

COMMISSIONS COURT MINUTES
110 S Main St. 2nd Floor, Lockhart, Texas
Commissioners Court April 28 ,2020 9:00 am



HOPPY HADEN County Judge
TERESA RODRIGUEZ County Clerk

B.J. WESTMORELAND Commissioner Pct. 1
BARBARA SHELTON Commissioner Pct. 2
ED THERIOT Commissioner Pct. 3
JOE IVAN ROLAND Commissioner Pct. 4

Call Meeting to Order

Judge Haden calls meeting to order at 9:00 a.m.

Invocation.

Judge Haden leads all in Invocation and Pledge of both flags.

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).

Announcements. Items or comments from Court members or staff.

No announcements.

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). Citizens' Comments may be submitted to the Court at:

County Clerk Teresa Rodriguez called : Harley Sheets announced he is here to discuss Agenda Item #15.

Jason R Salazar was not present.

Deputy Shaffer called Jason R. Salazar's name twice.

<http://www.co.caldwell.tx.us/page/caldwell.CommissionersCourtForm>

Pursuant to Executive Order GA-16 access to the 2nd 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>

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 \$424,697.86; Backup: 27**
2. **Ratify re-occurring County Payments**
 - A. **\$320,485.92 (Payroll 03/29/2020 – 4/11/2020)**
 - B. **\$96,436.91 (Payroll Tax 03/29/2020 – 4/11/2020)**
 - C. **\$118.72 (TPWD)**
 - D. **\$118,884.38 (DMV)**
 - E. **\$363,186.15 (DMV Comptroller)**
3. **Accept ESD Financial report from Delhi Volunteer Fire Department. (Year Ending December 31, 2019)**

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

AGENDA ACTION ITEMS

23. **EXECUTIVE SESSION pursuant to Sections 551.071 of the Texas Government Code: consultation with legal counsel regarding the County's rights, duties, interpretation and enforcement of the Caldwell County Development Ordinance and regulations. Possible action may follow in open court. Speaker: Judge Haden/ JJ Wells/ Tracy Bratton; Cost: None; Backup: To be distributed**

Judge Haden opens Item 23 executive session at 9:04 a.m. and closes at 10:10 a.m. No action taken. Commissioners court resumes at 10:10 a.m.

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

Judge Haden recommends to leave the burn ban off. Motion made by Commissioner Roland, second by Commissioner Theriot. All voting "Aye".

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- 15. Discussion/Action** regarding a variance request for Compostela Subdivision located on Williamson Road (CR 117) concerning the easement requirements under Appendix D.G of the Caldwell County Development Ordinance as it applies to the subdivision. **Speaker: Joe Roland/ Kasi Miles/ Tracy Bratton/ Jeff Howard; Cost: None; Backup: 48**

Tracy Bratton explains variance request concerning easement requirements for Compostela Subdivision. Handouts are given to court, the County clerk did not receive one. Jeff Howard presented and spoke in detail about the Final Plat and construction plans that Austin Energy gave preliminary plan approval. David Sheets with Vigil & Associates confirmed there is no surveyor on project. The court has concerns on timelines with letters that don't match Plats and requesting acknowledgment letters of approvals with updated information. Motion to Deny was made by Commissioner Shelton, second by Commissioner Roland. All voting "Aye". Judge Haden called for vote, all voting "Aye".

- 16. Discussion /Action** to consider a variance request from the Caldwell County Subdivision and Development Ordinance concerning the Short Form Plat for Bautista Oaks located on St. John's Road (CR 169). **Speaker: Commissioner Roland /Tracy Bratton / Kasi Miles; Cost: None; Backup: 5**

Tracy Bratton requests approval for a variance on short form plat for Baustista Oaks. Motion made by Commissioner Roland, second by Commissioner Shelton. All voting "Aye".

- 17. Discussion /Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Bautista Oaks on St. John's Road (CR 169). **Speaker: Commissioner Roland/ Tracy Bratton/ Kasi Miles; Cost: None; Backup: 64**

Kasi Miles requests approval of short form plat for Bautista Oaks. Motion made by Commissioner Roland, second by Commissioner Theriot. All voting "Aye".

- 18. Discussion/Action** regarding the phase development agreement for the proposed Indian Paintbrush Acres subdivision located on Borchert Loop (CR 108). **Speaker B.J. Westmoreland/ Jim Chisholm/ Linda Hinkle/ Tracy Bratton/ Kasi Miles; Cost: None; Backup: 24**

Jim Chisholm, provided handouts to court and clerk the property owner opposes the phase development agreement to require an easement through his property. Court members and Tracy Bratton explain that only if a subdivision was to come into play that would be required. Mr. Chisholm asked for Indian Paintbrush Acres Subdivision short form plat from 2019 to be approved, also asked court to simplify ordinance procedures. Tracy Bratton suggested Mr. Chisholm withdraw his application and resubmit and for court to reapply fees.

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Motion to temporary table Item #18 made by Commissioner Westmoreland, second by Commissioner Theriot. All voting "Aye".

- 19. Discussion/Action** concerning the approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for the Indian Paintbrush Acres located on Borchert Loop (CR 108). **Speaker: B.J. Westmoreland/ Kasi Miles/ Tracy Bratton; Cost: None; Backup: 11**

Tracy Bratton requests resubmitting the application and to apply fees to new submittal for Mr. Chisholm. Mr. Chisholm agreed to withdraw previous application. Motion made by Commissioner Westmoreland to accept withdrawal of application, second by Commissioner Theriot. All voting "Aye".

Commissioner Theriot requests a 5 minute recess. Judge Haden made a motion to take a 5 minute recess at 12:31 p.m. returned at 12:39 p.m.

- 18. Discussion/Action** regarding the phase development agreement for the proposed Indian Paintbrush Acres subdivision located on Borchert Loop (CR 108). **Speaker B.J. Westmoreland/ Jim Chisholm/ Linda Hinkle/ Tracy Bratton/ Kasi Miles; Cost: None; Backup: 24**

Motion to reopen Item #18 made by Judge Haden. So moved by Commissioner Westmoreland, second by Commissioner Theriot. All voting "Aye".

JJ Wells explains that this agenda item was resolved in related Item #19 by action of the court,. Judge Haden ask for motion to table Item 18 pending meeting with parties involved. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye".

- 20. Discussion/Action** to consider the approval of the Preliminary Plat for Grizzly Estates Subdivision to include 5 lots on approximately 6.09 acres located on State Highway 80 and Stairtown Loop (CR 118). **Speaker: Commissioner Shelton/ Tracy Bratton/ Kasi Miles; Cost: None; Backup: 22**

Kasi Miles requests approval of Preliminary Plat for Grizzly Estates Subdivision. Tracy Bratton has addressed updates and corrections. Motion made by Commissioner Shelton, second by Commissioner Roland. All voting "Aye".

- 21. Discussion/Action** regarding the phased development agreement for the proposed Hartland Ranch subdivision located on Borchert Loop (CR 108). **Speaker: B.J Westmoreland/ Jared Jakovich/ Tracy Bratton/ Kasi Miles; Cost: None; Backup: 3**

Judge Haden reads Item #21 as discussion only. Moves to Item #22 to wait for Jared Jakovich.

22. **Discussion/Action** regarding Subdivision Exemption request for Dry Creek Subdivision located on Dry Creek Road (CR 182). **Speaker: Judge Haden/ Tracy Bratton/Kasi Miles; Cost: None; Backup: 10**

Tracy Bratton asks for approval of agreement in form to possibly make clear that track (Z) has 50 ft. of frontage. He is asking for a delegate of the court or County Judge to work with applicant to finalize the language in the agreement. Commissioner Roland will be working with Tracy Bratton on this project. So moved by Commissioner Roland, second by Commissioner Westmoreland. All voting "Aye".

21. **Discussion/Action** regarding the phased development agreement for the proposed Hartland Ranch subdivision located on Borchert Loop (CR 108). **Speaker: B.J Westmoreland/ Jared Jakovich/ Tracy Bratton/ Kasi Miles; Cost: None; Backup: 3**

Jared Jakovich explained the plans for Hartland Ranch subdivision, and looking for development agreement for submitting proposed plan for 546 lots. Commissioner Westmoreland will continue to work with Tracy Bratton on this project. Judge Haden announced Item #21 was for discussion only.

5. **Discussion/Action** to approve Proclamation Soil & Water Stewardship Week. **Speaker: B.J. Westmoreland; Cost: None; Backup: 2**

Commissioner Westmoreland reads Soil & Water Stewardship Proclamation 2020. Notes that Judge Haden proclaims April 26, 2020 thru May 23,2020 Soil & Water Stewardship Week. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye".

6. **Discussion/Action** to approve Resolution 18-2020, extending and continuing the State of Disaster within Caldwell County. **Speaker: Judge Haden/ JJ Wells; Cost: None; Backup: 2**

Judge Haden decides to let State of Disaster expire on April 30,2020, but renews Declaration of Disaster. So moved by Commissioner Roland, second by Commissioner Westmoreland. All voting "Aye".

7. **Discussion/Action** to approve Budget Amendment # 31 to move \$11,636.45 from Tax Abatement (001-6510-4825) to Professional Services (0014-6510-4110) to pay TAC expenses). **Speaker: Judge Haden; Cost: Net Zero; Backup:5**

Judge Haden requests to approve Budget Amendment #31. Motion made by Commissioner Shelton, second by Commissioner Theriot. All voting "Aye".

8. **Discussion/Action** to approve Budget Amendment #32 to receive and align expenditures for TDEM – Texas Infrastructure Resiliency Fund. **Speaker: Judge Haden/ Dennis Engelke; Cost: Net Zero; Backup: 36**

Dennis Engelke requests to approve Budget Amendment #32 to receive and align expenditures for TDEM. So moved by Commissioner Roland, second by Commissioner Shelton. All voting “Aye”.

9. **Discussion/Action** to approve Budget Amendment #33 for the PO REQ00253 – RCI annual records retention working boxes. **Speaker: Judge Haden/ Danie Blake/ Barbara Gonzales; Cost: Net Zero; Backup: 6**

Danie Blake stated that maintenance department donated \$10,000 from machinery and equipment to professional services to pay for destruction of boxes and to the working of boxes ready for retention. So moved by Commissioner Shelton, second by Commissioner Westmoreland. All voting “Aye”.

10. **Discussion/Action** to approve Budget Amendment #34 to receipt RW 44256 Refund on Bond Premium and align expenditures other Insurance. **Speaker: Judge Haden; Cost: Net Zero; Backup: 4**

Judge Haden requests to approve Budget Amendment #34 to receipt RW 44256 Refund. So moved by Commissioner Theriot, second by Commissioner Westmoreland. All voting “Aye”.

11. **Discussion/Action** to consider accepting the allocation to Caldwell County of \$23,212.18 distributed by the 2020 Tobacco Settlement Program. **Speaker: Judge Haden/ Dennis Engelke; Cost: None; Backup: 7**

Dennis Engelke seeks approval to accept \$23,212.18 distributed by the 2020 Tobacco Settlement Program. So moved by Commissioner Shelton, second by Commissioner Westmoreland. All voting “Aye”.

12. **Discussion/Action** to accept the ratification of the 2020 CAPCOG Solid Waste Grant of \$14,104.80 to support five community collection events throughout Caldwell County. **Speaker: Judge Haden/ Dennis Engelke; Cost: None; Backup: 3**

Dennis Engelke requests to accept CAPCOG Grant of \$14,104.80 for community events beginning in June. So moved by Commissioner Roland, second by Commissioner Theriot. All voting “Aye”.

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13. **Discussion/Action** to consider approval to pursue a Department of Transportation “BUILD” grant for \$25 million in support of the SH130 Travel Plaza Concept. **Speaker: Judge Haden/ James Lovett/ Dennis Engelke; Cost: None; Backup:11**

Dennis Engelke presents opportunity for our county to serve as applicant of a Grant to the Texas Department of Transportation for \$25 million dollars in support of SH130 Concessions organization, to construct a State of the art Truck Stop. Project will be located on intersection of Hwy 80 and SH 130. James Lovett, with SH130 Concessions, provided details for the project and will have proposal with update on the amenities that will be provided. Dennis Engelke requests approval to pursue the Department of Transportation Bill Grant. So moved by Commissioner Theriot, second by Commissioner Shelton. All voting “Aye”.


14. **Discussion/Action** to approve the FY 2021 Budget Calendar. **Speaker: Judge Haden/ Ezzy Chan/ Barbara Gonzales; Cost: None; Backup: 2**

Judge Haden requests to approve FY 2021 Calendar. Ezzy Chan announced that budget calendars will be sent out by end of week and will need to be returned by May 15th. Barbara Gonzales stated it will be a more stringent budget this year. Judge Haden also discussed workshop dates. Motion made by Commissioner Shelton, second by Commissioner Theriot. All voting “Aye”.

24. **Adjournment.**

Judge Haden asks for a motion to adjourn. Motion made by Commissioner Shelton, second by Commissioner Westmoreland that we adjourn. All voting “Aye”. Court adjourns at 1:37 p.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 April 28, 2020


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

