

COMMISSIONERS COURT MINUTES  
110 S. Main St. 2<sup>nd</sup> Floor, Lockhart, Texas  
Regular Meeting February 13, 2017 9:00 a.m.



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KEN SCHAWA	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 9:04 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** went to a Go Texan event to raise money for Caldwell County scholarships. He also attended a CAMPO board meeting that discussed changes in funding and fixing specific roads. He and Commissioner Theriot met with Hays County Commissioners, Terry McCoy from TxDot, and Mayor Geiger of Umland to discuss the Highway 21 Project. He went to the first in a series of three Beef 706 meetings. He attended a three day Commissioner School to get CEUs. He mentions the Workshop where TAC (Texas Association of Counties) went over the Handbook and that changes to the Handbook will come out of it. He went to the Chamber Banquet. The new HR Coordinator, Bob Bush, will start on the sixteenth. **Commissioner Moses** attended a CAMPO meeting that discussed sidewalks in Luling. He met with CARTS in Austin who help communities including Luling where they bus veterans to their appointments. At Smitty's he attended the Caldwell-Travis County Soil and Water Conservation event. Go Texan's prime rib dinner was a fundraiser for Caldwell County scholarships that he attended. He also was at the Luling Food Bank fundraiser where they raised \$5,340.00. **Commissioner Theriot** attended the Habitat for Humanity Banquet at Maxwell Social Club. They do 2 or 3 homes in Caldwell County every year. He and Hoppy are working on State Highway 21 with good momentum on safety improvements joining with their counterparts in Hays County, TxDot, and elected officials in communities along State Highway 21. He will meet tomorrow with Representatives from the State Capitol to discuss Caldwell County issues in particular legislation related to the Water Oriented Recreation District (W.O.R.D.) and subdivision problems. He went to his first Greater San Marcos Partnership meeting, a regional development agency that Caldwell County participates with, funding a regional approach to economic development. They discussed the Amazon facility in San Marcos having 3000 full time employees, some from Caldwell County.

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**Commissioner Roland** attended the Lockhart Chamber Banquet. He also went to a Black History Banquet held by the Carter Family to raise money for a local scholarship. He thanks Donald LeClerc and Unit Road for the great work they are doing. He has tickets for Saturday's Black History Month Banquet. **Judge Schawe** attended a meeting with Commissioner Roland and advises that northern Caldwell County will see boring and cutting of roads as a 5 foot water pipe goes in from Burleson County to San Antonio beginning within the next 30-60 days. Contact your commissioner with concerns and issues.

**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.

**John Castillo** is on Lockhart City Counsel representing District 2. He is against item 13. As an elected official he thinks of the community and preserving and protecting it and asks the court to do the same. Do not sign an agreement.

**Leslie Holder** Lytton Springs resident, asks what happened to the workshop that the court voted to have? Then she reads the dialogue from the last meeting regarding the motion for the workshop. Why the reversal of the motion?

14. **PUBLIC HEARING at 9:30 AM** concerning the approval of a Final Plat for Sunfield North subdivision to include 14 lots on approximately 31.015 acres located on State Highway 142, Jolly Road (CR 230) and Cistern Road.

**Cost: None; Speaker: Commissioner Theriot/Kasi Miles; Backup: 7.**

Kasi Miles describes the plat and Judge Schawe asks if anyone wants to speak. No one does. Public Hearing closed at 9:32 a.m.

**Citizens' Comments continued.**

**Lou MacNaughton** is a Caldwell County resident. She highlights the absences in court today. Included absences are the workshop, the attorney Eric Magee, the engineer Tracy Bratton, and the funds. Why make decisions before the workshop or the SOAH judgement? Taxpayers should not have to fund another attorney when Eric Magee already knows the case and is representing the County well.

**Kathleen Clough** is a Caldwell County resident and encourages the court to hold the suggested Workshop that would give voice to as many effected groups as possible.

**Byron Friedrich** says that Haden wanting to protect citizens is refreshing compared to the 2015 court listing "I wants" and "gimmes". His concern is that when violations to health and safely occur the county will be powerless. He uses the example of Blue Ridge landfill: after 10 years, 1700+ complaints, and a citation the same issue still plagues the community. He asks the court to have strength and courage and for no landfill.

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**Robert Kohler** owns a farm in Dale and discusses watershed issues, recent water testing and the importance of learning from history. He inquires why new counsel is being considered and emphasizes repeal and replace in regards to a citing ordinance. He mentions the previous court's inaction and asks the current court to think about consequences.

**Jodie Friedrich** is a Lockhart resident and against 13. She displays a box for the court that is simply one application and there are twenty boxes in addition a new attorney would have to learn. The county has already hired good representation and the devil is in the details.

**Roger Williams** is a Lockhart resident and is concerned that the dump will be a detriment to the whole community. He would like to see a workshop. The type of development we need is the kind coming to the downtown Lockhart area. We need to be aware that historically dumps leak.

**Marisa Perales** is the attorney for EPICC. Explains there is even more documentation in the case than mentioned by Mrs. Friedrich. Because there are already attorneys who litigated the case and are experts there is no reason to hire another who would have to learn all the details/materials. She suggests the county know what authority it already has and not negotiate away the community's health and safety.

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

1. Approve payment of County invoices in the amount of \$386,490.11.

Motion made by Commissioner Moses, second by Commissioner Haden to approve consent agenda item. Judge Schawe adds that vehicles for the Sheriff's Office were \$42,000.00 each and are ready to go except for radios which cost \$5,000.00 each. All voting "Aye".

**ACTION AGENDA ITEMS**

2. **Discussion/Action** regarding a Proclamation recognizing Black History Month  
**Cost: None; Speaker: Commissioner Roland; Backup: None.**

Commissioner Roland motions to make February 2017 Black History Month in Caldwell County and reads the proclamation, second by Commissioner Theriot. All voting "Aye"

3. **Discussion/Action** regarding a Proclamation recognizing Dating Violence Awareness and Prevention Month. **Cost: None; Speaker: Commissioner Haden/Kiara Nicholson; Backup: None.**

Janie Wright is on the Board of Directors for the Hays-Caldwell Women's Center, Cindy Gonzales is the Victims Coordinator for Caldwell County's District Attorney's Office, and Licia Edwards is with Victim Services from the Sheriff's Office. They are bringing the proclamation to the court. Commissioner Haden makes a motion to adopt the proclamation and reads the proclamation, second by Commissioner Moses. All voting "Aye".

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

Martin Ritchey recommends burning with caution but there is not a need for the ban at this time. Judge Schawe can implement an emergency ban. Commissioner Roland motions to leave the burn ban on, second by Commissioner Theriot. Judge Schawe asks if he meant to leave it on. Commissioner Roland makes a new motion to leave the burn ban off, second by Commissioner Theriot. All voting "Aye".

5. **Discussion/Action** regarding the use of certain fireworks for the Texas Independence Day fireworks season (Pursuant to Section 352.051 of the Texas Local Government Code, if drought conditions exist, Commissioners Court may adopt an order regulating the use of certain fireworks for the Texas Independence Day fireworks season.)  
**Cost: None; Speaker: Judge Schawe/Martin Ritchey; Backup: None.**

Martin Ritchey explains that fireworks cannot be regulated unless the County is declared in a draught by Texas A&M Forest Services. Commissioner Roland motions to table the item, second by Commissioner Haden. All voting "Aye".

6. **Discussion/Action** regarding Light Up Lockhart as an Economic Development Program as authorized under Section 381.004 of the Texas Local Government Code.  
**Cost: None; Speaker: Judge Schawe; Backup: None.**

Judge Schawe explains the details of the funds. The court, Karen McCrary with The Luling Newsboy & Signal, and Jordan Powell discuss whether or not the program would qualify as economic development. Additional information is requested before a decision is made. Commissioner Theriot motions to consider Light Up Lockhart an economic development program. Motion dies for lack of second. Commissioner Haden motions to table and discuss with the City how it is going to be an economic development program, second by Commissioner Roland. All voting "Aye".

7. **Discussion/Action** regarding a donation to Light Up Lockhart.  
**Cost: TBD; Speaker: Judge Schawe; Backup: None.**

No action is taken.

8. **Discussion/Action** to appoint a nominee for the Luling Foundation Farm Board of Directors.  
**Cost: None; Speaker: Judge Schawe/Julie Zimmerman; Backup: None.**

Caldwell County AG agent Julie Zimmerman introduces Gary Dickenson and explains they are requesting he is reappointed for another two years. Motion made by Commissioner Moses, second by Commissioner Haden to appoint Gary Dickenson to the Luling Foundation Farm Board. All voting "Aye".

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9. **Discussion/Action** to appoint a member of Commissioners Court to the Steering Committee for the Plum Creek Watershed Partnership. **Cost: None; Speaker: Judge Schawe/Nick Dornak; Backup: None.**

Nick Dornak from Plum Creek Watershed Partnership asks the court to appoint a primary and a backup for their Steering Committee. Commissioner Haden volunteers to be backup and Commissioner Moses volunteers to be primary. Move made by Commissioner Theriot, second by Commissioner Roland to appoint Commissioner Moses as the primary representative to Plum Creek Watershed Partnership and Hoppy Haden as the alternate/backup. All voting "Aye".

10. **Discussion/Action** regarding the appointment of new member, Molly Cole, to the Caldwell County Historical Commission. **Cost: None; Speaker: Judge Schawe; Backup: 1.**

Motion made by Commissioner Roland, second by Commissioner Haden to appoint Molly Cole to the Caldwell County Historical Commission. All voting "Aye".

11. **Discussion/Action** regarding the re-formation of the Subdivision Committee.  
**Cost: None; Speaker: Commissioner Theriot; Backup: None.**

Commissioner Theriot goes over the list of the committee members nominated. Commissioner Roland nominated Frank Sughrue and Byron Friedrich. Commissioner Moses nominated Trey Bailey and Alicia Thornton. Commissioner Theriot nominated Linda Hinkle and himself. Commissioner Haden nominated Oscar Fogle and himself. Motion made by Commissioner Theriot, second by Commissioner Haden for Frank Sughrue, Byron Friedrich, Trey Bailey, Alicia Thornton, Edward Theriot, Linda Hinkle, Hoppy Haden, and Oscar Fogle to form the Subdivision Committee. Commissioner Roland says he might not know watershed but does know TCEQ. Commissioner Haden, Commissioner Moses, and Commissioner Theriot voting "Aye", Commissioner Roland voting against. Motion Passed.

12. **Discussion/Action** regarding the appointment of the Judge Pro-Tem for the 2017 Commissioners Court in accordance with Section 2.04 of the Caldwell County Commissioners Court Rules of Procedure, Conduct, and Decorum. **Cost: None; Speaker: Commissioner Theriot; Backup: None.**

Commissioner Theriot explains the reason for the agenda item. Motion made by Commissioner Theriot, second by Commissioner Roland to appoint Hoppy Haden as Judge Pro-Tem. All voting "Aye".

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13. **Discussion/Action** to retain additional legal counsel to review and/or negotiate a host agreement related to 130 Environmental Park. **Cost: TBD; Speaker: Commissioner Haden; Backup: None.**

Commissioner Haden says he has attempted twice to hold a workshop but schedule conflicts have occurred. The court debates why and why not to hire additional legal counsel, the host agreement, and the future workshop. Motion made by Commissioner Roland, second by Commissioner Moses to table the item. Commissioner Haden, Commissioner Theriot, and Judge Schawe vote against. Motion fails. Motion by Commissioner Theriot, second by Commissioner Haden that the County Judge be authorized to identify legal counsel to the Commissioners Court for the purpose of negotiating an agreement related to the 130 Environmental Park. Civil Attorney Jordan Powell requests clarification on the motion. Commissioners Theriot and Haden confirm they want outside/new/additional as opposed to current council retained. Commissioner Theriot, Commissioner Haden, and Judge Schawe vote in favor. Commissioner Moses and Commissioner Roland vote against. Motion passes.

15. **Discussion/Action** to consider approval of a Final Plat for Sunfield North subdivision to include 14 lots on approximately 31.015 acres located on State Highway 142, Jolly Road (CR 230) and Cistern Road (CR 104). **Cost: None; Speaker: Commissioner Theriot/Kasi Miles; Backup: 23.**

Kasi Miles confirms everything is in order and she is looking for final approval. Zach Potts, Sunfield North Developer answers questions and concerns from the court. Motion made by Commissioner Theriot second by Commissioner Haden to approve with condition that the driveway locations are clearly marked and if you would check those and there be a note regarding the joint maintenance responsibility of the driveways. All voting "Aye".

16. **Discussion/Action** regarding electronic filing of Capital Area Metropolitan Planning Organization (CAMPO) meeting notices and agendas. **Cost: None; Speaker: Judge Schawe; Backup: None.**

The court discusses electronic filing with the County Clerk Carol Holcomb and Civil Attorney Jordan Powell. Motion made by Commissioner Theriot, second by Commissioner Moses to table. All voting "Aye".

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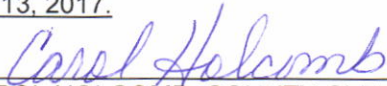
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**Adjournment.**

So moved by Commissioner Moses, second by Commissioner Theriot to adjourn. All voting "Aye".  
Meeting adjourned at 11:02 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 February 13, 2017.

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

