

COMMISSIONS COURT MINUTES
110 S Main St. 2nd Floor, Lockhart, Texas
Commissioners Court October 13, 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 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, Commissioner Roland, and Judge Haden attend the 98th Annual Judge and Commissioner Convention.

Commissioner Theriot reports that the Spade and Neuter program went well, attended Campo meeting for project updates. Congratulates Maxwell VFD for a successful National Night Out event.

Dennis Engelke announces that a Community Collection event will take place Saturday in Maxwell and that the Census will continue through October 31, 2020. Announces that Bob Partson is interested in filming a documentary on St. John Colony.

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

Pursuant to Executive Order GA-28 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. 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>

Agustina Gonzalez – name called- not present

CONSENT AGENDA. (The following consent items may be acted upon in one motion).

1. **Approve payment of County invoices and County Purchase Orders for FY 2020 in the amount of \$891,071.43; Backup: 40**
2. **Approve payment of County invoices and County Purchase Orders for FY 2021 in the amount of \$63,532.92; Backup:9**
3. **Ratify re-occurring County Payments**
 - A. **\$319,952.47 (Payroll 08/30/20 – 09/12/20)**
 - B. **\$96,945.25 (Payroll Tax 08/30/20 – 09/12/20)**
 - C. **\$318,905.53 (Payroll 09/13/20 – 09/26/2020)**
 - D. **\$95,869.11 (Payroll Tax 09/13/20 – 09/26/2020)**
4. **To pay renewal bond #63823170 for Grant Administrator, Dennis Engelke; Backup: 2**
5. **To pay renewal bond #63823158 for Purchasing Agent, Danielle Blake; Backup: 2**
6. **To pay renewal bond #62926227 for Road Administrator, Donald LeClerc; Backup: 2**
7. **To accept the September 2020 Environmental Code Report; Backup: 3**
8. **To accept the September 2020 Indigent Cremation Report; Backup: 4**
9. **To accept the Criminal District Attorney's Asset Forfeiture Fund Proposed Budget for FY 2020-2021; Backup: 2**
10. **To get approval for Purchase Order for Caldwell County Liability Coverage; Backup: 3**
11. **To get approval on blanket Purchase Order for Inmate Health Insurance; Backup: 3**

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

AGENDA ACTION ITEMS

12. **Discussion/Action** regarding the burn ban. **Speaker: Judge Haden / Hector Rangel; Backup: 3; Cost: None**

Hank Alex recommends Burn Ban to be put in place. Motion made by Commissioner Roland, second by Commissioner Theriot. All voting "Aye"

13. **Discussion/Action** to approve Resolution to authorize County Grant Program of the year 2021 for Meals on Wheels of the RCA/Combined Community Action. **Speaker: Judge Haden/Kelly Franke; Backup: 2; Cost: None**

Barbara Thomason thanks the county for continued support for the Meals on Wheels program. Judge Haden reads the Resolution. So moved by Commissioner Shelton, second by Commissioner Roland. All voting "Aye".

14. **Discussion/Action** to Proclaim October 2020 as Weatherization month. **Speakers: Judge Haden/ Barbara Thomason; Backup: 2; Cost: None**

Barbara Thomason explains the Weatherization program and looks forward to continuing support. Judge Haden reads Proclamation to proclaim October 2020 as Weatherization month. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye".

15. **Discussion/Action** to Proclaim October 2020 as Manufacturing Month in Caldwell County. **Speakers: Judge Haden/ Mike Kamerlander; Backup: 2; Cost: None**

Mike Kamerlander , City Development Director, thanks county for supporting economic development. Judge Haden reads Proclamation to proclaim October 2020 as Manufacturing Month. So moved by Commissioner Theriot, second by Commissioner Roland. All voting "Aye".

16. **Discussion/Action** to approve Budget Amendment #83 to adjust FY 19-20 over budgeted expenses for Building Maintenance department. **Speakers: Judge Haden/ Barbara Gonzales/Curtis Weber; Backup: 2; Cost: Net Zero**

Judge Haden requests approval of Budget Amendment #83. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye".

17. **Discussion/Action** to approve Budget Amendment #84 for the Elections Department for preparing the books for FY year-end 19-20 audit. **Speakers: Judge Haden/ Barbara Gonzales; Backup: 2; Cost: Net Zero**

Judge Haden requests approval of Budget Amendment #84. So moved by Commissioner Roland, second by Commissioner Theriot. All voting "Aye".

18. **Discussion/Action** to approve Budget Amendment #85 for Code Investigator Department's FY 19-20 budget, cleaning up the financials in preparation for fiscal year end. **Speaker: Judge Haden/ Barbara Gonzales; Backup: 2; Cost: Net Zero**

Judge Haden requests the approval of Budget Amendment #85. So moved by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

19. **Discussion/Action** to approve Budget Amendment #86 for FY 2019-2020 needed to process the Enterprise Lease Vehicle payment for PCT 4 Constable. **Speakers: Judge Haden/ Danie Blake; Backup: 13; Cost: Net Zero**

Judge Haden requests the approval of Budget Amendment #86. So moved by Commissioner Shelton, second by Commissioner Theriot. All voting "Aye".

20. **Discussion/Action** to approve Budget Amendment #87 to move money from Autopsy (001-6510-4123) to Fax & Internet (001-6510-4425) to cover over budgeted expenses. **Speaker: Judge Haden; Backup: 3; Cost: Net Zero**

Judge Haden requests to approve Budget Amendment #87. Motion made by Commissioner Roland, second by Commissioner Westmoreland. All voting "Aye".

- 21. Discussion/Action** to approve Budget Amendment #88 to adjust over budget items within Jail Department. **Speakers: Judge Haden/ Barbara Gonzales; Backup: 2; Cost: Net Zero**

Judge Haden requests to approve Budget Amendment #88. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye".

- 22. Discussion/Action** to approve Budget Amendment #01 for FY 2020-2021/ Fund 013. This is reducing the \$702,368 appropriation to Johnson Control because it was appropriated in FY 2019-2020. **Speakers: Judge Haden/ Barbara Gonzales; Backup: 8; Cost \$702,368**

Judge Haden requests the approval of Budget Amendment # 01 for FY 2020-2021/ Fund 013. So moved by Commissioner Shelton, second by Commissioner Theriot. All voting "Aye".

- 23. Discussion/Action** approval to ratify Purchase Order No. 00522 for Johnson Controls' first down payment. **Speakers: Judge Haden/ Danie Blake; Backup: 4; Cost: \$702,368**

Judge Haden requests ratification of Purchase order no. 00522 for Johnson Controls' first down payment. So moved by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

- 24. Discussion/Action** approval of the Motorola Solutions, Inc. proposal for the Lockhart Microwave Upgrade Project. **Speakers: Judge Haden/ Danie Blake; Backup: 55; Cost: \$230,000.00**

Judge Haden requests proposal approval for the Lockhart Microwave Upgrade Project. So moved by Commissioner Roland, second by Commissioner Theriot. All voting "Aye".

- 25. Discussion/Action** approval of the Motorola Solutions, Inc. proposal on Fentress Site Tower Only Project. **Speakers: Judge Haden/ Danie Blake; Backup: 12; Cost: \$695,587.00**

Judge Haden requests to approve proposal for the Fentress Site Tower Only Project. So moved by Commissioner Theriot, second by Commissioner Westmoreland. All voting "Aye".

- 26. Discussion/action** to ratify notice of County's intent to terminate Interlocal Cooperation Agreement with the City of Umland. **Speakers: Judge Haden/ JJ Wells; Backup: 2; Cost: None**

Judge Haden requests ratification of County's intent to terminate Interlocal Cooperation Agreement with the City of Umland. So moved by Commissioner Theriot, second by Commissioner Westmoreland. All voting "Aye".

- 27. Discussion/Action** regarding the engagement letter with Armstrong, Vaughan & Associates, P.C. for the Audit and Single Audit for the year ending September 30, 2020. **Speakers: Judge Haden/ Barbara Gonzales; Backup: 7; Cost: \$44,040**

Barbara Gonzales recommends engagement letter with Armstrong, Vaughan & Associates P.C. for Audit and Single Audit. So moved by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

28. **Discussion/Action** regarding the approval of an “Agreement for Temporary Easement” pertaining to the Harwood Road Culvert Project. **Speakers: Judge Haden/ Dennis Engelke; Backup: 3; Cost: None**

Dennis Engelke requests the approval of “Agreement for Temporary Easement”. So moved by Commissioner Shelton, second by Commissioner Theriot. All voting “Aye”.

29. **Discussion/ Action** approving the acceptance of the TDEM 2020 Emergency Management Performance Grant of \$28,799.59; requiring a match of \$28,799.59. **Speakers: Judge Haden/ Dennis Engelke; Backup: 10; Cost: \$28,799.59**

Dennis Engelke requests acceptance of the TDEM 2020 Emergency Management Performance Grant. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting “Aye”.

30. **Discussion/Action** to approve “2 CFR 200 Addendum” to County Procurement Policy for inclusion in the GLO CDBG-MIT grant application. **Speakers: Judge Haden/ Dennis Engelke; Backup: 2; Cost: None**

Dennis Engelke requests to adopt approval of “ 2 CFR 200 Addendum”. So moved by Commissioner Shelton, second by Commissioner Westmoreland. All voting “Aye”.

31. **Discussion/Action** to consider Resolution and Order authorizing appointment of deputy and reserve constables. **Speakers: Judge Haden/ JJ Wells; Backup: 23; Cost: TBD**

Judge Haden recommends approval of appointed deputies and reserved constables. Judge Haden reads Resolution and number of appointees per precinct . Motion made by Commissioner Shelton, second by Commissioner Roland. All voting “Aye”.

32. **Discussion/ Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Spotted Horse Acres located on Spotted Horse Trail (CR98). **Speaker: Commissioner Roland/ Kasi Miles; Backup: 32; Cost: None**

Kasi Miles requests the approval for Final Plat for Spotted Horse Acres. Motion made by Commissioner Roland, second by Commissioner Westmoreland. All voting “Aye”.

33. **Discussion/Action** to consider the approval of the Preliminary Plat for Indian Paintbrush Addition to include 3 lots on approximately 34.75 acres located at Borchert Loop (CR 108) and Black Ankle Road (CR 109). **Speakers: Commissioner Westmoreland /Kasi Miles. Backup: 22; Cost: None**

Kasi Miles requests approval for Preliminary Plat for Indian Paintbrush Addition , including 3 lots at Borchert Loop and Black Ankle Road. So moved by Commissioner Westmoreland, second by Commissioner Theriot. All voting “Aye”.

- 34. Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure for Karstetter Estates located at Taylorsville Road (CR 158) and Pebblestone Road (CR 90). **Speakers: Commissioner Shelton /Kasi Miles Backup: 28; Cost: None**

Kasi Miles requests approval of Final Plat for Karstetter Estates located at Taylorsville Road and Pebblestone Road. So moved by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

- 35. Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Neeley Acres located on FM 713. **Speaker: Commissioner Shelton /Kasi Miles; Backup: 14; Cost: None**

Kasi Miles requests approval for Final Plat for Neeley Acres. So moved by Commissioner Shelton, second by Commissioner Theriot. All voting "Aye".

Judge Haden ask to continue with Discussion/Action agenda Item #37 through #40 and then conclude with #36 Executive Session.

- 37. Discussion/Action** to consider approval of a "Termination Agreement and Mutual Release" document between Tyler Technologies, Inc. and Caldwell County. **Speakers: Judge Haden/ Dennis Engelke; Backup: 3; Cost: None**

Dennis Engelke requests approval of "Termination Agreement and Mutual Release" between Tyler Technologies Inc. and Caldwell County. So moved by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye". Commissioner Theriot not present in courtroom.

- 38. Discussion/ Action** to approve submission of the completed application for the Texas Water Development Board's 2020 Flood Infrastructure Fund (Abridged Application Number: 13592). **Speakers: Judge Haden/ Dennis Engelke/ Judy Langford; Backup: 2; Cost: TBD**

Dennis Engelke requests approval submission of the completed application for the Texas Water Development Board's 2020 Flood Infrastructure Fund. Handouts were provided to court and County Clerk. Commissioner Theriot returned to courtroom. So moved by Commissioner Shelton, second by Commissioner Theriot. All voting "Aye".

- 39. Discussion/Action** to approve Texas Water Development Board's Application Affidavit, Flood Application Affidavit (Category 1), Application Filing and Authorized Representative Resolution, Application Resolution – Certificate of Secretary and authorize the County Judge to execute these documents. **Speakers: Judge Haden/ Dennis Engelke/ Judy Langford; Backup: 5; Cost: TBD**

Dennis Engelke requests approval of Texas Water Development Board's Application Affidavit and reads each of the document Resolutions. So moved by Commissioner Roland, second by Commissioner Westmoreland. All voting "Aye".

40. **Discussion/Action** to consider approval of Resolution 40-2020 required for applying for a Texas Indigent Defense Commission FY2021 Formula Grant. **Speakers: Judge Haden/ Dennis Engelke; Backup: 8; Cost: None**

Dennis Engelke reads and requests approval of Resolution 40-2020 to apply for Texas Indigent Defense Commission FY2021 Formula Grant. So moved by Commissioner Theriot, second by Commissioner Shelton. All voting "Aye".

36. **EXECUTIVE SESSION:** pursuant to Sections 551.071 and 551.087 of the Texas Government Code: consultation with counsel and deliberation regarding economic development negotiations associated with Project Future. Possible action may follow in open court. **Speakers: Judge Haden/ JJ Wells; Backup: None; Cost: TBD**

Judge Haden opens item 36 Executive Session at 9:56 a.m. and close at 10:40 a.m. Executive Session is attended by Commissioner Westmoreland, Commissioner Shelton, Judge Haden, Commissioner Theriot, Commissioner Roland, J.J. Wells and Mike Kamerlander. No action is taken.

41. **Adjournment.**

Motion made by Commissioner Shelton, second by Commissioner Westmoreland that we adjourn. All voting 'Aye'. Court adjourns at 10:45 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 October 13, 2020



Teresa Rodriguez

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