

COMMISSIONERS COURT MINUTES  
110 S. Main St. 2<sup>nd</sup> Floor, Lockhart, Texas  
Regular Meeting May 22, 2017 9:00 a.m.



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

**Invocation.** Lockhart Ministerial Alliance

Pastor James Greene of First Presbyterian Church Lockhart opens 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 Haden** says Molly Cole is going to oversee the Wellness Committee, which is being reestablished. He met with TCEQ representatives including Richard Hyde, Executive Director of TCEQ, Brent Wade Deputy Director of Waste, and Anthony Tatu, Staff Attorney of the Environmental Division to ask questions related to the Host Agreement. He learned that TCEQ Commissioners would not be aware of a Host Agreement and the chances of them granting a permit are in the ninety percentile. **Commissioner Moses** says that per the direction of his wife, doctor, and physical therapist he did not go anywhere this week. He congratulates the 2017 graduates. **Commissioner Theriot** and Judge Schawe attended a ribbon cutting at the San Marcos Airport for Coast Flight. Several Commissioners and Judge Schawe attended Greater San Marcos Partnership Annual Economic Outlook Banquet. **Commissioner Roland** says good morning. **Martin Ritchey** says the County participated in the Annual Texas Division of Emergency Management Conference in San Antonio as attendees and presenters. The presentation covered the 2016 hot air balloon incident and efforts to update balloon pilot regulations for passenger flights at a federal level. **Judge Schawe** says there are flood maps available for individuals in the flood plain.

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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).

**Anthony Harris** is with Stanberry & Associates Realtors and would like (Agenda item 9) the Packard Street alleyway vacated and deeded over due to lenders requirements for the buyer.

**Steven Mayfield** owns property at Packard Street and would like the property deeded over because buyers and lenders would like the property as a whole and not separated.

**Linda Hinkle** is a Lockhart resident who would like the Packard Street alleyway abandoned. The item failing to pass in 2012 caused a resident to lose their home to foreclosure. She reminds the court they have to vote on the item unanimously.

**Julian Maldonado Luna Jr.** is a buyer for the residence on Packard and would like the alley vacated and abandoned.

8. **Discussion/Action** regarding the Financial Statements Audit conducted by Rutledge Crain & Company, PC.  
**Cost: TBD; Speaker: Judge Schawe; Backup: 6.**

Lewis Crain presents the court with the Annual Financial Report from Rutledge Crain & Company, PC, and reviews financial statements, budget details, and the company's recommendations included in the packet. Commissioner Theriot asks if the audit covers procedures and policies related to reimbursements back to the state and Lewis Crain responds that it does not. He advises how to approach paying such debt. He also discusses payroll procedures with the court. So moved by Commissioner Theriot, second by Commissioner Roland to approve the report. All voting "Aye".

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

1. Approve payment of County invoices in the amount of \$734,922.03.
2. Accept a donation to the Constable's Office of Precinct No. 3 in the amount of \$1,400.00 to purchase equipment to be used for the Constable's Joint Task Force River Operation 2017.
3. Approve Budget Amendment # 04 for the 2016-2017 Budget Year: Necessary line-item creations and additions to existing line items within the Sheriff's Office to account for the Memorandum of Understanding (MOU) between Texas State Tubes LLC (TST), RKY Ltd. (DFC) and Caldwell County.

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4. Accept and approve April 2017 Tax Collection Report submitted by the Caldwell County Appraisal District.
5. Approve the TCEQ Repayment Invoice dated April 21, 2017 in the amount of \$20,792.34 as related to the Texas Emission Reduction Program (TERP), Contract No. 582-07-70810-0072 End of Project and Grant Refund Request.

Judge Schawe reviews consent agenda items one, two, four, and five. He would like to discuss item three. Commissioner Theriot and Judge Schawe discuss the MOU rates, benefits in addition to higher pay, and how officer reimbursement will affect the budget. Judge Schawe is also concerned about the Sheriff's Office being the only department to benefit from the MOU. Civil Attorney Jordan Powell clarifies that the MOU was already approved and the consent agenda item details how the funds coming in from the MOU will be invoiced and assigned to line items. Judge Schawe would like the item tabled in order to review numbers and amend the MOU if needed. Jordan Powell clarifies that per the backup funds are allotted for other agencies and she and Judge Schawe discuss transportation funds and hours officers will work. Commissioner Theriot motions, second by Commissioner Haden to approve the consent agenda. Commissioner Theriot says he is willing to look at equipment for constables but that the MOU has already been in effect for two weekends and we need to be able to invoice for those services at the end of the month. All voting "Aye".

**ACTION AGENDA ITEMS**

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

Martin Ritchey reviews the KBDI index and does not recommend a burn ban at this time. If it is necessary Judge Schawe can issue a state of emergency. Motion made by Commissioner Roland, second by Commissioner Haden to leave the burn ban off. All voting "Aye".

7. **Discussion/Action** regarding the selection and award of a bid for the Hazard Mitigation Plan.  
**Cost: None; Speaker: Judge Schawe/Martin Ritchey; Backup: None.**

Martin Ritchey thanks the court for the time to exercise due diligence in choosing between the submitted bids. At this point he would like to recommend selecting H2O Partners, Inc. They ranked the highest on the points system and have worked with the county in the past. He discusses potential costs and cost division based on participation of surrounding cities and other entities who would benefit. Motion made by Commissioner Haden, second by Commissioner Moses to approve H2O Partners. All voting "Aye".

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- 9. Discussion/Action** to consider the abandonment of the Packard Street right-of-way in the City of Dale.

**Cost: None; Speaker: Commissioner Roland; Backup: 3.**

Commissioner Roland says he had a conversation with Jordan Powell and there is a lot of paperwork that needs to be done. Motion made by Commissioner Roland to table the item until the next meeting. Judge Schawe and Jordan Powell discuss the things she needs to review, research, and draft before the court abandons the alley. Second by Commissioner Theriot. All voting "Aye".

- 10. Discussion/Action** to pass Resolution No. 07-2017 approving the Advanced Funding Agreement for Projects Utilizing SH 130 Concession Funds for the Luling Relief Route Study.

**Cost: None; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe explains and reads the resolution. Ashbee Johnson is Executive Director of the Capital Area Metropolitan Planning Organization. He gives further details regarding the resolution and the process for the study. He needs the resolution amended. The reference to SH 130 Concession Funds needs to come out. Judge Schawe says what he is asking for would exclude that and a new resolution will be drawn up. So moved by Commissioner Moses, second by Commissioner Haden. All voting "Aye".

- 11. Discussion/Action** to accept the bid on the Tax Resale property No. 26027 and approve execution of the deed.

**Cost: TBD; Speaker: Judge Schawe/Mary LaPoint; Backup: 5.**

Judge Schawe explains when a property goes into foreclosure or Tax Resale they have to approve it. So moved by Commissioner Haden, second by Commissioner Roland. All voting "Aye".

- 12. Discussion/Action** to accept the bid on the Tax Resale property No. 25859 and approve execution of the deed.

**Cost: TBD; Speaker: Judge Schawe/Mary LaPoint; Backup: 5.**

Same motion made by Commissioner Haden, second by Commissioner Moses. All voting "Aye".

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**13. Discussion/Action** to authorize the County Judge to execute Amendment No.01 to Contract No. 537-16-0096-00001 with the Department of State Health Services (DSHS) regarding Remote Vital Records.

**Cost: None; Speaker: Judge Schawe; Backup: 21.**

Judge Schawe introduces County Clerk Carol Holcomb to explain the contract. She says the contract is with the state to print remote birth certificates for citizens not born in Caldwell County and it is ongoing. There have been amendments made and Jordan Powell has reviewed it to ensure everything is okay. Motion made by Commissioner Roland, second by Commissioner Theriot that we approve item thirteen. All voting "Aye".

**14. Discussion/Action** to execute a renewal contract with Applied Concepts, Inc. (ACI) / DBA: Stalker Radar for a three-year period for the rental of radar equipment by the Department of Public Safety (DPS) Highway Patrol Department.

**Cost: None (\$10,350.00 already included in budget); Speaker: Judge Schawe; Backup: 4.**


Judge Schawe explains the item and would like approval to sign off on renewing the contract. So moved by Commissioner Moses, second by Commissioner Haden. All voting "Aye".

**Adjournment.**

Motion made by Commissioner Moses, second by Commissioner Theriot to adjourn. All voting "Aye". Meeting adjourned at 10:06 a.m.

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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 May 22, 2017.

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

