

**COMMISSIONERS COURT MINUTES**  
**110 S. Main St. 2nd Floor, Lockhart, Texas**  
**Commissioners Court March 24, 2020 9:00 a.m.**



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| <b>HOPPY HADEN</b>      | <b>County Judge</b> | <b>B.J. WESTMORELAND</b> | <b>Commissioner Pct. 1</b> |
| <b>TERESA RODRIGUEZ</b> | <b>County Clerk</b> | <b>BARBARA SHELTON</b>   | <b>Commissioner Pct. 2</b> |
|                         |                     | <b>ED THERIOT</b>        | <b>Commissioner Pct. 3</b> |
|                         |                     | <b>JOE IVAN ROLAND</b>   | <b>Commissioner Pct. 4</b> |

**Call Meeting to Order**

Judge Haden calls the meeting to order at 9:00 a.m. All members are present.

**Invocation.**

Judge Haden 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 Haden leads all in the pledge to both flags.

**Announcements.** Items or comments from Court members or staff.

Commissioner Shelton announced that Meals on Wheels in McMahan, will still be serving on Wednesdays, delivery service is still available. On 3-18-20 she joined in on the White House COVID-19 briefing call for current updates on the virus, major stressing point is to practice social distancing and gatherings to slow the virus down. On 3-20-20 she had a teleconference with CARTS they have had a drop in riders so will adjusting schedules.

Commissioner Roland spoke with Ms. Edna Rayford and she is very fond of Judge Haden and Dennis Engelke and has added their names to the brick wall she has at the school. Commissioner Roland added he also would like to add the rest of the courts members to the wall.

Judge Haden explained that Offices with public interactions will be by appointment only and there will be screened questions before entering, this includes the District Office, County Clerk Office and Tax Office. Most of the JP Offices have shutdown, but in the process to have the ability to Skype, Judge Molina along with the Jail has the ability.

He commends Mark Hinnenkamp for handling this project alone. Judge Haden will meet with Mayors from surrounding cities to make sure everyone is on the same page, in case we come to the point where we are having to issue a "Shelter in Place" Order, to come to an agreement of what that means. He explains there is a lot to consider and we are not prepared at this time to issue such an Order.

Judge Haden also reports that he is trying to get a Public Health Officer, a Doctor that can get presumptive positive numbers without one we only receive confirmed numbers.

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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).

Pursuant to Executive Order GA08, relating to Covid-19 preparedness and mitigation, access to the 2<sup>nd</sup> Floor Courtroom will be limited to the County Judge, Commissioners, essential staff, and one (1) other person at a time. These measures are necessary to abide by the Governor's Executive Order and are intended to facilitate communication between members of the public and public officials. Participants and speakers will be allowed to enter the courtroom when the Court takes up their respective item on the agenda. The meeting will be broadcast over the internet and may be viewed at <http://www.co.caldwell.tx.us/page/caldwell.CommissionersCourtLive-OnDemand>

Linda Hinkle, 1109 South Main St. Lockhart, stated she had concerns about Agenda Item #21, the Sub changes to Subdivision Ordinance. She stated she is part of the Subdivision Committee and has concerns along with changes that are needed. Also has questions about the Short Form Plat requirements.

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

1. ***Approve payment of County invoices and County Purchase Orders in the amount of \$507,655.28; Backup: 33***
2. **Ratify re-occurring County Payments**
  - A. **\$337,011.38 (Payroll 2/16/2020 – 2/29/2020); Backup: 22**
  - B. **\$101,706.14 (Payroll Tax 2/16/2020 – 2/29/2020); Backup: 2**
  - C. **\$70,930.36 (DMV); Backup: 2**
  - D. **\$74.22 (TPWD Comptroller); Backup: 3**
  - E. **\$358,297.11 (DMV Comptroller); Backup: 13**
3. **To accept the February 2020 County Extension Agent Report for Wayne Morse. Backup: 3**
4. **To accept the February 2020 County Extension Agent Report for Aaron McCoy. Backup: 4**
5. **To accept the February 2020 Collection report from the Caldwell County Appraisal District. Backup: 4**
6. **To accept the Caldwell County Appraisal District Board of Directors' Resolution proposing Budget Amendment. Backup: 3**
7. **To accept Commissioner Shelton's education certificate of completion from the County Judges and Commissioners Association. Backup: 2**
8. **To accept Commissioner Roland's education certificate of completion from the County Judges and Commissioners Association. Backup: 2**

Judge Haden made motion to approve Consent Agenda. Motion made by Commissioner Shelton, and second by Commissioner Westmoreland. All voting "Aye".

**AGENDA ACTION ITEMS**

- 9. Discussion/Action** regarding the burn ban. **Speaker: Judge Haden / Hector Rangel; Backup: None; Cost: None**

Judge Haden made a motion to keep Burn Ban off. Motion made by Commissioner Roland, second by Commissioner Theriot. All voting "Aye".

- 24. Discussion/Action** to discuss the creation of a policy and procedure for employee compensation in the event of County mandated closure due to COVID-19 or other local emergency declaration. **Speaker: Judge Haden; Backup: 1; Cost: None**

Judge Haden reads the Policy and Procedure for employees in the event of County Mandate closure due to the COVID-19 or other local declaration. The Policy covers Administrative Leave pay with conditions for employees that are Exempt and Non-Exempt without using vacation or sick time, through the duration of the epidemic. In the Policy item G, was reviewed, due to the clause indicating, that employees that were required to work would still receive Emergency Leave pay. Upon discussion the clause was removed and policy will be amended. Judge Haden asked for motion to adopt this Policy being retro-active to 3-23-20 and striking item "G". Motion made by Commissioner Westmoreland, second by Commissioner Roland. All voting "Aye".

- 10. Discussion/Action** to approve Resolution 14-2020 to enter a local transportation (AFA) Advance Funding Agreement to provide funding for Rehabilitation for the CR 224 bridge over Elm Creek Branch. **Speaker: Judge Haden; Backup: 2; Cost: None**

Judge Haden reads Resolution 14-2020 State of Texas Caldwell County, on the \$5,000 bridge repair on CR 224, that will cost the County \$3,438.00. So moved by Commissioner Theriot, second by Commissioner Shelton. All voting "Aye".

- 11. Discussion/Action** to approve Resolution 15-2020 to enter a local transportation (AFA) Advance Funding Agreement to provide funding for Rehabilitation for the CR 205 bridge over Plum Creek Branch. **Speaker: Judge Haden; Backup: 2; Cost: None**

Judge Haden reads the approval for Resolution 15-2020 to provide funding of bridge on CR 205 with the cost to the County of \$3,438.00. So moved by Commissioner Westmoreland, second by Commissioner Theriot. All voting "Aye".

- 12. Discussion/Action** to consider amendments to Resolution 11-2020 authorizing both the County Judge and County Auditor as signatories for contractual and financial documents pertaining to the Texas General Land Office Infrastructure Grant 20-065-020-C066. **Speaker; Judge Haden/ Dennis Engelke; Backup: 2; Cost: None**

Dennis Engelke reads Resolution 11-2020 as amended. Motion made by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

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- 13. Discussion/Action** to consider the approval of a drawdown of \$79,888.37 for expenditures pertaining to the rendering of professional services in the execution of the Texas General Land Office Infrastructure Grant 20-065-020-C066. **Speaker: Judge Haden/ Dennis Engelke; Backup: 4; Cost: None**

Dennis Engelke seeks approval for first requested drawdown from the Grant Funds in the amount of \$79,888.37. Dennis provided breakdown on the fund distribution. So moved by Commissioner Westmoreland, second by Commissioner Roland. All voting "Aye".

- 14. Discussion/Action** to consider adopting Amendment No. 1 to the Caldwell County Grant Administration and Environmental Services Contract by replacing dollar figures with percentage figures for grant administrative services pertaining to the GLO Infrastructure by Buyout Program Grant. **Speaker; Judge Haden/ Dennis Engelke; Backup: 2; Cost: None**

Dennis Engelke reads contract and gave details on amendments to be approved. So moved by Commissioner Theriot, second by Commissioner Shelton. All voting "Aye".

- 15. Discussion/Action** to approve Budget Amendment #23 for travel and training proceeds received from CATC and HHTX. **Speaker: Judge Haden; Backup: 4; Cost: Net Zero**

Judge Haden requests approval of Budget Amendment #23. Motion made by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye".

- 16. Discussion/Action** to approve Budget Amendment #24 for District Clerk to transfer money from Machinery and Equipment to Training. **Speaker: Judge Haden; Backup: 2; Cost: Net Zero**

Judge Haden requests approval of Budget Amendment #24. Motion made by Commissioner Roland, second by Commissioner Theriot. All voting "Aye".

- 17. Discussion/Action** to approve Budget Amendment #25 to align revenue to insurance proceeds revenue line item and repairs & maintenance expense line item. **Speaker: Judge Haden; Backup: 10; Cost: Net Zero**

Judge Haden requests approval for Budget Amendment #25. So moved by Commissioner Theriot, second by Commissioner Westmoreland. All voting "Aye".

- 18. Discussion/Action** to authorize execution of Capital Area Emergency Communications District Interlocal Agreement for 911 GIS Database Management. **Speaker: Judge Haden; Backup: 26; Cost: None**

Judge Haden explained that with CAPCOG adopting new GIS system, instead of address base we will be GIS base 911. CAPCOG made funding to County to have full time person and request Caldwell County to return an executed copy of new agreement by March 27, 2020 to be executed by March 31, 2020. Position will be posted. So moved by Commissioner Roland, second by Commissioner Shelton. All voting "Aye".

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19. **Discussion/Action** to discuss the statutory County Child Abuse Prevention Fund and Child Safety fees. **Speaker: Judge Haden; Backup: 8; Cost: None**

Judge Haden would like to table this item and asked for breakdown and clarification about options on how to disperse monies to different entities. Motion to table made by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

20. **Discussion/Action** to authorize the Unit Road Director and/or County Engineer to amend and update development construction standards. **Speaker: Judge Haden/ Kasi Miles/ Tracy Bratton; Backup: 5; Cost: None**

Tracy Bratton request to authorize adopting construction standards referred by TxDot specifications. Motion made by Commissioner Theriot, second by Commissioner Westmoreland. All voting "Aye".

21. **Discussion/Action** to discuss amending the Development Ordinance. **Speaker: Judge Haden/ Kasi Miles/ Tracy Bratton; Backup: 8; Cost: None**

Tracy Bratton request approval for amending Development Ordinance, as recommended by the County Engineer acknowledging that this amendment will continue to be looked at and refined. Motion made by Commissioner Theriot ,second by Commissioner Westmoreland voting "Aye". Commissioner Shelton, oppose.

22. **Discussion/Action** to discuss an adoption fee of \$250 for subdivision Applicant Meetings after they have a pre-application meeting. **Speaker: Judge Haden/ Kais Miles/ Tracy Bratton; Backup: 1; Cost: None**

Tracy Bratton requesting fee of \$250 for pre-application meetings. Motion made by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye".

23. **Discussion/Action** to accept the Texas Department of Family and Protective services Grant Contract effective December 1, 2019 to September 30, 2025. **Speaker: Judge Haden/ Dennis Engelke; Backup: 41; Cost: None**

Dennis Engelke requesting to approve the contract awarded to Caldwell County. Motion made by Commissioner Shelton, second by Commissioner Roland. All voting "Aye".

25. **Discussion/Action** to discuss paying Mr. Joe Colley for the damages to his vehicle tires while traveling on Homannville Trail. **Speaker: Joe Roland; Backup: 1; Cost: None**

Commissioner Roland made a motion to pay Mr. Joe Colley's vehicle damages. Died for Lack of a second.

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- 26 Discussion/Action** to consider the approval of the Preliminary Plat for Rebecca's Crossing Subdivision to include 18 lots on approximately 55.56 acres located at the southwest corner of State Highway 80 and Callihan Road (CR 112). **Speaker: Commissioner Theriot/ Kasi Miles/ Tracy Bratton; Backup: 28; Cost: None**

Commissioner Shelton explained that there is a change difference from Plats submitted in March 2019. One main issue she reported is acreage of tracks not correct, also pointed out several errors that need to be corrected before submitting. These will be listed in the agenda backup. Motion made by Commissioner Shelton on basis that items stated are corrected. Second by Commissioner Roland. All voting "Aye".

- 27. Discussion/Action** to consider the approval of the Final Plat for Atticus Acres Subdivision to include 16 lots on approximately 42.49 acres located on Washburn Road (CR 115) and Union Hill Road (CR 123). **Speaker: Commissioner Shelton/ Kasi Miles/ Tracy Bratton; Backup: 71; Cost: None**

Commissioner Shelton request approval of Final Plat. Kasi Miles announces there is a new a joining property owner to include. Motion made by Commissioner Shelton, with correction of new property owner added. Second by Commissioner Theriot. All voting "Aye".

Judge Haden made motion to adjourn. JJ Wells announced there was an Emergency Item on the Supplemental agenda.

- 28. Discussion/Action** regarding Political Road Bridge Repair. **Speaker: Commissioner Ed Theriot/ Dennis Engelke/ Donald LeClerc; Backup: None; Cost: TBD**

Judge Haden read the Notice of Emergency regarding Political Road Bridge Repair. Tracy Bratton explained this is a FEMA site. Reported the Bridge Site was surveyed and pictures were taken as well as being inspected regularly. Tracy Bratton recommends to use mats across road for support. JJ Wells recommends to apply letter of findings be added to the back up agenda that acknowledges situation as urgent public necessity requiring immediate action.

Commissioner Theriot requests using monies from unit road funds. Judge Haden request an amount for the project be set now to keep from holding an emergency meeting for transfer of funds. Motion made by Commissioner Theriot, the authorization of emergency repair to Political Road Bride based on the threat of public safety. Second by Commissioner Roland. All voting "Aye".


- 29. Adjournment.**

Motion made by Commissioner Shelton, second by Commissioner Westmoreland that we adjourn. All voting "Aye". Court adjourned at 10:38 a.m.

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I, TERESA RODRIGUEZ, 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 March 10, 2020.

  
TERESA RODRIGUEZ, COUNTY CLERK AND EX OFFICIO  
CLERK OF THE COMMISSIONERS' COURT OF  
CALDWELL COUNTY, TEXAS



