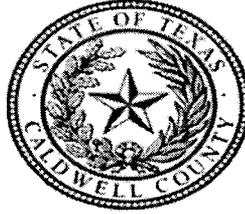


COMMISSIONERS COURT MINUTES  
110 S. Main St. 2<sup>nd</sup> Floor, Lockhart, Texas  
Commissioners Court April 22, 2019 9:00 a.m.



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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.

**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.

**Commissioner Westmoreland** says he and Bob Bush attended a TAC Conference in San Marcos, that the Administrative Assistant to Commissioners Court position has been filled, and that there is another weather front arriving mid-week.

**Commissioner Shelton** says she attended the Old Settlers Music Festival and that early voting starts today in the City of Luling and at Luling ISD.

**Judge Haden** says he attended the Old Settlers Music Festival and announces Rural Community Recovery Awareness & Training on April 26<sup>th</sup> and 27<sup>th</sup>.

**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).

**Kathy Kramer** says she opposes agenda item 21.

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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 \$248,250.01; Backup: 23**
2. **Approve County Purchase Orders in the amount of \$5,321.65; Backup: 6**
3. **Ratify re-occurring County payments in the amount of:**
  - A. **\$ 288,449.14 (Payroll for 03/03/2019 – 03/16/2019); Backup: 21**
  - B. **\$ 87,465.22 (Payroll Tax for 03/03/2019 – 03/16/2019); Backup: 2**
4. **To accept Certificate of Participation from the V.G. Young Institute of County Government to B.J. Westmoreland for completing 20 hours of educational training. Backup: 2**
5. **To approve updated FY 2020 Budget Calendar. Backup: 3**
6. **To accept the Caldwell County Appraisal District's Tax Collection report for March 2019. Backup: 4**
7. **To accept Delhi Volunteer Fire Department's Income Tax Form 990 and schedules. Backup: 38**

Motion made by Commissioner Shelton, second by Commissioner Westmoreland that we approve the Consent Agenda. All voting "Aye".

**SPECIAL PRESENTATIONS**

From Clayton Corn of Texas Aviation Partners regarding "Go Wheels Up" auto/air show happening in San Marcos Airport

Judge Haden clarifies Clayton Corn is the Event Promoter for "Go Wheels Up". Clayton Corn says he represents VAST Concerts and Events and shares "Go Wheels Up" details.

**AGENDA ACTION ITEMS**

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

Carine Chalfoun says there is increment weather coming Tuesday and into Wednesday and that it is safe to leave the burn ban off. Motion made by Commissioner Roland, second by Commissioner Theriot that we leave the burn ban off. All voting "Aye"

9. **Discussion/Action** to approve a Proclamation declaring April 28-May 5, 2019 as Soil Stewardship Week. **Cost: None; Speaker: Commissioner Westmoreland; Backup: 3**

Donald Graham with Caldwell-Travis Soil and Water Conservation District explains the agenda item and reads the Proclamation. Motion made by Commissioner Westmoreland, second by Commissioner Shelton that we approve the Proclamation declaring April 28-May 5, 2019 as Soil Stewardship Week in Caldwell County. All voting "Aye".

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- 10. Discussion/Action** to approve a proclamation declaring May 2019 Older Americans Month. **Cost: None; Speaker: Judge Haden; Backup: 2**

Commissioner Shelton and Judge Haden confirm the Proclamation is for April and Judge Haden reads "April 2019 Older Americans Month" into the record along with the Proclamation itself. Motion made by Commissioner Roland, second by Commissioner Theriot. All voting "Aye".

- 11. Discussion/Action** to approve a Proclamation declaring April 29- May 3, 2019 as Air Quality Awareness Week. **Cost: None; Speaker: Judge Haden; Backup: 2**

Judge Haden reads the Proclamation and asks for a motion to approve. So moved by Commissioner Theriot, second by Commissioner Westmoreland. All voting "Aye".

- 12. Discussion/Action** to approve Resolution 16-2019 authorizing the submission of a Housing Buyout/Acquisition Hurricane Harvey Community Development and Revitalization CDBG-DR Application from the Texas General Land Office. **Cost: None; Speaker: Judge Haden / Dennis Engelke / Judy Langford; Backup: 2**

Dennis Engelke explains agenda items 12 and 13 and asks for approval of the Resolutions. So moved by Commissioner Theriot, second by Commissioner Roland. All voting "Aye".

- 13. Discussion/Action** to approve Resolution 17-2019 authorizing the submission of an Infrastructure Hurricane Harvey Community Development and Revitalization CDBG-DR Application to the Texas General Land Office. **Cost: None; Speaker: Judge Haden / Dennis Engelke / Judy Langford; Backup: 2**

At Amanda Montgomery's request Judge Haden reads item 13 and he asks for a motion. Motion made by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

- 14. Discussion/Action** to approve Budget Amendment #22 from Contingency fund to Constable, Pct. 1 Machinery and Equipment and Office Supplies line items for the purchase of replacement of vehicle and computer software. **Cost: \$8,500.00; Speaker: Commissioner Shelton / Victor "Smitty" Terrell / Richard Sanders; Backup: 4**

Motion made by Commissioner Westmoreland, second by Commissioner Shelton to table the item. All voting "Aye".

- 15. Discussion/Action** to approve a donation to Capital Area Rural Transportation System (CARTS) in amount not to exceed \$3,000. **Cost: not to exceed \$3,000; Speaker: Judge Haden; Backup: 3**

Judge Haden explains the item. Motion made by Commissioner Shelton, second by Commissioner Roland to approve item 15. All voting "Aye".

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16. **Discussion/Action** to accept updated Caldwell County Agenda Item Request Form. **Cost: None; Speaker: Judge Haden / Ezzy Chan; Backup: 2**

Ezzy Chan explains the updates and Judge Haden asks for a motion to approve. Motion made by Commissioner Shelton, second by Commissioner Theriot. All voting "Aye".

17. **Discussion/Action** to consider approval of the obligation of the \$94,489 Criminal Justice Department grant for hardware, software, licenses and ancillary equipment/materials necessary for NIBRS compliance. **Cost: None; Speakers: Judge Haden / Dennis Engelke / Sean Zion / Mark Hinnenkamp; Backup: 4**

Dennis Engelke explains the agenda item and confirms for Mike Lane the intent is to get input from offices transitioning systems and have the Sheriff's Office in compliance by September 1<sup>st</sup> 2019. Then he asks for approval. Judge Haden asks for a motion. So moved by Commissioner Theriot, second by Commissioner Roland. All voting "Aye".

20. **PUBLIC HEARING at 9:30 AM** concerning the approval of a Preliminary Plat for Lytton Hills Subdivision, Phase One to include 75 lots on approximately 458.59 acres located on FM 1854. **Cost: None. Speaker: Commissioner Roland / Kasi Miles. Backup: 11**

The Public Hearing opens at 9:34 a.m. Kasi Miles answers concerns from Matthew Allen with Caldwell County Appraisal District and opens the floor to the public. Judge Haden, Commissioner Roland, and Commissioner Theriot explain that the County is obligated to approve Plats once all of the requirements and statutes are met and that they can be contacted regarding concerns. The Public Hearing closes at 9:37 a.m.

21. **Discussion/ Action** to consider the approval of the Preliminary Plat for Lytton Hills Subdivision, Phase One to include 75 lots on approximately 458.59 acres located on FM 1854. **Cost: None. Speaker: Commissioner Roland / Kasi Miles. Backup: 45**

Kasi Miles emphasizes that this is the Preliminary Plat, says all requirements have been met, and requests approval. Commissioner Shelton, Commissioner Theriot, Commissioner Roland, and Kasi Miles discuss tabling verses a statutory denial due to some plat copies being illegible and needed corrections. Motion made by Commissioner Roland, second by Commissioner Theriot for a statutory denial. All voting "Aye".

18. **Discussion/Action** to consider approval of renewed contract with Stansberry Engineering for professional engineering pertaining to the TCEQ 319 grant project at the CCJC for water dissipation plans and parking lot enhancements. **Cost: None; Speakers: Judge Haden / Dennis Engelke; Backup: 6**

Dennis Engelke explains the agenda item and requests approval. Judge Haden explains only one bid was received. Motion made by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

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19. **Discussion/Action** Purchasing Department recommending RFPCCPO01P Caldwell County Professional Security Door/Hardware Services to be awarded to CML Security. **Cost: \$487,838.90; Speaker: Judge Haden / Danie Blake; Backup: 16**

Danie Blake explains her recommendation for CML Security and Judge Haden asks for a motion to approve. Motion made by Commissioner Roland, second by Commissioner Shelton. All voting "Aye".

22. **Discussion / Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Sierra Drive Subdivision on Sierra Drive (CR 113). **Cost: None. Speaker: Commissioner Shelton / Kasi Miles. Backup: 14.**

Kasi Miles explains the agenda item and asks for approval. Motion made by Commissioner Shelton, second by Commissioner Westmoreland we accept Sierra Drive, Final Plat. All voting "Aye".

23. **Discussion / Action** to consider a variance request from the Caldwell County Subdivision and Development Ordinance to allow a second home to be placed on a tract of land that is 1.691 acres in size. **Cost: None Speaker: Commissioner Roland / Kasi Miles Backup: 18**

Commissioner Roland explains the agenda. Motion made by Commissioner Roland that we approve the variance. Motion dies for lack of second. Kasi Miles and Commissioner Theriot discuss septic placement, variance precedent, and the adding a condition that the tiny home is removed once it is uninhabited with property owners Tim Pepper and his mother Barbara Miller as well as their neighbors Dawn Tschirhart and Kathy Kramer. Motion made by Commissioner Roland, second by Commissioner Shelton with that condition. Judge Haden confirms the condition is to move the additional home once they're done using it. All voting "Aye".

24. **Discussion/Action** to consider the approval of the Preliminary and Final Plat for El Dorado Subdivision to include 4 lots in Caldwell County, and the remaining lots in Travis and Hay's County. The subdivision takes access from SH 21 approximately 2,500 ft. west of Williamson Road. **Cost: None. Speaker: Commissioner Theriot / Kasi Miles. Backup: 15**

Kasi Miles explains the agenda item and that everything is in order. Recommendation made by Commissioner Theriot, second by Commissioner Roland for approval. All voting "Aye".

25. **Discussion/Action** concerning approval of an Order authorizing the filing of a final plat (Short Form Procedure) for Rogan's Place on Old Colony Line Road (CR 160). **Cost: None; Speaker: Commissioner Shelton / Kasi Miles; Backup: 17**

Kasi Miles explains the agenda item. Motion made by Commissioner Shelton, second by Commissioner Westmoreland that we approve Rogan's Place, Short Form Plat. All voting "Aye".

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26. **Discussion/Action** to approve an order authorizing the filing of a Final Plat (Short Form Procedure) for Fentress G2K Family Dollar on San Marcos Highway (SH 80) **Cost: None;**  
**Speaker: Commissioner Theriot / Kasi Miles; Backup: 24**

Kasi Miles explains the agenda item and Commissioner Shelton comments regarding Precinct 4 being named in Bluebonnet's letter and that the engineer's state of practice cannot be both Tennessee and Texas. Motion made by Commissioner Theriot, second by Commissioner Roland to approve the Plat subject to the conditions noted by Commissioner Shelton. All voting "Aye".

27. **EXECUTIVE SESSION** pursuant to Sections 551.071 and 551.076 of the Texas Government Code: consultation with counsel and deliberation regarding a security audit for the Caldwell County facilities located at 110 South Brazos St. Lockhart, Texas. **Cost: TBD; Speaker: Judge Haden; Backup: None**

Judge Haden calls the Executive Session to order at 10:06 a.m.  
Commissioner Westmoreland, Commissioner Shelton, Judge Haden, Commissioner Theriot, Commissioner Roland, Amanda Montgomery, and Judge Kiely are all present.  
There is no action taken. The Executive Session closes at 10:25 a.m.

28. **Adjournment.**

Motion made by Commissioner Shelton, second by Commissioner Westmoreland that we adjourn. All voting "Aye".  
Court adjourns at 10:25 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 April 22, 2019.

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

