

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting February 12, 2018 9:00 a.m.



KEN SCHAWA	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 9:01 a.m. All members are present.

Invocation. Lockhart Ministerial Alliance

Judge Schawe 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 met with members of Lockhart's Economic Development Corporation. He attended two Lockhart Chamber of Commerce events, Hot Rods and Hatters, a Greater San Marcos Development Corporation meeting, and the annual Go Texan Scholarship fundraiser. He also says a County Junior Livestock Show will be held March 1st – 3rd.

Commissioner Moses says he attended McMahan's pancake breakfast, a CARTS meeting in Austin, an Aging Advisory meeting with CAPCOG, a Caldwell-Travis Soil and Water Conservation District event, and the Go Texan Scholarship fundraiser. He also says he evaluated roads in his precinct and that the Luling Food Bank had a successful fundraiser.

Commissioner Theriot says he attended a Greater San Marcos Partnership meeting.

Commissioner Roland says he attended the Lockhart Chamber of Commerce banquet, an annual memorial held by a local family, and a Valentine's Day dance. Along with a constituent, Kasi Miles, and Mike Bittner he says he rode around reviewing road issues in his precinct.

Martin Ritchey reviews details of a five-vehicle accident on IH 10 over the weekend and acknowledges everyone who assisted in its resolution over the 24-hour road closure period. He says Incident Command System 300 Training had taken place just prior to the accident.

Mike Bittner is Caldwell County Code Inspector and speaks in favor of an Order Adopting Procedures for Abatement of Public Nuisances.

COMMISSIONERS COURT MINUTES
Regular Meeting on February 12, 2018

Barbara Gonzales says the Purchasing Manual has been sent out and should be reviewed and that the topic of twenty-six pay days a year is being discussed.

Judge Schawe says he and Commissioner Theriot attended a Capitol Alamo Connection meeting and that Nick Dornack is no longer a part of the Justice Center project. He says the Northern Caldwell County Correlation met and thanks Unit Road employees for their work towards FEMA funds.

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).

Alicia Thornton says she is in favor of item fifteen. She discusses safety concerns, including specific instances of firearm discharges, and concludes that the county should get out in front of the issue.

Lou Mac Naughton supports agenda item fifteen. She is not opposed to hunting or self-defense, but would like common sense restrictions. The ten-acre restriction is used across Texas and the county is becoming more densely populated.

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

1. **Approve payment of County invoices in the amount of \$ 408,787.10.**
2. **Ratify re-occurring County payments in the amount of:**
 - A. **\$ 290,364.70 (Payroll)**
 - B. **\$ 59,205.97 (Department of Motor Vehicle Fees)**
 - C. **\$ 381,242.60 (Texas Motor Vehicle Sales/Use Tax and Surcharge)**
 - D. **\$ 14,505.90 (Texas Motor Vehicle Registration Surcharge/Title Application Fees)**
 - E. **\$ 297.81 (Texas Boat and Boat Motor Sales and Use Tax Report)**
 - F. **\$ 36,251.35 (Utilities)**
3. **Accept and approve payment of the Surety Bond for Barbara Gonzales, Purchasing Agent, Bond # 63493075.**

So moved by Commissioner Moses, second by Commissioner Roland for consent agenda items 1-3. All voting "Aye".

COMMISSIONERS COURT MINUTES
Regular Meeting on February 12, 2018

ACTION AGENDA ITEMS

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

Martin Ritchey recommends the burn ban remain in place. If people need to burn they should contact their local VFD. Motion made by Commissioner Roland, second by Commissioner Moses to leave the burn ban on. All voting "Aye".

5. **Discussion/Action** to approve a Proclamation designating February as Dating Violence Awareness and Prevention Month for teens and young adults. **Cost: None; Speaker: Judge Schawe/ Zoe O'Balle; Backup: 1.**

Sarah Guckian and Janie Wright from Hays-Caldwell Women's Center along with Cindy Gonzales from the District Attorney's Office introduce and read the Proclamation. Judge Schawe asks for a motion to approve. So moved by Commissioner Theriot, second by Commissioner Wright. All voting "Aye".

6. **Discussion/Action** to approve a Proclamation declaring February as Black History Month. **Cost: None; Speaker: Commissioner Roland; Backup: 1.**

Commissioner Roland reads the Proclamation. Motion made by Commissioner Roland, second by Commissioner Theriot that we approve this Proclamation. All voting "Aye".

7. **Discussion/Action** to approve Resolution 04-2018 regarding Grant No. 3519101, Project "Caldwell County Sheriff's Office Co-morbidity Initiative Phase 2." **Cost: None; Speaker: Judge Schawe/Sgt. Anthony Hardee; Backup: 1.**

Sargent Anthony Hardee discusses programs offered by the County Jail and the resolution. He reviews monetary amounts involved, and confirms there are requirements for retaining the funds. He reads the Resolution. Judge Schawe asks for a motion. So moved by Commissioner Moses, second by Commissioner Wright. All voting "Aye".

8. **Discussion/Action** to approve the addition of a fifth Reserve Deputy for Constable, Precinct # 2. **Cost: TBD; Speaker: Judge Schawe; Backup: None.**

Judge Schawe explains the agenda item and discusses Reserve Deputy pay. County Treasurer Lori Rangel confirms they are not paid. County Auditor Barbara Gonzales suggests the item be tabled. Motion made by Commissioner Moses, second by Commissioner Wright to table. All voting "Aye".

COMMISSIONERS COURT MINUTES
Regular Meeting on February 12, 2018

9. **Discussion/Action** to approve Budget Amendment #4 for Fiscal Year 2017-2018 to the Building Maintenance Department for up to three months of temporary help. **Cost: TBD; Speaker: Commissioner Roland/Judge Schawe; Backup: 1.**

County Auditor Barbara Gonzales says there will be a standardized Worker's Comp Policy brought to the next meeting and that for now she is recommending the amendment in the agenda item that will cost \$5,639.00. Motion made by Commissioner Wright, second by Commissioner Moses. All voting "Aye".

10. **Discussion/Action** to approve Budget Amendment #5 for Fiscal Year 2017-2018 for the Elections Department due to insufficient funds to cover Voter Certification. **Cost: None; Speaker: Judge Schawe/ Pamela Ohlendorf; Backup: 3.**

Barbara Gonzales explains that the number of voters is higher than anticipated and postage has gone over budget. She recommends moving funds around to cover the cost. So moved by Commissioner Moses, second by Commissioner Theriot. All voting "Aye".

11. **Discussion/Action** authorizing the County Judge to execute a Location Use Agreement for Caldwell County Grounds with Issues, LLC for purposes of filming "I've Got Issues." **Cost: None; Speaker: Judge Schawe; Backup: 6.**

Civil Attorney Jordan Powell details the agreement and Cole David, Location Manager for Issues, LLC, answers questions from the court. Motion made by Commissioner Theriot, second by Commissioner Moses, that we authorize the Judge to execute the agreement. All voting "Aye".

12. **Discussion/Action** to approve an Order Adopting Procedures for Abatement of Public Nuisances. **Cost: None; Speaker: Judge Schawe; Backup: 23.**

County Code Inspector Mike Bittner and Civil Attorney Jordan Powell explain how the Abatement process would work, how it could benefit the county, and that the Commissioners Court would have to determine who would administer abatements and who would preside over their hearings.

Recommendation made by Commissioner Theriot, second by Commissioner Roland that we adopt these Nuisance Abatement Standards that the Code Enforcement Officer be appointed to administer the abatement program and that the hearings be held before the County Court at Law.

COMMISSIONERS COURT MINUTES
Regular Meeting on February 12, 2018

Jordan Powell and Judge Schawe discuss cases being heard in County Court at Law, Justice of the Peace Court, or by the Commissioners Court. Mike Bittner recommends Justice of the Peace Court.

Commissioner Theriot amends his motion to the JP Court, second by Commissioner Roland. Mike Bittner and the court emphasize that any public nuisances should be reported to the Code Inspector's Office. All voting "Aye".

- 13. Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Cannon North Subdivision located off Old Colony Line Road (CR 160).
Cost: None; Speaker: Commissioner Moses; Backup: 18.

Kasi Miles explains the details, says she is asking for a recommendation, and answers questions from the court. Judge Schawe asks for motion. Motion made by Commissioner Moses, second by Commissioner Roland. All voting "Aye".

- 14. Discussion/Action** regarding the County process and policy for accepting private roads into the County maintenance system. **Cost: None. Speaker: Commissioner Theriot; Backup: 3.**

Commissioner Theriot explains the agenda item. Court members discuss the code, road standards, and potential issues if the item were approved. Motion made by Commissioner Theriot, second by Commissioner Moses to table this item until we receive standards from the County Engineer. All voting "Aye".

- 15. Discussion/Action** to adopt an Order prohibiting the discharge of firearms on lots 10 acres or smaller located in the unincorporated area of the County, in a subdivision. **Cost: None; Speaker: Commissioner Theriot; Backup: 2.**

Commissioner Theriot expounds on why the agenda item has been brought before the court and would like the topic discussed. Jordan Powell reviews code regulations with the court. Judge Schawe says there have been requests for a public hearing. Captain Kuykendoll tells about answering calls for "shots fired" and answers questions from the court.

The court discusses a public hearing being included on a future agenda. Motion made by Commissioner Theriot, second by Commissioner Moses, that we table this until our next meeting and that we post an item as a Public Meeting at the next meeting. All voting "Aye".

COMMISSIONERS COURT MINUTES
Regular Meeting on February 12, 2018

16. **Discussion/Action** regarding the reallocation of two unsold salvage County vehicles from auction on Gov.deals.com and one decommissioned vehicle from JP #2 housed at the Fleet Maintenance Department to the Unit Road Department, and the donation of the remaining five unsold salvage vehicles to the Rural Volunteer Fire Departments in the County as directed by the Emergency Management Coordinator for use in extrication training. **Cost: None; Speaker: Judge Schawe/Donald LeClerc; Backup: 1.**

Judge Schawe explains the agenda item and the court discusses the details. Motion made by Commissioner Moses, second by Commissioner Wright. All voting "Aye".

17. **Discussion/Action** authorizing: (1) the County Judge to execute a legal services agreement with Denton, Navarro, Rocha, Bernal & Zech, PC for the purposes of review of the Caldwell County Development Ordinance Amendments and the Takings Impact Analysis prepared by the County Engineer; and (2) funds to be drawn from the Non-Departmental Budget, Professional Services Line Item No. 001-6510-4100. **Cost: Not to exceed \$10,000.00; Speaker: Commissioner Theriot; Backup: 2.**

Judge Schawe reads the agenda item and Commissioner Theriot explains the details and recommends approval. Judge Schawe says he is looking for a motion. Motion made by Commissioner Wright, second by Commissioner Theriot. All voting "Aye".

18. **Adjournment.**

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

Meeting adjourned at 10:47 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 12, 2018.



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

