

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting January 22, 2018 9:00 a.m.



KEN SCHAWÉ	County Judge	TERRY WRIGHT	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. All members are present.

Invocation. Lockhart Ministerial Alliance

Grace Lutheran Church Pastor Bryan Dziadik-Willingham 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).

Judge Schawe leads all present in the pledge to both flags.

Announcements. Items or comments from Court members or staff.

Commissioner Wright says he is coordinating with Bob Bush and County Department Heads who make up the Time Keeping Committee regarding policies including workers compensation, comp time, overtime, sick time, and vacation time to create uniform policies for the County. He says he is learning about the ESS timekeeping system. He announces that tomorrow at 6:30 p.m. Lockhart City Council will meet and the agenda includes items that will affect the County.

Commissioner Moses says he attended and spoke at a Martin Luther King Jr. Celebration at William Taylor United Methodist Church on January 13th. He says he also met with a resident regarding her problems with some specific roads. He says the Luling Stock Show was last weekend.

Commissioner Theriot provides the update that County Engineer Jacque Thomas has submitted projects to CAMPO for their three-year plan. He also says that he will be requesting workshops for future agendas regarding private roads and the discharging of firearms in small lot subdivisions.

Commissioner Roland says he is a member of the Solid Waste Advisory Committee (SWAC) and that there was a grant program on Friday and Caldwell County did not qualify for a grant. He also checked on some roads and coordinated with Unit Road to address some issues.

Judge Schawe says that a standard for county roads is being established to ensure they are fixed and not just repaired time and again. He also says that the City of Luling has taken over EMS (Emergency Medical Services) for that southern half of Caldwell County.

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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).

Chuck Yunkun is a Precinct 2 resident concerned about the Murphy Ranch Subdivision and the water source that will be used for the people who buy there. He asks the County to be cautious and prevent deterioration within Caldwell County neighborhoods.

Bryan Dziadik-Willingham is a Lockhart resident speaking on behalf of Caldwell County Christian Ministries' emergency food pantry which has served Caldwell for years and provides for many area families. He reviews their hours of operation and budget and says he appreciates the County considering agenda item 10 and he approves a donation to the emergency food pantry.

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

1. **Approve payment of County invoices in the amount of \$239,934.39.**
2. **Ratify re-occurring County payments in the amount of:**
 - A. **\$ 285,706.22 (Payroll)**
 - B. **\$ 114,810.09 (Department of Motor Vehicle Fees)**
 - C. **\$ 220,694.92 (Texas Motor Vehicle Registration, Texas Motor Vehicle Sales/Use Tax Surcharges and Texas Boat and Motor Sales and Use Tax Report.**
 - D. **\$ 32,033.13 (Utilities).**
3. **Accept the December 2017 Tax Collection Report submitted by the Caldwell County Appraisal District.**
4. **Accept the County & District Clerks' Association of Texas Certificate of Completion for the required 20 hours of Continuing Education for 2017 prescribed in Section 51.605 of the Texas Government Code for District Clerk, Tina Morgan-Freeman.**
5. **Accept the County & District Clerks' Association of Texas Certificate of Completion for the required 20 hours of Continuing Education for 2017 prescribed in Section 51.605 of the Texas Government Code for County Clerk, Carol Holcomb.**

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6. **Accept the Constable, Precinct # 3 2017 Racial Profiling Report as required by Code of Criminal Procedure 2.132 (B)(7).**
7. **Accept the FY 2017 Annual Report Summary from the Caldwell County Community Supervision and Corrections Department.**

Motion made by Commissioner Moses, second by Commissioner Wright to accept consent items 1-7. All voting "Aye".

ACTION AGENDA ITEMS

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

Martin Ritchey says a burn ban will most likely be necessary in the near future, but he does not recommend one at this time. Motion made by Commissioner Roland, second by Commissioner Theriot to take the burn ban off. All voting "Aye".

9. **Discussion/Action** authorizing the County Judge to sign the Emergency Management Performance Grant (EMPG). **Cost: None; Speaker: Judge Schawe/Martin Ritchey; Backup: None.**

Martin Ritchey explains the agenda item and that he is asking for the continuation of the agreement with TDEM (Texas Division Emergency Management) and FEMA (Federal Emergency Management Agency) and the submission of the EMPG (Emergency Management Performance Grant) Proposal. Motion made by Commissioner Wright, second by Commissioner Moses. All voting "Aye".

10. **Discussion/Action** to approve a donation to the Caldwell County Christian Ministries for the purpose of funding the Emergency Food Pantry in an amount not to exceed \$3,044.36. **Cost: Not to exceed \$3,044.36; Speaker: Judge Schawe; Backup: 5.**

Rose Dunn-Turner with Caldwell County Christian Ministries reviews the services provided by CCCM and the Emergency Food Pantry and answers questions from the court.

Court members discuss the County's budgeted amount for contributions and when and how they are dispersed. Martin Ritchey applauds CCCM for their assistance during recent floods.

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Recommendation made by Commissioner Theriot, second by Commissioner Roland to provide a donation or grant of \$2,000.00. Commissioner Wright says he will donate the remaining amount personally plus a penny to go over the \$3,044.36. Commissioner Moses would like to raise the amount from the County but Judge Schawe suggests that because there is already a motion and a second in place that they move forward today and contribute any funds remaining at year's end to the foundation. All voting "Aye".

11. **Discussion/Action** to approve the Early Voting Locations for the 2018 Democratic Republican Primary Elections on March 6, 2018. **Cost: None; Speaker: Judge Schawe; Backup: 3.**

Elections Administrator Pamela Ohlendorf reviews the Early Voting Locations, times, and dates for 2018. Judge Schawe asks for a motion. So moved by Commissioner Moses, second by Commissioner Theriot. All voting "Aye". Pamela Ohlendorf announces that the information will also be posted on the Elections' website and Facebook page.

12. **Discussion/Action** to approve an Order Adopting Procedures for Abatement of Public Nuisances. **Cost: None; Speaker: Judge Schawe; Backup: 11.**

Judge Schawe explains the item is just being discussed today to be voted on in the future. Civil Attorney Jordan Powell says she has done some editing and added suggestions, options, and definitions to the draft of the Order based on the latest Texas Health and Safety Code for Public Nuisances. Jordan Powell and court members further discuss costs involved and what authority the Order would give the County and what areas are legally covered by the Order. No action is taken and the item is tabled.

14. **PUBLIC HEARING at 9:30 AM** concerning the approval of a Final Plat for Murphy Ranch, Section Two to include 36 lots on approximately 51.94 acres fronting Taylorsville Road (CR 158). **Cost: None; Speaker: Commissioner Moses /Kasi Miles; Backup: 4.**

Judge Schawe opens the Public Hearing at 9:43 a.m. and Kasi Miles invites anyone who would like to speak. She confirms for Commissioner Moses that Aqua Water Supply will provide water to the subdivision. Commissioner Theriot reviews changes the pending Subdivision Ordinance will bring to reassure Chuck Yunkun that the concerns he brought up during Citizens' Comments are being addressed. Chuck Yunkun reiterates his concerns.

Byron Friedrich speaks as a member of the Polonia Water Supply Corporation Board regarding their service letter to customers and answers a question from Commissioner Wright. Frank Sughrue shares his father's struggle getting water after buying property in Caldwell County. Judge Schawe and Kasi Miles confirm that engineer studies include water sources for properties and that Aqua Water will serve all tracts in the subdivision. Public Hearing closes at 9:55 a.m.

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- 13. Discussion/Action** to accept an Order relating to Purchasing Agent for Caldwell County. **Cost: Estimated \$5,050.00. Speaker: Judge Schawe; Backup: 1.**

Judge Schawe and Commissioner Theriot say the item has been discussed in the past and is the first step to getting the automated system up and running.

County Auditor Barbara Gonzales explains there are certain laws related to purchasing and a Purchasing Agent and Policy would ensure they are followed. She says she is working with County departments and County Attorney Jordan Powell and answers Commissioner Moses' question.

Judge Schawe says he is looking for a motion to accept the order. So moved by Commissioner Moses, second by Commissioner Theriot. All voting "Aye".

- 15. Discussion/Action** to consider the approval of the Final Plat for Murphy Ranch, Section Two to include 36 lots on approximately 51.94 acres fronting Taylorsville Road (CR 158). **Cost: None; Speaker: Commissioner Theriot; Backup: 37.**

Judge Schawe corrects the agenda item stating that the speaker should be Commissioner Moses as opposed to Commissioner Theriot.

Kasi Miles says that the court has confirmation in the backup that all requirements are met and she is asking them to consider approval. So moved by Commissioner Moses, second by Commissioner Roland. All voting "Aye".

- 16. Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Flores Acres located off Homannville Trail Road (CR 179). **Cost: None; Speaker: Commissioner Roland; Backup: 14.**

Kasi Miles explains the details of the request, confirms that all is in order, and says she is asking for approval from the court. She answers Judge Schawe's question regarding water on the property.

Motion made by Commissioner Roland, second by Commissioner Moses to approve the Order authorizing the filing of a Final Plat for Flores Acres located on Homannville Trail. All voting "Aye".

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12. **Jordan Powell** requests Judge Schawe reopen agenda item 12.

She would like to clarify that though most public nuisances fall within the parameters they discussed of a platted subdivision/neighborhood or property within 300 feet of a platted subdivision/neighborhood there are exceptions. She gives examples of different types of public nuisances and where they apply per the Texas Health and Safety Code.

Jerry West, City of Lockhart's Construction Board Chairman, invites anyone who is interested to one of their meetings to observe their handling of public nuisances in the community.

17. **Adjournment.**

Judge Schawe asks for a motion to adjourn. So moved by Commissioner Moses, second by Commissioner Theriot. All voting "Aye".

Court adjourns at 10:11 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 January 22, 2018.

Carol Holcomb

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



