

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting August 13, 2018 9:00 a.m.



KEN SCHAWA County Judge
CAROL HOLCOMB County Clerk

TERRY WRIGHT Commissioner Pct. 1
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

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 attended a committee meeting reviewing the Grant Writer and Purchasing positions' job descriptions as well as a Lockhart VFW fundraiser.

Commissioner Moses says he attended a lot of meetings and a 4H Banquet, where he received an award.

Commissioner Theriot says he attended a CAMPO meeting, a Greater San Marcos Partnership Meeting, and met with North Caldwell County Group.

Commissioner Roland says he met with a property owner to obtain permission for Old Lockhart Road to have access to HWY 21.

Bob Bush reviews the progress with Open Enrollment.

Barbara Gonzales reviews the conference call regarding bids for Certificates of Obligation.

Judge Schawe says FEMA will be in the County following up on Hurricane Harvey and that software issues have slowed the budget process.

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).

Linda Hinkle says she supports the current voting equipment being replaced and that the Subdivision Ordinance should be voted on as a new Ordinance rather than an amended document.

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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 \$ 325,043.76.**
2. **Ratify re-occurring County payments in the amount of:**
 - A. \$ 290,492.82 (Payroll for 07/16/2018 - 07/31/2018)
 - B. \$ 86,218.82 (Payroll for 07/16/2018 – 07/31/2018)
 - C. \$ 163,256.22 (Department of Motor Vehicle Fees)
 - D. \$ 380,230.90 (Texas Motor Vehicle Sales/Use Tax and Surcharge)
 - E. \$ 17,365.50 (Texas Motor Vehicle Registration Surcharge/Title Application Fees)
 - F. \$ 1,398.65 Texas Boat and Boat Motor Sales and Use Tax Report)
3. **Approve payment and accept Renewal of Surety Bond # 63317145 for County Auditor, Barbara Gonzales for a term of one year beginning on August 16, 2018.**
4. **Accept the Notice of Public Hearing to consider the proposed 2018 Appraisal District Budget from the Caldwell County Appraisal District.**
5. **Approve Budget Amendment #23 to approve decreasing budget line item 002-1101-4630 / Seal Coating in the amount of \$10,000 and increasing budget line item 002-1101-5310 / Machinery and Equipment in the amount of \$10,000 netting a \$0 cost to Unit Road.**

Motion made by Commissioner Moses, second by Commissioner Wright to accept consent agenda items 1-5. All voting “Aye”.

REPORTS

Lori Rangel, County Treasurer:

Quarterly Investment Report for Quarter Ending 03/31/2018
Quarterly Investment Report for Quarter Ending 06/30/2018

County Treasurer Lori Rangel gives the reports and answers Judge Schawe’s questions.

SPECIAL PRESENTATION

Elsie Lacey - 4-H Interpretation

Elsie Lacey thanks the court for their support and introduces 4-H participants who share stories from their 4-H experiences.

Graham Moore - Alliance Regional Water Authority

Graham Moore shares details regarding their Carrizo Project through a slide show presentation

AGENDA ACTION ITEMS

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

Motion made by Commissioner Roland, second by Commissioner Wright to leave the burn ban on. All voting "Aye".

20. **Discussion/Action** to consider making a donation to the Seton Hays Foundation Gala to benefit the areas of greatest need at Seton Medical Center Hays and Seton Edgar B. Davis Children's Care-A Van. **Cost: TBD; Speaker: Commissioner Moses / Megan Pumarejo; Backup: None.**

Megan Pumarejo explains the request for a donation and court members discuss what remains in the donations budget and ensuring that Caldwell's donation is kept within the county.

Motion made by Commissioner Moses, second by Commissioner Roland to table until later in the meeting. All voting "Aye".

7. **Discussion/Action** consideration and approval of an order authorizing the issuance of "Caldwell County, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2018"; providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the county and further securing said certificates by a lien on and pledge of the pledged revenues derived from the operation of the County Jail; providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a Paying Agent/Registrar Agreement and an Official Bid Form; complying with the requirements imposed by the letter of representations on file with the depository trust company; authorizing the execution of any necessary engagement agreements with the County's financial advisors and/or bond counsel; and providing for an effective date. **Cost: TBD; Speaker: Judge Schawe; Backup: 49; additional backup will be provided during court, Exhibits A-C.**

Stephanie Leibe, Senior Counsel with Norton Rose Fulbright US LLP says that County Financial Advisor Jennifer Ritter is at the office taking bids and discusses with the court the pending amounts.

Judge Schawe says he needs a motion to table. So moved by Commissioner Theriot, second by Commissioner Moses. All voting "Aye".

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8. **Discussion/Action** regarding the structure and appointments of a Bond Committee. **Cost: None; Speaker: Commissioner Theriot; Backup: None.**

Court members discuss the Committee's duties and formation including individual recommendations and the Committee consisting of Judge Schawe, a Commissioner, the Auditor, and two citizens.

Stephanie Leibe answers Commissioner Theriot's questions. Mike Lane, Donald LeClerc, and Jacque Thomas all express interest in being on the committee.

Motion by Commissioner Roland to table and Judge Schawe asks if he would change it to include who would form the committee.

Amended motion by Commissioner Roland, second by Commissioner Theriot that the committee will consist of Judge Schawe, the Auditor, a Commissioner, and two outside members. All voting "Aye"

7. Judge Schawe reopens item seven. Stephanie Leibe provides the court copies of the winning bid, stating the County will receive six million dollars at an interest rate of 3.15%. Barbara Gonzales and Judge Schawe discuss the loan's pay off options.

Motion made by Commissioner Wright, second by Commissioner Moses to approve an order authorizing all of this. All voting "Aye".

9. **Discussion/Action** regarding the tax rate and voting on the proposed tax rate. If the tax rate will exceed the roll back rate or effective tax rate (whichever is lower), take record vote and schedule two public hearings. **Cost: None; Speaker: Judge Schawe; Backup: 21.**

Judge Schawe explains the agenda item and asks for a vote to leave the tax rate the same which he says is reflected in the proposed budget.

Motion made by Commissioner Wright, second by Commissioner Moses. Roll call vote: Commissioner Wright votes yes, Commissioner Moses votes yes, Commissioner Theriot votes yes, Commissioner Roland votes yes, and Judge Schawe votes yes. Motion passes.

10. **Discussion/Action** to discuss the interim Emergency Management Coordinator salary. **Cost: TBD; Speaker: Judge Schawe; Backup: None.**

Judge Schawe explains the item and confirms the exempt pay amount with Barbara Gonzales, and at what rate comp time will be paid out with Lori Rangel.

Judge Schawe says he is looking for a motion to approve. So moved by Commissioner Moses, second by Commissioner Theriot at the amount of \$47,476.00. All voting "Aye".

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11. **Discussion/Action** authorizing the County Judge to execute a Development Incentive Agreement with Crop One Holdings, Inc. for purposes of promoting local economic development through a tax rebate incentive. **Cost: TBD; Speaker: Commissioner Theriot; Backup: 27.**

Commissioner Theriot introduces Cara Dimattina-Ryan who explains box farms and related tax and employment information.

Recommendation by Commissioner Theriot, second by Commissioner Roland to approve. All voting "Aye".

12. **Discussion/Action** to award the Request For Proposal #2 Vote Tabulation System to Election Systems & Software (ES&S) and approve the attached Agreement(s) totaling \$445,316.11 voting system hardware, \$54,513 poll books and software, \$4,500 maintenance, support and data conversion fee on the poll book firmware for a Grand Total of \$504,329.11. Annual maintenance costs after the second year will include the following: \$34,185 for software and maintenance costs (\$8,375 for poll books software and maintenance and \$25,810 for voting system and other hardware, software maintenance and firmware fees). **Cost: TBD; Speaker: Judge Schawe / Pamela Ohlendorf; Backup: 15.**

Elections Administrator Pamela Ohlendorf answers questions from the court regarding the proposal. Judge Schawe says he is looking for a motion. So moved by Commissioner Moses, second by Commissioner Wright. All voting "Aye".

13. **Discussion/Action** to approve the early election voting hours and locations for the General Election on November 6, 2018. **Cost: None; Speaker: Judge Schawe/Pamela Ohlendorf; Backup: 3.**

Pamela Ohlendorf reviews the proposed hours and locations and Democratic Chair Philip Ruiz says he would like the times and locations to go before the Elections Board for approval and for Luling to have more locations and extended hours.

Court members, Pamela Ohlendorf, and Barbara Gonzales discuss hours and locations along with the workers and pay any changes would require.

Motion made by Commissioner Theriot, second by Judge Schawe to approve as recommended. Court members discuss postponing the vote until after the Elections Board meets and extending hours.

Amended motion made by Commissioner Theriot, second by Commissioner Moses to specify the second week hours be 7a.m.-7p.m. Commissioner Moses, Commissioner Theriot, and Commissioner Roland vote in favor. Commissioner Wright votes against. Motion passes.

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14. **Discussion/Action** regarding the selection of the 2018/2020 County Election Officers as proposed by the Caldwell County Democratic and Republican Party Appointment. **Cost: None; Speaker: Judge Schawe / Pamela Ohlendorf; Backup: 19.**

Pamela Ohlendorf says she will represent the Republican Party Chair because she could not be present and introduces Philip Ruiz who explains the proposed list.

Pamela Ohlendorf confirms they are approving both parties' lists which will be finalized at the Elections Board meeting and brought back to court.

So moved by Commissioner Moses, second by Commissioner Roland. All voting "Aye".

Judge Schawe calls a recess at 11:07 a.m. and court reconvenes at 11:18 a.m.

15. **Discussion/Action** to approve Budget Amendment #24 decreased budget line item 001-6610-5310 / Machinery and Equipment in the amount of \$4,000 and increasing budget line item 001-6610-4510 / Repairs & Maintenance in the amount of \$4,000 netting a \$0 cost to Information Technology. **Cost: None. Speaker: Judge Schawe; Backup: 3.**

Judge Schawe explains the item and is looking for a motion to approve. So moved by Commissioner Moses, second by Commissioner Theriot. All voting "Aye".

16. **Discussion/Action** regarding 2019 Sheriffs' and Constables' Fees. **Cost: None; Speaker: Judge Schawe / Carol Holcomb; Backup: 1.**

Judge Schawe says he has not reviewed the numbers, asks for Commissioners and Chief Mike Lane to do research, and requests a motion to table the item until next Commissioners Court.

So moved by Commissioner Moses, second by Commissioner Theriot. All voting "Aye".

17. **Discussion/Action** regarding the .US Locality Domain Name Registration Agreement with NeuStar, Inc. related to the County website services administered through County Information Resources Agency and Texas Association of Counties. **Cost: None; Speaker: Judge Schawe; Backup: 12.**

Judge Schawe explains the need for the agreement. So moved by Commissioner Theriot, second by Commissioner Moses. All voting "Aye".

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- 18. Discussion/Action** regarding the renewal of the Interlocal Contract for Geographic Information System Data with the Capital Area Emergency Communications District with Capital Area. **Cost: None; Speaker: Judge Schawe; Backup: 17.**

Judge Schawe says this contract is for the renewal of 911's information. So moved by Commissioner Moses, second by Commissioner Roland. All voting "Aye".

- 19. 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: None; Speaker: Judge Schawe; Backup: 10.**

Judge Schawe explains the agenda item and says he is looking for a motion to approve. Motion made by Commissioner Wright, second by Commissioner Moses. All voting "Aye".

- 20.** Judge Schawe reopens item 20 and discusses the donation budget with court members.

So moved by Commissioner Moses, second by Commissioner Theriot to use that two thousand for Seton, but specify that it goes to the caravan. All voting "Aye".

- 21. Discussion/Action** regarding the renewal of the Service Contract for Seth Thomas Tower Clock in the courthouse. **Cost: \$1750.00; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe reviews the agenda item. So moved by Commissioner Moses, second by Commissioner Roland. All voting "Aye".

- 22. Discussion/Action** to adopt the proposed amendments to the Caldwell County Development Ordinance. **Cost: None; Speaker: Commissioner Theriot; Backup: None.**

Commissioner Theriot explains the amendments and how they were determined. Recommendation made by Commissioner Theriot, second by Commissioner Wright for the approval of Development Ordinance amendments. All voting "Aye".

Judge Schawe and Commissioner Theriot discuss private roads.

- 23. Discussion/Action** to consider a variance request from the Caldwell County Subdivision Ordinance concerning the lot frontages for the Re-Plat of Lots 2-B North and 2-B-South of Pecan Meadows subdivision located on FM 1854. **Cost: None; Speaker: Commissioner Roland / Kasi Miles; Backup: 9.**

Kasi Miles explains the request and that she recommends approval. Motion made by Commissioner Roland, second by Commissioner Moses that we allow variance. All voting "Aye".

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24. **Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Re-Plat of Lot 2-B-North and Lot 2-B-South of Pecan Meadows subdivision located on FM 1854. **Cost: None; Speaker: Commissioner Roland / Kasi Miles; Backup: 17.**

Kasi Miles explains that with the variance approved she is looking for approval of the final plat. Motion made by Commissioner Roland, second by Commissioner Moses for approval of item 24. All voting "Aye".

25. **Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Old Line Estates located on Old Colony Line Road (CR 160). **Cost: TBD; Speaker: Commissioner Moses / Kasi Miles; Backup: 13.**

Kasi Miles explains the item and that she is looking for approval. So moved by Commissioner Moses, second by Commissioner Theriot. All voting "Aye".

EXECUTIVE SESSION (additional item)

Judge Schawe calls an Executive Session at 11:36 a.m.

Commissioner Wright, Commissioner Moses, Judge Schawe, Commissioner Theriot, Commissioner Roland, and County Attorney Amanda Montgomery are all present.

The session ends at 12:01 p.m. and no action is taken.

26. **Discussion/Action** regarding the position of the County Engineer. **Cost: None; Speaker: Commissioner Roland; Backup: None.**

Motion made by Commissioner Roland, second by Commissioner Theriot to table item 26. All voting "Aye".

10. Judge Schawe returns to item 10 in order to confirm the position's new pay rate will take effect August 16th, and he says he is looking for a motion to approve.

So moved by Commissioner Moses, second by Commissioner Theriot. All voting "Aye".

Judge Schawe calls a break at 12:05 p.m. and court reconvenes at 12:13 p.m.

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27. **BUDGET WORKSHOP** Cost: None; Speaker: Judge Schawe; Backup: None.

Budget Workshop begins at 12:13 p.m.

Copies of the most recent proposed budget are provided to the court and Judge Schawe reviews the changes. Court members, Barbara Gonzales, Kasi Miles, Pamela Ohlendorf and Mike Lane discuss the changes along with pending and additional requests.

Budget Workshop ends at 12:44 p.m.

28. **Adjournment.**

Motion made by Commissioner Roland, second by Commissioner Moses to adjourn. All voting "Aye".

Court adjourns at 12:45 p.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 August 13, 2018.

Carol Holcomb

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

