

8. **Discussion/Action** regarding the appointment of one nominee for the Subdivision Committee by Judge Schawe. **Cost: None; Speaker: Commissioner Theriot; Backup: None.**

Judge Schawe was asked to appoint a member to create an odd number of committee members. He would like to appoint, if he will accept, Ken Sneed. Motion made by Judge Schawe, second by Commissioner Theriot to appoint Ken Sneed. All voting "Aye".

9. **Discussion/Action** to authorize Commissioner Theriot to negotiate terms of a Memorandum of Understanding (MOU) with Texas State Tubes and Don's Fish Camp to facilitate the provision of rules and security associated with their operations on the San Marcos River. **Cost: None; Speaker: Commissioner Theriot; Backup: None.**

Judge Schawe reads the agenda item. So moved by Commissioner Moses, second by Commissioner Theriot to authorize Commissioner Theriot to negotiate terms of a Memorandum of Understanding (MOU) with Texas State Tubes and Don's Fish Camp to facilitate the provision of rules and security associated with their operations on the San Marcos River. All voting "Aye".

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10. **Discussion/Action** to adopt a resolution in support of amendments to Subchapter D of the Texas Property Code to provide additional rules and protections related to Executory Contracts for Conveyance (Contracts for Deed) land transactions. **Cost: None; Speaker: Commissioner Theriot; Backup: 2.**

Commissioner Theriot explains the need for the resolution. Motion made by Commissioner Theriot, second by Commissioner Haden for approval of the resolution. All voting "Aye".

11. **Discussion/Action** to authorize Judge Schawe and Commissioner Theriot to negotiate an agreement with Flint Hills Resources for the work on the SH 21 / CR 176 intersection funded by Flint Hills Resources. **Speaker: Commissioner Theriot; Cost: None; Backup: None.**

Michael Aulick, county consultant, explains the proposal from Flint Hills Resources. So moved by Commissioner Haden, second by Commissioner Moses to approve Judge Schawe and Commissioner Theriot to finalize the contract agreement with Flint Hills Resources. All voting "Aye".

12. **Discussion/Action** to create a committee to begin drafting a list of terms for a host agreement to present to legal counsel and Commissioners Court. **Cost: None; Speaker: Commissioner Haden; Backup: None.**

Commissioner Haden explains each commissioner and the judge would appoint one person to serve on this committee as well as the reasons for forming the committee. Motion made by Commissioner Theriot, second by Commissioner Moses to approve the formation of a committee to start drafting a list of terms for a host agreement. Commissioner Roland expresses his objection to others running his precinct and questions Commissioner Haden and Civil Attorney Jordan Powell regarding the agreement. Commissioners Haden, Moses, and Theriot voting in favor, Commissioner Roland voting against.

13. **Discussion/Action** to appoint a Commissioner to begin discussing terms of negotiation on behalf of the committee with Green Group for a host agreement. **Cost: TBD; Speaker: Commissioner Haden; Backup: None.**

Commissioner Haden is looking for himself or Commissioner Theriot or someone from the court to be appointed to lead negotiations. Motion by Commissioner Theriot, second by Commissioner Moses to appoint Commissioner Haden to begin discussing terms of negotiation on behalf of the committee with Green Group for a host agreement. Commissioners Haden, Moses, and Theriot voting in favor, Commissioner Roland voting against.

14. **Discussion/Action** to adopt a resolution of the Caldwell County Commissioners Court to recommend support of TxDOT's efforts in recommending projects to construct a Super 2 Section from Hwy. 71 in Bastrop to SH 80 in San Marcos under Category 4 3C for inclusion in the 2018 Unified Transportation Program (UTP). **Cost: TBD; Speaker: Commissioner Haden; Backup: 2.**

Commissioner Haden explains and reads the resolution. Motion made by Commissioner Haden, second by Commissioner Moses to adopt the resolution. All voting "Aye".

15. **Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Ethan's Way located on Borchert Loop (CR 108). **Cost: None; Speaker: Commissioner Haden / Kasi Miles; Backup: 21.**

Kasi Miles goes over details of the Final Plat and says everything is in order and she is just asking for the court's approval. Motion made by Commissioner Haden, second by Commissioner Theriot to approve item 15. Kasi Miles and Judge Schawe discuss the reason for the Plat's division. All voting "Aye".

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16. **Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Re-subdivision of Lot 3, 4 & 5 of Oak Acres Subdivision located on Old Kelly Road (CR 186). **Cost: None; Speaker: Commissioner Haden / Kasi Miles; Backup: 27.**

Kasi Miles says this is a short form plat and the lines being cleaned up. Tracy Bratton recommended it be changed to an amended plat and the version being filed has been changed. She is asking for the court's approval. So moved by Commissioner Moses, second by Commissioner Haden for approval from the court. All voting "Aye".

17. **Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Re-subdivision of Lot 3 in Dove Hill located on Dove Hill Drive (CR 61). **Cost: None; Speaker: Commissioner Theriot / Kasi Miles; Backup: 14.**

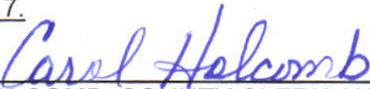
Kasi Miles says this is one more simple plat that will split Lot 3 into two homesteads. Approval recommended by Commissioner Theriot, second by Commissioner Haden. All voting "Aye".

18. **Executive Session** pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney): Consultation with legal counsel concerning status of the contested case hearing regarding 130 Environmental Park, SOAH Docket No. 582-15-2082; TCEQ Docket No.2015-0069-MSW. Possible action may follow in open court. **Cost: None; Speaker: Commissioner Haden; Backup: None.**

Executive Session starts at 10:22 a.m. and ends at 11:54 a.m. No action was taken in Executive Session. Judge Schawe is in favor of getting out of the contested case and asks if a Commissioner would want to make that motion. No motion is made. The court discusses scheduling a special meeting Monday March 6, 2017. They go over availability and deadlines with Civil Attorney Jordan Powell and Attorney Eric Magee with Allison, Bass, & Magee, LLP. In attendance at the Executive Session were Jordan Powell, Eric Magee, Judge Schawe, Commissioner Haden, Commissioner Moses, Commissioner Theriot, and Commissioner Roland.

Adjournment. So moved by Commissioner Theriot, second by Commissioner Roland to adjourn. All voting "Aye". Meeting adjourned at 11:59 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 February 27, 2017.



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

