

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Commissioners Court March 25, 2019 9:00 a.m.



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

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 Shelton says she met with Carol Frank regarding Meals on Wheels and attended a ceremony honoring Mamie Jane Nickells.

Commissioner Theriot recognizes all of those involved in approving the 380 Agreement with Kattera Construction.

Judge Haden recognizes Commissioner Theriot for his work in the 380 Agreement with Kattera Construction.

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).

Michelle Krueger discusses code violations in Prairie Lea

Bill Jennings discusses installing gates on Morrison Creek Crossing

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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 \$ 300,696.64; Backup: 26**
2. **Ratify re-occurring County payments in the amount of:**
 - A. **\$ 290,373.87 (Payroll for 02/17/2019 – 03/02/2019); Backup: 21**
 - B. **\$ 87,816.47 (Payroll Tax for 02/17/2019 – 03/02/2019); Backup: 2**
 - C. **\$154,259.90 (TAC BCBS March 2019); Backup: 4**
 - D. **\$15,614.92 (Insurance Benefits March 2019); Backup: 5**
3. **To accept the February 2019 Tax Collection Report submitted by the Caldwell County Appraisal District.; Backup: 4**
4. **To accept CASA’s Internal Revenue Service 501c3 designation letter and Financial Audit FY06/30/18; Backup: 51**
5. **To approve Purchasing Agent’s request to accept contract 18CCP02A amendment between Caldwell County Mowing Maintenance and Abescape Landscape LLC. Backup: 11.**
6. **To accept the Caldwell County Budget Calendar FY2020. Backup: 2**
7. **To accept \$60.00 donation for marriage services performed by County Judge; Backup: 1**
8. **To accept and pay Notary Bond #7213104 for Executive Assistant, Esmeralda Chan. Backup: 2**
9. **To approve the Budget Transfer/Amendment Request FY 2018-2019 for the Caldwell County Court at Law as reflected on Budget Amendment Form. Backup: 2**
10. **To approve Contract 18CCP04A Amendment for Signature on the GLO-CDBG Professional Engineer Services with Doucet & Associates. Backup: 49**
11. **To ratify the submission of a letter to the Economic Development Administration in regard to the Caldwell County EDA Application and Right-of-Way Match Commitment. Backup: 2**

Motion made by Commissioner Shelton, second by Commissioner Westmoreland to approve the Consent Agenda items. All voting “Aye”.

SPECIAL PRESENTATIONS

Digital Ambassador Grant from Microsoft and 4-H presentation to increase internet in Caldwell County. Speakers Elsie Lacy and 4-H Youth

Elsie Lacy and Kirsten Reed discuss the training the Digital Ambassador Grant provided and give court members and the Clerk a handout.

Mr. Eric Aguirre and Pre-Trial Bond Officer, Mr. Christopher Lindsey to present annual Pre-Trial Bond Report.

Eric Aguirre introduces Christopher Lindsey who reports on the Pre-Trial Bond Program.

Dan Gibson, City of Lockhart City Planner, to give presentation on proposed grant project for realignment of San Antonio Street and Commerce Street.

Dan Gibson shares a slideshow with the court regarding the updated status of the project for downtown Lockhart.

AGENDA ACTION ITEMS

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

Carine shared the current and upcoming weather patterns. Motion made by Commissioner Roland, second by Commissioner Theriot to leave burn ban off. All voting "Aye".

13. **Discussion/Action** to approve budget amendment from Contingency 001-6510-4860 to Constable 4 Machinery and Equipment, 001-4324-5310 for vehicle cameras and installation. **Cost: \$2644; Speaker: Commissioner Roland/ Constable Viliarreal / Barbara Gonzales; Backup: 4**

Constable Viliarreal explains the agenda item. Motion made by Commissioner Roland to approve item 13, second by Commissioner Westmoreland. All voting "Aye".

14. **Discussion/Action** to approve increased revenue line item 002-3000-0300/FEMA Reimbursement in the amount of \$413,895 and increasing budget line item 002-1101-3135/ Designated for Road Construction in the amount of \$413,895 netting a \$0 cost to Unit Road. **Cost: None; Speaker: Dennis Engelke/ Barbara Gonzales/ Judge Haden; Backup: 5**

Dennis Engelke explains the agenda item and asks for approval. Motion made by Commissioner Shelton, second by Commissioner Westmoreland to approve item 14. All voting "Aye".

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- 15. Discussion/Action** to accept public improvements in Sunrise Meadows Phase 2 for permanent county maintenance and to release the maintenance bond posted by Insurors Indemnity Company as security against damages or defected work for public improvements as provided by subsections 3.8.5 (G) and 3.8.5 (H) of the Caldwell County Development Ordinance. **Cost: None; Speaker: Commissioner Roland/ Donald LeClerc; Backup: 6**

Motion made by Commissioner Roland that we approve item 15. Commissioner Theriot confirms the two year warranty with Donald LeClerc and seconds the motion. All voting "Aye".

- 16. Discussion/Action** to accept public improvements in Dale Oaks Subdivision for permanent county maintenance and to release the cashier's check in the amount of \$27,399.68 remitted by A&S Construction Inc. as security against damages or defected work for public improvements in Dale Oaks Subdivision as provided by subsection 3.8.5 (G) and 3.8.5 (H) of the Caldwell County Development Ordinance. **Cost: None; Speaker: Commissioner Roland / Donald LeClerc; Backup: 3**

Donald LeClerc recommends approval. Motion made by Commissioner Roland, second by Commissioner Westmoreland to approve item 16. All voting "Aye".

- 17. Discussion/Action** to approve a no-cost extension of the Meadow Center's Professional Services Agreement for services to be rendered on behalf of the Caldwell County Criminal Justice Center TCEQ 319 Grant for water dissipation and parking lot enhancement project to coincide with the TCEQ project extension of February 29, 2020. **Cost: None; Speaker Commissioner Westmoreland/Dennis Engelke; Backup: 16**

Dennis Engelke explains the agenda item and requests approval. Motion made by Commissioner Westmoreland, second by Commissioner Shelton that we approve item 17. All voting "Aye".

- 18. Discussion/Action** to approve the Interlocal Cooperation Contract pertaining to the Tobacco Enforcement Program between Texas State University (Texas School Safety Center) and the Caldwell County Constable's Office, Precinct 3. **Cost: None; Speakers: Judge Haden/Dennis Engelke/Steve Kinney; Backup: 9**

Dennis Engelke explains the agenda item and requests approval. Motion made by Commissioner Shelton, second by Commissioner Theriot. All voting "Aye".

- 19. Discussion/Action** to formally create the Caldwell County Grants Department and adopt proposed guidelines and policies. **Cost: None; Speakers: Judge Haden/Dennis Engelke; Backup: 6**

Dennis Engelke explains the agenda item and requests approval. Motion made by Commissioner Shelton, second by Commissioner Westmoreland to approve item 19. All voting "Aye".

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20. **Discussion/Action** to approve a resolution supporting the submission of an application to the Office of Attorney General for the "Other Victim Assistance Grant" (OVAG). **Cost: None; Speakers: Judge Haden/Dennis Engelke; Backup: 2**

Dennis Engelke explains the agenda item and Judge Haden reads the Resolution and asks for approval. So moved by Commissioner Theriot, second by Commissioner Westmoreland. All voting "Aye".

21. **Discussion/Action** to enter into a contract with iDocket.com, LLC to grant access to District Clerks court docket data on the internet at no cost to the County. To provide a service to the public, especially attorneys and bondsmen. **Speaker: Cost: None; Judge Haden/Tina Freeman; Backup: 2**

Tina Morgan Freeman explains the agenda item and Judge Haden asks for a motion. Motion made by Commissioner Shelton, second by Commissioner Roland to approve item 21. All voting "Aye".

22. **Discussion/Action** regarding the installation of gates on South East River Road near the Morrison Creek Crossing. **Cost: \$1,500; Speaker: Commissioner Theriot; Backup: 1**

Commissioner Theriot explains the agenda item. Motion made by Commissioner Theriot, second by Commissioner Shelton authorizing the installation of gates on South East River Road near Morrison Creek Crossing. All voting "Aye".

23. **Discussion / Action** to consider a variance request from the 5-year provision to be able to sell early due to a hardship on a recorded Family Land Grant that was recorded in August of 2015. **Cost: None. Speaker: Commissioner Shelton / Kasi Miles. Backup: 19.**

Kasi Miles explains the request and asks for approval. Motion made by Commissioner Shelton, second by Commissioner Roland that we grant this variance due to a hardship on the Family Land Grant on item 23. All voting "Aye".

24. **Discussion/Action** to consider approval for the Walton Caldwell Valley "Lockhart Portion" Development Standards Agreement. **Cost: None; Speaker: Commissioner Theriot/Kasi Miles; Backup: 35**

Commissioner Theriot explains the item and Kasi Miles asks for a recommendation from the court. Recommendation made by Commissioner Theriot, second by Commissioner Shelton for approval for the Walton Caldwell Valley "Lockhart Portion" Development Standards Agreement. All voting "Aye".

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25. **Discussion / Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for State Park Acres on State Park Road (FM20). **Cost: None Speaker: Commissioner Theriot/ Kasi Miles Backup: 14**

Kasi Miles explains the agenda item and requests approval. Motion made by Commissioner Theriot, second by Commissioner Westmoreland to approve Order authorizing the filing of a Final Plat (Short Form Procedure) for State Park Acres. All voting "Aye".

26. **Discussion/Action** to determine whether to reimburse property taxes for Fashion Glass and Mirror in the full amount of \$14,689.13 or proration based on jobs created at \$12,191.98. **Cost: \$14,689.13; Speaker: Judge Haden; Backup: 4**

Judge Haden explains the agenda item and Commissioner Theriot and Rob Tobias, Coordinator for Lockhart Economic Development, discuss Lockhart's action in the same situation, concluding that only a percentage was reimbursed by the City. Motion made by Commissioner Westmoreland, second by Commissioner Shelton to reimburse property taxed in the amount of \$12,191.98 for Fashion Glass and Mirror. All voting "Aye".

27. **Discussion/Action** to execute a Professional Services Agreement with EWEAC for consulting purposes including but not limited to economic development opportunities and infrastructure relating to public safety for a term commencing on 3/25/2019 and continue in effect until 12/31/2020. **Cost: TBD; Speaker: Judge Haden; Backup: 7**

Court members discuss Will Conley's qualifications along with the contract. Motion made by Commissioner Theriot, second by Commissioner Roland to grant an exemption to competitive bidding requirements under local government codes 262.024 A4 and to execute a Professional Services Agreement with EWEAC. All voting "Aye". Will Conley elaborates and answers Commissioner Shelton's question.

28. **EXECUTIVE SESSION** pursuant to Sections 551.071 and 551.074 of the Texas Government Code: consultation with counsel and deliberation regarding employment and duties of the Executive Assistant – County Judge – Esmeralda Chan. Possible action may follow in open court. **Cost: TBD; Speaker: Judge Haden; Backup: None**

Judge Haden opens both item 28 and item 29's Executive Sessions at 10:24 a.m. and the two items close at 10:59 a.m.

Item 28's Executive Session is attended by Commissioner Westmoreland, Commissioner Shelton, Judge Haden, Commissioner Theriot, Commissioner Roland, Amanda Montgomery, and Barbara Gonzales.

Motion made in open court by Commissioner Theriot, second by Commissioner Shelton to approve a 3% increase regarding the Executive Assistant to the County Judge and recommend the review of the job description of that position and the Assistant to the Commissioners Court. All voting "Aye".

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29. **EXECUTIVE SESSION** pursuant to Sections 551.071 and 551.074 of the Texas Government Code: consultation with counsel and deliberation regarding duties of Caldwell County Commissioner Pct. 2 – Barbara Shelton. Possible action may follow in open court. **Cost: None; Speaker: Judge Haden; Backup: None.**

Judge Haden opens both item 28 and item 29's Executive Sessions at 10:24 a.m. and the two items close at 10:59 a.m.

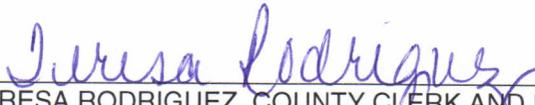
Item 29's Executive Session is attended by Commissioner Westmoreland, Commissioner Shelton, Judge Haden, Commissioner Theriot, Commissioner Roland, Amanda Montgomery, and Kasi Miles. No action is taken.

30. **Adjournment.**

Judge Haden asks for a motion to adjourn. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye". Court adjourns at 11:01 a.m.

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 25, 2019.




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