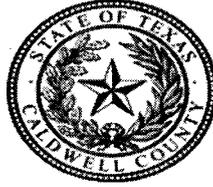


COMMISSIONERS COURT MINUTES  
Scott Annex Building at 1403 Blackjack St, Lockhart, Texas  
Commissioners Court August 12, 2019 9:00 a.m.



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

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**Call Meeting to Order.**

Judge Haden calls the meeting to order at 9:00 a.m. All members are present. Judge Haden notes that the heading on the agendas should read August 12, 2019 as opposed to July 22, 2019.

**Invocation.** Lockhart Ministerial Alliance

Bob Bush 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 present in the pledge to both flags.

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

Dennis Engelke updates the court regarding grant projects in the County.

**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).

**Philip Ruiz** says he would like election hours to match previous years and not be reduced.

**David Gratz** requests that voting hours remain consistent and are not changed for this year's election.

**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 \$354,070.25; Backup: 36
2. Approve payment of County Volunteer Fire Departments in the amount of \$6,400.00. Backup: 6
3. Approve payment of Texas Associations of Counties Health Blue Cross BlueShield in the amount of \$158,459.57. Backup: 6
4. Approve payment of Caldwell County Employee Benefits in the amount of \$15,255.44. Backup: 7
5. Approve the County Treasures Quarterly Reports. Backup: 6

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6. **Ratify re-occurring County payments**
  - A. \$289,748.21 ( Payroll Roll 7/7/2019-7/20/2019); Backup 21
  - B. \$87,735.15 ( Payroll Tax 7/7/2019-7/20/2019); Backup 2
  - C. \$234,423.57 (Department of Motor Vehicles Fees - July 2019). Backup: 4
  - D. \$2,082.42(Texas Boat and Motor Sales/Texas Parks and Wildlife). Backup: 3
  - E. \$488,291.00 (DMV/Comptroller). Backup: 14
7. **Accept July 2019 Reports from Caldwell County Extension Office:**
  - A. Elsie Lacy: Backup: 2
  - B. Wayne Morse: 2
8. **Accept April - June 2019 Activity Report from Constable, Precinct 3; Backup: 2**
9. **Accept the July 2019 Environmental Investigator Report from Mike Bittner: Backup 3**
10. **Accept the Proposed 2020 Appraisal District and Collection Budget submitted by the Caldwell County Appraisal District. Backup: 7**
11. **Accept quarterly juror payments to the State of Texas Comptroller's Judiciary Section. Backup:6**
12. **Accept Purchasing Department for contract 18CCP04A amendment #1 between Caldwell County and Doucet & Associates, INC for professional engineer services on GLO-CDBG Harvey Projects. Backup: 48**
13. **Accept Resolution 24-2019 to amend Medical Reimbursement Plan section 4.2 (MRP Plan) to allow a maximum annual contribution limit of \$2,700.00 for the Plan Year commencing October 1, 2019. Backup:5**
14. **Accept the District Judge's order naming Mayra S. Castillo as interim Auditor. Backup: 3**

Commissioner Theriot abstains from the vote in relation to item 12.

Motion made by Commissioner Shelton, second by Commissioner Westmoreland to approve the Consent Agenda. All participating court members voting "Aye".

### **SPECIAL PRESENTATIONS**

Presentation from Elsie Lacy, 4-H Events in which she has participated. **Backup: 1**

Elsie Lacy introduces 4-H participants who share their experience and success in the program.

Kennie Kerr PHI Air Medical, Membership Program Benefits August 2019. **Backup: 11**

Kennie Kerr reviews the program and price being offered to the County and answers questions from court members and County employees.

Judge Haden asks for a motion to approve. Motion made by Commissioner Shelton, second by Commissioner Westmoreland to approve for open enrollment. All voting "Aye". Amanda Montgomery explains it is a Special Presentation as opposed to an Action Item, so a motion cannot be made. There is also clarification that because it would be an elected option, PHI can participate in open enrollment without court approval. Motion made by Commissioner Shelton, second by Commissioner Westmoreland to withdraw her motion. All voting "Aye".

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**PUBLIC HEARING at 9:30 AM**

Concerning the approval of a Preliminary Plat for Alexander Acres to include 13 lots on approximately 27.11 acres located off Ivy Switch Road. **Backup: 11**

The Public Hearing is opened at 9:33 a.m. There are no speakers and it is closed at 9:33 a.m.

**AGENDA ACTION ITEMS**

- 15. Discussion/Action** regarding the burn ban. **Backup: None; Speaker: Judge Haden / Carine Chalfoun; Cost: None**

Carine Chalfoun recommends continuing the burn ban that went into effect on August 7<sup>nd</sup> through an emergency declaration. Motion made by Commissioner Roland, second by Commissioner Theriot to keep the burn ban in place. All voting "Aye".

- 16. Discussion/Action** to approve the Resolution 23-2019 in support of the City of Lockhart, Texas submission of an application to the Texas Department of Transportation for the Transportation Alternatives Set-Aside Program / Safe Routes to School Grant to partially fund public improvements in the 100 Block of East San Antonio Street (SH 142).; **Speaker: Commissioners Westmoreland / Dan Gibson; Backup: 2; Cost: None**

Dan Gibson, Lockhart's City Planner, explains the Resolution's background and that it is needed for the Grant's approval. Commissioner Theriot and Dan Gibson discuss the proposed right-of-way possibly becoming an easement and Judge Haden reads Resolution 23-2019 and asks for approval. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye".

- 17. Discussion/Action** to approve Budget Amendment #40 for Certificate of Obligation Series 2018 Capital Project for Machinery and Equipment for Unit Road for ASCO and Utility Trailer Southeast Texas, Inc. **Speaker: Judge Haden; Backup: 5; Cost: \$422,355.00**

Judge Haden explains the item and asks for a motion to approve. So moved by Commissioner Westmoreland, second by Commissioner Roland. All voting "Aye".

- 18. Discussion/Action** to approve Budget Amendment #41 to move money to budget line item 00165205120 to pay for audio/visual upgrades in the courtroom. **Speaker: Judge Haden; Backup: 2; Cost: Net Zero**

Judge Haden explains the item and asks for approval to go forward. So moved by Commissioner Theriot, second by Commissioner Westmoreland. All voting "Aye".

- 19. Discussion/Action** to approve Budget Amendment #42 to move money from contingency to cover indigent funeral expenses. **Speaker: Judge Haden; Backup: 2; Cost: Net Zero**

Judge Haden explains the agenda item. Motion made by Commissioner Shelton, second by Commissioner Roland that we approve. All voting "Aye".

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20. **Discussion/Action** to discuss the tax rate and voting on the proposed tax rate. If the tax rate will exceed the rollback rate or effective tax rate, whichever is lower, take record vote and schedule two public meetings. **Speaker: Judge Haden; Backup: 24; Cost: None**

Judge Haden explains that this item requires a roll call vote. Commissioner Westmoreland votes "Aye", Commissioner Shelton votes "Aye", Judge Haden votes "Aye", Commissioner Theriot votes "Aye", and Commissioner Roland votes "Aye". Five votes in favor, none against item passes.

21. **Discussion/Action** to authorize the County Judge to execute Chapter 381 Economic development Incentive Agreements between Pure Casting Company and Caldwell County for purposes of promoting local economic development through tax rebate incentives. **Speaker: Judge Haden; Backup: 36; Cost: None**

Judge Haden asks for a motion to approve. So moved by Commissioner Theriot, second by Commissioner Shelton. All voting "Aye". Judge Haden and Amanda Montgomery discuss his need to abstain from the item, so he steps out and Commissioner Theriot withdraws his motion for approval. Commissioner Theriot, as acting Judge Pro Tem, asks for a new motion. Motion made by Commissioner Shelton, second by Commissioner Westmoreland to accept. All present voting "Aye".

22. **Discussion/Action** to approve the early voting hours and the November 5, 2019 Election Day polling location. **Speaker: Judge Haden/ Pamela Ohlendorf; Backup: 5; Cost: None**

Judge Haden explains the Elections Committee voted on the proposed hours based on the type of election being held, with only one opposing vote. Motion made by Commissioner Theriot, second by Commissioner Westmoreland to approve the recommendation of the committee. All voting "Aye".

23. **Discussion/Action** to approve the Caldwell County Fair Association's request for a Lease Extension. **Backup: 22; Speaker: Judge Haden; Cost: TBD**

Judge Haden explains the lease is still being negotiated. Amanda Montgomery explains the Fair Association would like the lease approved before they continue investing in the property and discusses the current lease being negated and a whole new lease being drawn up. Amanda Montgomery is asking for approval to continue negotiations. So moved by Commissioner Westmoreland, second by Commissioner Roland. All voting "Aye".

24. **Discussion/Action** to approve the renewal of the Regional Public Defender for Capital Cases Inter-Local Agreement between Lubbock County and Caldwell County. **Speaker: Judge Haden; Backup: 13; Cost: TBD**

Judge Haden explains the item and asks for a motion to approve. So moved by Commissioner Theriot, second by Commissioner Shelton. All voting "Aye".

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25. **Discussion/Action** authorizing the County Judge to execute a Memorandum of Understanding (MOU) between Kinder Morgan and Caldwell County for specific considerations as a part of the Right-of-Way (ROW) and Road Crossing permit application process. **Speaker: Judge Haden; Backup: TBD; Cost: None**

Judge Haden explains the MOU is still under negotiation, clarifies what items are being negotiated, and requests the item is tabled until negotiations are finalized. Motion made by Commissioner Shelton, second by Commissioner Roland to table item 25. All voting "Aye".

26. **Discussion/Action** to approve the contract renewal between Greater San Marcos Partnership (GSMP) and Caldwell County for the purposes of economic development activities. **Speaker: Judge Haden; Backup: 6; Cost: \$30,000**

Judge Haden asks for a motion to approve. Motion made by Commissioner Theriot to approve. Commissioner Shelton asks if a date on the contract should be changed from 2018 to 2019. Amended motion by Commissioner Theriot, second by Commissioner Shelton to approved with amendment. Amanda Montgomery explains the date in the backup is correct because it needs to backdate to 2018. A second amended motion by Commissioner Theriot, second by Commissioner Shelton to recommend approval of the item. All voting "Aye". Adriana Cruz thanks the court for the County's participation.

27. **Discussion/Action** to approve the creation of the position of Court Coordinator for the Caldwell County Court at Law as provided by Texas Government Code §74.101 and §74.104. **Speaker: Judge Haden; Backup: 2; Cost: TBD**

Judge Haden explains the position and requests approval. So moved by Commissioner Westmoreland, second by Commissioner Roland. All voting "Aye".

28. **Discussion/Action** to discuss and to possibly approve the financial audits for Caldwell/Hays County Emergency Services District #1 for FY 2016-2017 and FY 2017-2018. **Speaker: Judge Haden; Backup: 58; Cost: None**

Judge Haden introduces the item and asks for a motion. Motion made by Commissioner Shelton, second by Commissioner Theriot that we approve it. All voting "Aye".

29. **Discussion/Action** to discuss and possibly take action on the Texas Commission on Environmental Quality (TCEQ) Paver Lot Project. **Speaker: Judge Haden / Dennis Engelke; Backup: 9; Cost: TBD**

Dennis Engelke explains the project and its expenses. Blayne Stansberry, from Stansberry Engineering provides further details about the project. Danie Blake recommends going back out for bid on the project. Court members discuss tabling the item until the cost is more concrete. Judge Haden requests a motion to table. So moved by Commissioner Theriot, second by Commissioner Westmoreland All voting "Aye".

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- 30. Discussion/Action** to approve a request by Texas Park and Wildlife for storage shed to store the Caldwell County kayaks. **Speaker: Judge Haden; Backup: 3; Cost: TBD**

Jason Davis, Game Warden Captain, explains the shared kayak storage. Judge Haden asks for a motion to approve. So moved by Commissioner Westmoreland, second by Commissioner Theriot. All voting "Aye".

- 31. Discussion/Action** to discuss which plan option to choose for Nationwide Retirement. **Speaker Judge Haden; Backup: 12; Cost: None;**

Judge Haden says options were previously presented in court, court members discuss the choices, and Judge Haden asks for a motion to leave the plan as it is. So moved by Commissioner Roland, second by Commissioner Westmoreland. All voting "Aye".

- 32. Discussion/Action** to discuss the imposition of optional county fees through the Texas Department of Motor Vehicles (DMV) for Calendar year 2020. **Speaker: Judge Haden; Backup: 3; Cost: None**

Judge Haden introduces the item. Motion made by Commissioner Shelton, second by Commissioner Theriot to accept item 32. All voting "Aye".

- 33. Discussion/Action** to discuss selecting members to form a Subdivision Committee. **Speaker: Judge Haden; Backup: 1; Cost: None**

Judge Haden clarifies the item should read Subdivision Ordinance Committee and suggests tabling the item so each court member can come back with one appointment. Motion made by Commissioner Shelton, second by Commissioner Roland to table the item. All voting "Aye".

- 34. Discussion/Action** to approve the renewal of the Services Contract for the Seth Thomas Tower Clock located in the courthouse. **Speaker: Judge Haden; Backup: 2; Cost: \$1,750.00**

Judge Haden explains the item and asks Commissioner Westmorland for an approval motion. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye".

- 35. Discussion/Action** to approve continued receipt of the share of BINGO prize fee funds by the Texas Lottery Commission. **Speaker: Judge Haden; Backup: 2; Cost: None**

Judge Haden recommends no longer receiving the fee. Motion made by Commissioner Shelton, second by Commissioner Westmoreland to no longer receive the money from the BINGO prize. All voting "Aye".

- 36. Discussion/Action** to discuss the safety concerns at the intersection of CR 169 (St. John Road) and Rabbit Trail and possible action. **Speaker: Judge Haden / Al Dos Santos; Backup: 2; Cost: TBD**

Al Dos Santos, Court Members, Amanda Montgomery, and Donald LeClerc discuss safety options for the intersection including rumble strips vs speed humps, mowing for sign visibility, and contacting a property owner to request some of their property to straighten the tight curve. Motion made by Commissioner Shelton, second by Commissioner Roland to table so Amanda can research rumble strips and Commissioner Roland can contact the property owner. All voting "Aye".

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37. **Discussion/Action** to discuss the approval of the Preliminary Plat for Alexander Acres Subdivision 13 lots on approximately 27.11 acres located off Ivy Switch Road. **Speaker: Commissioner Shelton/ Kasi Miles; Backup: 68; Cost: None**

Motion made by Commissioner Shelton, second by Commissioner Westmoreland to approve the Preliminary Plat of Alexander Acres. All voting "Aye".

38. **Adjournment.**

Motion made by Commissioner Shelton, second by Commissioner Westmoreland that we adjourn. All voting "Aye". Court adjourns at 10:44 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 August 12, 2019.

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

