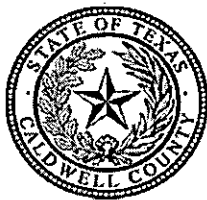


COMMISSIONS COURT MINUTES  
110 S Main St. 2<sup>nd</sup> Floor, Lockhart, Texas  
Commissioners Court August 25 , 2020 9:00 a.m.



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.**

Commissioner Roland 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 wishes a successful start to the school year for all the students.

Commissioner Shelton wishes students well especially with new challenges to navigate thru this year.

Commissioner Theriot toured the new Bluebonnet facility on 142.

Commissioner Roland also toured the Bluebonnet facility, and reminded everyone that September 2, 2020 Representative McCloud will be visiting St. Johns Colony for the presentation of the flag.

Dennis Engelke gives updates on projects and grants approved for 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). Citizens' Comments may be submitted to the Court by using the form found at:

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

Pursuant to Executive Order GA-28 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. Face coverings are required when inside the building except as provided by Executive Order GA-29. The meeting will be broadcast over the internet and may be viewed at <http://www.co.caldwell.tx.us/page/caldwell.CommissionersCourtLive-OnDemand>

3 Citizens of Caldwell County, Sue Shepherd, Kimberly Martinez and Robert Lewis spoke on behalf of the Confederate Monument.

**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 \$357,193.82. Backup: 29**
2. **Ratify re-occurring County Payments**
  - A. **\$316,242.15 ( Payroll 7/19/2020 – 8/01/2020)**
  - B. **\$94,536.34 (Payroll Tax 7/19/2020 – 8/01/2020)**
3. **To accept the Judicial District Court order relating to the salaries of County Auditor, Barbara Gonzales and Assistants. Backup: 2**
4. **To accept the Judicial District Court order appointing Official Court Reporter and fixing compensation for Aisha K. White-Thompson. Backup:2**
5. **To approve the July 2020 Tax Collection Report from the Caldwell County Appraisal District. Backup: 4**
6. **To approve the July 2020 County Extension Agent Report from Wayne Morse. Backup: 3**

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

**AGENDA ACTION ITEMS**

7. **Discussion/Action regarding the burn ban. Speaker: Judge Haden / Hector Rangel; Backup: 2; Cost: None**

Hector Rangel recommends leaving the burn ban on. Motion made by Commissioner Roland, second by Commissioner Theriot. All voting "Aye".

8. **Discussion/Action regarding the Confederate Monument. Speaker: Judge Haden; Cost: None; Backup: 1**

Judge Haden spoke about the vandalism of the Confederate Monument to which is under investigation and will not be tolerated. Judge Haden request to leave agenda item #8 for a Public Hearing then to return.

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**PUBLIC HEARING at 9:30**

Regarding FY 2021 Tax Rate

Public Hearing open at 9:30 a.m. Judge Haden reads Tax Rate for 2021. Roll call: Judge Haden – Yes, Commissioner Westmoreland – Yes, Commissioner Shelton – Yes, Commissioner Theriot – Yes and Commissioner Roland – Yes. No speakers. Public Hearing closed at 9:32 a.m.

**PUBLIC HEARING at 9:35**

Regarding Elected Official Salary

Public Hearing opens at 9:32 a.m. Judge Haden request approval of Elected Official Salaries. So moved by Commissioner Theriot, second by Commissioner Shelton. All voting “Aye”. No speakers. Public Hearing closed at 9:34 a.m.

**AGENDA ACTION ITEMS**

Judge Haden re-opens Agenda Item #8

All Commissioners expressed their opinions about the Confederate Monument. Motion made by Commissioner Theriot to consider a Designation of Reward of 1,000.00 dollars for the arrest and conviction of person or persons responsible for the defacing of the Confederate Monument following proper statutory procedures, second by Judge Haden. All voting “Aye”. No opposition.

- 9. Discussion/Action** to approve the Order of Caldwell County adopting the Tax Rate for FY 2020-2021. **Speaker: Judge Haden; Cost: None; Backup: 2**

Judge Haden requests approval of the 2020-2021 Tax Rate. So moved by Commissioner Shelton, second by Commissioner Roland. Roll call: Judge Haden – Yes, Commissioner Westmoreland – Yes, Commissioner Shelton – Yes, Commissioner Theriot – Yes and Commissioner Roland – Yes. Motion passes.

- 10 Discussion/Action** to approve the County Court at Law Judge and County Sheriff Salary for FY 2021. **Speaker: Judge Haden; Cost: None; Backup: 2**

Judge Haden request the approval of County Court at Law Judge and County Sheriff Salary. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting “Aye”.

- 11. Discussion/Action** to approve the corrections made to the Proposed FY 2021 Budget. **Speaker: Judge Haden/ Ezzy Chan/ Barbara Gonzales; Cost: None; Backup: TBD**

Ezzy Chan and Barbara Gonzales discuss the corrections and progress to the Proposed FY 2021 Budget. Motion made by Commissioner Shelton, second by Commissioner Theriot. All voting “Aye”.

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12. **Discussion/Action** to approve Resolution 34-2020 to extend and continue the Local State of Disaster within Caldwell County. **Speaker: Judge Haden; Cost: None; Backup: 3**

Judge Haden reads Resolution 34-2020 extending and continuing the Local State of Disaster with Caldwell County to September 22, 2020 at 11:59 p.m. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye".

13. **Discussion/Action** to approve Resolution 35-2020 for "2021 County Essential Services Grant" to the Criminal Justice Division, office of the Governor to defray the expenses incurred by the administration of a capital murder trial in the Caldwell County judicial system. **Speaker: Judge Haden/ Dennis Engelke/ Fred Weber; Cost: None; Backup: 6**

Dennis Engelke reads Resolution 35-2020 and requests the approval of the 2021 County Essential Service Grant.. So moved by Commissioner Roland, second by Commissioner Theriot. All voting "Aye".

14. **Discussion/Action** to ratify Budget Amendment #61 for the roof repairs at the Justice Center and Scott Annex with DK Haney. **Speaker: Judge Haden/ Barbara Gonzales; Cost: Net Zero; Backup: 6**

Judge Haden requests to ratify Budget Amendment #61. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye".

15. **Discussion/Action** to approve Budget Amendment #65 refunding COVID 19 expenditures to Contingency line item. **Speaker: Judge Haden/ Barbara Gonzales; Cost: Net Zero; Backup:8**

Judge Haden requests approval of Budget Amendment #65. So moved by Commissioner Shelton, second by Commissioner Theriot. All voting "Aye".

16. **Discussion/Action** to approve Budget Amendment #66 to move money from Contingency (001-6510-4860) to Advertising & Legal Notices (001-6560-4310) and Repairs and Maintenance (001-6560-4510) line items. **Speaker: Judge Haden/ Barbara Gonzales/ Ezzy Chan; Cost: Net Zero; Backup: 7**

Barbara Gonzales requests approval of Budget Amendment #66. So moved by Commissioner Westmoreland, second by Commissioner Roland. All voting "Aye".

17. **Discussion/Action** to approve Budget Amendment #67 regarding enterprise vehicle leases. **Speaker: Judge Haden/ Barbara Gonzales; Cost: Net Zero; Backup: 3**

Barbara Gonzales requests approval of Budget Amendment #67. So moved by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

18. **Discussion/Action** to approve Budget Amendment #68 to align revenues to update in the Capital Area Emergency Communications District Inter Local Agreement April 1, 2020. **Speaker: Judge Haden/ Barbara Gonzales; Cost: Net Zero; Backup: 26**

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Barbara Gonzales requests approval of Budget Amendment #68. So moved by Commissioner Westmoreland, second by Commissioner Theriot. All voting "Aye".

19. **Discussion/Action** to approve Budget Amendment #69 for overtime at the Caldwell County Jail. **Speaker: Judge Haden/ Barbara Gonzales; Cost: Net Zero; Backup: 2**

Judge Haden requests approval of Budget Amendment #69. So moved by Commissioner Roland, second by Commissioner Westmoreland. All voting "Aye".

20. **Discussion/Action** to approve Budget Amendment #70 to move money from insurance proceeds to Tax Assessor-Collector to align Professional Services expense line item for quarterly payments. **Speaker: Judge Haden/ Barbara Gonzales; Cost: Net Zero; Backup: 8**

Judge Haden requests approval of Budget Amendment #70. So moved by Commissioner Shelton, second by Commissioner Theriot. All voting "Aye".

21. **Discussion/Action** to approve the 2021 Tobacco Enforcement Program Contract with Texas State University for \$18,000. **Speaker: Judge Haden/ Dennis Engelke; Cost: None; Backup: 2**

Dennis Engelke requests to approve and submit the 2021 Tobacco Enforcement Program Contract. So moved by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

22. **Discussion/Action** to approve the payment to Caldwell County for election workers reimbursement from HAVA Fund. **Speaker: Judge Haden/ Barbara Gonzales; Cost: None; Backup:20**

Judge Haden requests approval of reimbursement from HAVA fund. So moved by Commissioner Theriot, second by Commissioner Roland. All voting "Aye".

23. **Discussion/Action** to approve an Inter Local Cooperation Agreement between City of Austin and Caldwell County regarding the Radio Tower Site Project. **Speaker: Judge Haden; Cost: None; Backup: 8**

Judge Haden requests approval of the Inter Local Cooperation Agreement between city of Austin and Caldwell County. So moved by Commissioner Theriot, second by Commissioner Westmoreland. All voting "Aye".

24. **Discussion/Action** regarding the Caldwell County appointment to the Greater San Marcos Partnership. **Speaker: Judge Haden; Cost: None; Backup: 1**

Judge Haden requests to re-appoint Commissioner Theriot for the Greater San Marcos Partnership board. So moved by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

25. **Discussion/Action** to accept the resignation of Commissioner Richard Salmon from ESD #3. **Speaker: Judge Haden; Cost: None; Backup: 2**

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Judge Haden requests to accept Commissioner Richard Salmon resignation. So moved by Commissioner Theriot, second by Commissioner Westmoreland. All voting "Aye".

26. **Discussion/Action** to accept the ESD #3 Board of Directors' nomination request to replace Commissioner Richard Salmon with Mark Jungers. **Speaker: Judge Haden; Cost: None; Backup: 2**

Judge Haden requests to nominate Mark Jungers to replace Commissioner Richard Salmon. So moved by Commissioner Theriot, second by Commissioner Westmoreland. All voting "Aye".

27. **Discussion/Action** to approve the list of prospective Republican poll workers. **Speaker: Judge Haden/ Pat Daniel/ Pamela Ohlendorf; Cost: None; Backup: 4**

Pat Daniel requests to approve revised list for Republican poll workers. So moved by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

Commissioner Theriot recuses himself from discussion of Item 28.

28. **Discussion/Action** to approve the GLO-CDBG-MIT Contract between Doucet & Associates and Caldwell County. **Speakers: Judge Haden/ Danie Blake; Cost: TBD; Backup: 57**

Danie Blake requests approval of GLO-CDBG-MIT Contract. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye".

Commissioner Theriot returns to court room.

29. **Discussion/Action** to approve the final draft RFP 20CCP05B Caldwell County Road Materials, Fuel & Oil 2020-2021 for Unit Road Department. **Speaker: Judge Haden/ Danie Blake; Cost: None; Backup: 11**

Danie Blake requests approval of final draft for RFP 20CCP05B.. So moved by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

Judge Haden requests 5 Minute Recess at 10:24 a.m. continued at 10:29 a.m.

30. **Discussion/Action** regarding Fox Lane Subdivision Regulation. **Speaker: Barbara Shelton/ Robert Lewis; Cost: None; Backup: 1**

Robert Lewis Caldwell County resident discusses problems concerning Fox Lane Meadows Subdivision. Commissioner Shelton states she has addressed problems to the developer of the Subdivision. Judge Haden stated he will talk to Mike Bittner. Commissioner Theriot suggests follow up to be done with code enforcement committee.

31. **Discussion/Action** to approve the Order authorizing the filing of a Final Plat (short Form Procedure) concerning the Re-Plat of Oak Acres Subdivision Lot 27A & 27B located on Branding Chase Lane. **Speaker: Commissioner Westmoreland/Kasi Miles; Cost: None; Backup: 15**

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Kasi Miles requests authorization to file Re-Plat of Oak Acres Subdivision Lot 27A & 27B. So moved by Commissioner Westmoreland, second by Commissioner Theriot. All voting "Aye".

Judge Haden recuses himself from discussion of Item #32.

- 32. Discussion/Action** to approve the Order authorizing the filing of a Final Plat (Short Form Procedure) for H&L Acres, a 2-lot subdivision consisting of 24.04 acres located on FM 2001.  
**Speaker: Commissioner Westmoreland/ Kasi Miles; Cost: None; Backup: 41**

Kasi Miles requests authorization of filing Final Plat for H & L Acres. Commissioner Shelton and Linda Hinkle questioned Plat guidelines and would like clarification of subdivision ordinance. Kasi Miles recommends that Tracey Bratton be contacted for clarification of subdivision ordinance. So moved by Commissioner Shelton, second by Commissioner Theriot. All voting "Aye". Motion carries.

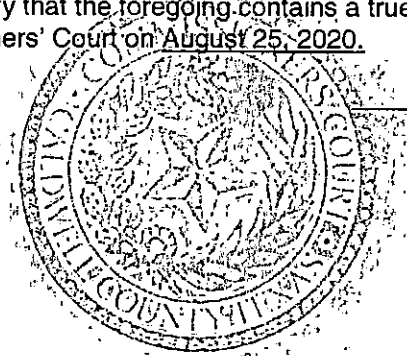
Judge Haden returns to courtroom.

- 33. Adjournment.**

So moved by Commissioner Shelton, second by Commissioner Westmoreland that we adjourn. All voting "Aye". Court adjourns at 11:15 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 25, 2020.



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