

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting September 25, 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 9:00 a.m. All members are present.

Invocation. Lockhart Ministerial Alliance

Pastor Wayne Walther opens the meeting 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).

Announcements. Items or comments from Court members or staff.

Commissioner Haden met with the Old Settlers Music Festival representatives. He also met with CAMPO engineers and attended their Policy Board meeting. He is a 500 Club member and they catered the Education Foundation Golf Tournament. **Commissioner Moses** also attended the Old Settlers Music Festival meeting and will have another in Luling on October the 2nd. Monday was the Go Texan District meeting, where Caldwell County donated the funds they raised to Harvey relief. He attended an art show at the Oil Museum. He says the collection day Saturday was successful and thanks all the volunteers. There is a CARTS meeting on Thursday. **Commissioner Theriot** says he and Judge Schawe met with representatives about bringing a new industry to the County. The Subdivision Review Committee will bring a document to the court once County Engineer Jacque Thomas completes the required analysis. He thanks all the staff working on the flood damage assessment. **Commissioner Roland** says good morning and that he and Jacque Thomas are working to extend Old Lockhart Road into HWY 21. He is thankful to Maintenance and Unit Road for clearing the tree from the Courthouse lawn for Diez y Seis which he attended both nights. **Judge Schawe** attended CAPCOG meetings and says the County Auditor Barbara Gonzales is providing training.

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).

There are no Citizens' Comments.

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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 \$ 968,527.65.**
2. **Ratify re-occurring County payments in the amount of:**
 - A. **\$283,127.01 (Payroll).**
 - B. **\$ 32,650.36 (Utilities).**
3. **Accept the August 2017 Tax Collection Report submitted by the Caldwell County Appraisal District.**
4. **Accept and approve the Surety Bond for Donald LeClerc, Road Administrator, Bond # 62926227.**
5. **Approve Budget Amendment # 15 for the Constables Office, Precinct One from Line Item 001-4321-4810 to Line Item 001-4321-5310 to provide additional funding for the procurement of equipment (one body mic charger and one Wolfcam body camera) in the amount of \$365.00.**

Judge Schawe and Commissioner Theriot discuss an item from the consent agenda. So moved by Commissioner Haden, second by Commissioner Theriot to accept the consent agenda. All voting "Aye".

ACTION AGENDA ITEMS

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

Emergency Management Coordinator Martin Ritchey recommends the burn ban remain off, but cautions that wild fires are still breaking out. Motion made by Commissioner Roland, second by Commissioner Haden to leave the burn ban off. All voting "Aye".

7. **Discussion/Action** regarding status update on Hurricane Harvey response and recovery: FEMA public assistance and FEMA individual assistance for Caldwell County and potential needs for special appropriations. **Cost: TBD; Speaker: Judge Schawe/Martin Ritchey; Backup: None.**

Martin Ritchey reviews the County's status with FEMA, what assistance is being provided, and what damage has been assessed. It is not too late to report damage. No action is taken.

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8. **Discussion/Action** to adopt Resolution 11-2017 Extending the Order of Local State of Disaster due to Hurricane Harvey. **Cost: None; Speaker: Judge Schawe/Martin Ritchey; Backup: 1.**

Martin Ritchey explains the Resolution. Motion made by Commissioner Haden, second by Commissioner Theriot to approve Resolution 11-2017. All voting "Aye".

9. **Discussion/Action** regarding the renewal of the Interlocal Contract for Geographic Information System Data with the Capital Area Emergency Communications District. **Cost: TBD; Speaker: Judge Schawe/Martin Ritchey; Backup: 17.**

Martin Ritchey reviews and recommends the contract. Motion made by Commissioner Moses, second by Commissioner Haden. All voting "Aye".

10. **Discussion/Action** regarding the renewal of the Interlocal Contract for Public Answering Point Maintenance, Equipment and Training with the Capital Area Emergency Communications District. **Cost: TBD; Speaker: Judge Schawe/Martin Ritchey; Backup: 11**

Martin Ritchey explains this is a contract with the Sheriff's Office. So moved by Commissioner Theriot, second by Commissioner Roland. All voting "Aye".

11. **Discussion/Action** to approve a Proclamation designating October 1-7, 2017 as National 4-H Week in Texas. **Cost: None; Speaker: Judge Schawe/Elsie Lacey; Backup: 1.**

Elsie Lacey, County Extension Agent for Texas A&M AgriLife, introduces Tony Martinez who reads the Proclamation. So moved by Commissioner Moses, second by Commissioner Haden. All voting "Aye".

12. **Discussion/Action** to approve a Proclamation designating October 9-15, 2017 Texas Extension Education Association Week in Caldwell County. **Cost: None; Speaker: Judge Schawe/Elsie Lacey; Backup: 1.**

Elsie Lacey introduces Judy Wheeler who explains what TEEA does and presents a check for \$173,896.31 to the court from Caldwell County District 10 of the Texas Extension Education Association. Elsie Lacey reads the Proclamation. So moved by Commissioner Moses, second by Commissioner Haden. All voting "Aye".

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13. **Discussion/Action** to award the bids for aggregate, asphalt materials, flexible base, fuel (regular unleaded and #2 diesel), oil & lubricants for the budget year 2017-2018. **Cost: None; Speaker: Judge Schawe/Donald LeClerc; Backup: None.**

Donald LeClerc reviews the companies' bids he is recommending to the court. So moved by Commissioner Moses, second by Commissioner Haden to accept the recommendations. All voting "Aye".

14. **Discussion/Action** to designate the day of the week on which Commissioners Court shall convene in a regular term each month during the fiscal year as required by section 81.005(a) of the Local Government. **Cost: None; Speaker: Judge Schawe; Backup: None.**

Judge Schawe says he is looking for a motion to continue as we have on the second and fourth. So moved by Commissioner Haden, second by Commissioner Theriot. All voting "Aye".

15. **Discussion/Action** regarding the County's holiday schedule for the calendar year 2018. **Cost: None; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe says the number of days are the same as last year. So moved by Commissioner Moses, second by Commissioner Theriot. All voting "Aye".

16. **Discussion/Action** to consider rescheduling the December 25, 2017 Commissioners Court due to the Christmas holiday. **Cost: None; Speaker: Judge Schawe; Backup: None.**

Judge Schawe reviews the options for moving the court date. Motion made by Commissioner Haden, second by Commissioner Moses to move the Commissioners Court from December 25th 2017 to December 27th 2017 at 9:00 a.m. All voting "Aye".

17. **Discussion/Action** to nominate new term candidates for the Caldwell County Appraisal District Board of Directors for the year 2018. **Cost: None; Speaker: Judge Schawe; Backup: 3.**

Judge Schawe reviews details with the court and they discuss who is leaving the Board. No action is taken.

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- 18. Discussion/Action** regarding stop signs at the intersection of St. Joseph and School Street in Prairie Lea, Precinct Two. **Cost: TBD; Speaker: Commissioner Moses; Backup: None.**

Commissioner Moses paraphrases the study he had done by an engineer and says he thinks the signs should stay in place. Judge Schawe and Commissioner Theriot would like the County Engineer to review the matter. Judge Schawe asks for a motion to table. So moved by Commissioner Theriot, second by Commissioner Haden. Commissioner Theriot, Commissioner Haden, and Commissioner Roland vote in favor. Commissioner Moses votes against. Motion carried.

- 19. Discussion/Action** regarding the recommendations of the Host Agreement Committee in relation to a possible host agreement with Green Group Holdings. **Cost: None; Speaker: Commissioner Haden; Backup: None.**

Commissioner Haden says David Greene responded to the proposed Host Agreement by highlighting three items that he would like the committee to review further. The Host Agreement Committee will meet on Friday at 1:30 p.m. to discuss the items and come back to Commissioners Court. No action is taken.

- 20. Discussion/Action** regarding the renewal of the contract for the depository institution. **Cost: TBD; Speaker: Judge Schawe/Barbara Gonzales; Backup: 1.**

County Auditor Barbara Gonzales explains she spoke to Lockhart First National Bank and the current proposal is the best they could provide. She reviews details about the agreement including when it will expire and how the County would go about getting a new contract. Judge Schawe asks for a motion to approve the contract as provided. So moved by Commissioner Haden, second by Commissioner Moses. All voting "Aye".

- 21. Discussion/Action** to approve the annual service contract with The Southwest Museum of Clocks and Watches for maintenance of the Seth Thomas tower clock in the courthouse. **Cost: Not to exceed \$1,750.00; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe reviews the item. Motion made by Commissioner Roland, second by Commissioner Theriot that we approve item 21. All voting "Aye".

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22. **Discussion/Action** to consider a supplemental payment to The Southwest Museum of Clocks & Watches for services rendered not covered under the general terms of the yearly Service Contract. **Cost: \$575.00; Speaker: Judge Schawe ; Backup: 1.**

The court discusses that the services were not officially authorized. Judge Schawe recommends tabling the item until he can get more information from the Maintenance Department. He asks for a motion to table. So moved by Commissioner Haden, second by Commissioner Theriot. All voting "Aye".

23. **Discussion/Action** concerning a variance request for Compostela Subdivision located on Williamson Road (CR 177) concerning the minimum ROW width requirement. **Cost: None; Speaker: Commissioner Roland/Tracy Bratton/ Kasi Miles; Backup: 10.**

Civil Engineer Tracy Bratton explains the reason the variance would be necessary and that he recommends approving the variance with conditions.

Robert McDonald is the developer of the property and he explains the details of why the variance was requested and changes that have been made to the plat. He and Tracy Bratton answer questions from the court. Commissioner Theriot requests documents confirming Robert McDonald's case.

Motion by Commissioner Roland, second by Commissioner Theriot to table. All voting "Aye". Commissioner Theriot confirms the timeframe for subdivision deadlines.

24. **Discussion/Action** regarding the purchase of software and scanners for the Elections Office. **Cost: TBD; Speaker: Judge Schawe/Pamela Ohlendorf; Backup: 1.**

Elections Administrator Pamela Ohlendorf introduces Ken Williams with Vista who asks for questions from the court. Judge Schawe says he recommends the purchase and Pamela Ohlendorf gives an example of the system's benefits. Commissioner Theriot, Judge Schawe, and Pamela Ohlendorf discuss an RFP (request for proposal) going out for election equipment. Motion made by Commissioner Theriot, second by Commissioner Roland to approve the purchase of software and scanners. Judge Schawe requests an amended motion. Amended motion made by Commissioner Theriot, second by Commissioner Roland to recommend the approval of purchase of software and scanners with the condition that the money is coming out of the contingency account. All voting "Aye".

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25. **Discussion/Action** regarding approval of the salaries, expenses or other allowances for elected county and precinct officials pursuant to §152.013(a) of the Local Government Code. **Cost: TBD; Speaker: Judge Schawe; Backup: 1.**

The court discusses information on the backup document including the Justice of the Peace allowance and the \$25,200.00 supplement listed for the County Judge. Judge Schawe asks Civil Attorney Jordan Powell to review a statute and court is recessed at 10:21 a.m.

Court reconvenes at 10:34 a.m. The court discusses the County Judge's salary and his supplement. Jordan Powell clarifies that Texas Legislation determines if an additional County Court at Law Judge is hired and that no monies can be divided between officials because their salaries cannot go above the posted numbers which are listed on the backup. However they can go under the posted amount.

Motion made by Commissioner Haden to move the salary back to \$51,603 for the County Judge position, no second. Amended motion by Commissioner Haden, second by Commissioner Moses to adjust it for the 3% raise. All voting "Aye".

26. **Discussion/Action** to approve the 2017-2018 Caldwell County Proposed Budget as required by Section 111.008(a) of the Local Government Code. Pursuant to Section 111.008(b), the Commissioners Court may make any changes in the proposed budget that it considers warranted by the law and required by the interest of the taxpayers. NOTE: The vote to adopt the budget must be a roll call vote. **Cost: TBD; Speaker: Judge Schawe; Backup: None.**

Judge Schawe reviews the changes to the budget since the last meeting. Commissioner Moses and Commissioner Haden would like vests and cameras included in the Sheriff's budget. Judge Schawe says the money for the vests and cameras would need to come out of the contingency fund. He asks for a motion to approve the budget with those changes. So moved by Commissioner Moses, second by Commissioner Haden. Roll call vote: Commissioner Haden votes yes, Commissioner Moses votes yes, Commissioner Theriot votes yes, Commissioner Roland votes yes, and Judge Schawe votes yes. The budget is approved with conditions.

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27. **Discussion/Action** to consider adopting an order setting the tax rate of \$0.7753 per \$100.00 of assessed valuation for the fiscal year 2017-2018. The Tax Rate consists of two (2) components: Maintenance & Operations Tax Rate of 0.7103 approval and Debt Service Tax Rate of .0650 approval. NOTE: The vote to adopt the budget must be a roll call vote. **Cost: TBD; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe reviews the tax rates and that they are the same as last year. Roll call vote: Commissioner Haden votes yes, Commissioner Moses votes yes, Commissioner Theriot votes yes, Commissioner Roland votes yes, and Judge Schawe votes yes to adopt the tax rate of 0.7753. Motion made by Commissioner Moses, second by Commissioner Haden.

29. **Executive Session** pursuant to Texas Government Code, Title 5, Subchapter D, Section 552.071 (Consultation with Attorney): Consultation with legal counsel concerning status of 130 Environmental Park, SOAH Docket NO. 582-15-2082; TCEQ Docket No. 2015-0069-MSW. Possible action may follow in open court. **Cost: TBD; Speaker: Commissioner Haden; Backup: None.**

Executive Session begins at 10:53 a.m. and ends at 11:28 a.m. No action is taken.

28. **Executive Session** pursuant to Sections 551.071 and 551.087 of the Texas Government Code: Consultation with counsel and deliberation regarding economic development negotiations associated with Project Clooney. Possible action may follow in open court. **Cost: TBD; Speaker: Commissioner Theriot; Backup: None.**

Executive Session begins at 11:29 a.m. and ends at 11:53 a.m.

Motion made by Commissioner Theriot, second by Commissioner Haden that we authorize the Judge to extend an offer consistent with the city of Lockhart offer. All voting "Aye".

30. **Adjournment.**

Motion made by Commissioner Moses, second by Commissioner Haden to adjourn. All voting "Aye". Meeting adjourned at 11:54 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 September 25, 2017.

Carol Holcomb

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

