

COMMISSIONERS COURT MINUTES
110 S Main St. 2nd Floor, Lockhart, Texas Commissioners
Court February 13, 2024, 9:00 AM



Hoppy Haden	County Judge	B.J. Westmoreland	Commissioner, Pct. 1
Teresa Rodriguez	County Clerk	Rusty Horne	Commissioner, Pct. 2
		Ed Theriot	Commissioner, Pct. 3
		Dyral Thomas	Commissioner, Pct. 4

A. CALL MEETING TO ORDER

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

B. INVOCATION

Commissioner Thomas opens the meeting in prayer.

C. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS 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.

D. ANNOUNCEMENTS:

Items or comments from Court members or staff.

Commissioner Thomas announces the Progressive Club will host the Annual Banquet at the Connection Center at 6:00 p.m.

Hector Rangel Chief EMC introduces his new Deputy Chief Josh Flores.

E. 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>

Linda Hinkle to speak on Item H.1.

F. CONSENT AGENDA:

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

- F.1.To approve payments of County Invoices and Purchase Orders in the amount of \$845,729.90.**
- F.2.To approve County Payroll payment in the amount of \$420,164.89 (12/31/2023 - 1/13/2024).**
- F.3.To approve County Payroll Tax payment in the amount of \$121,623.62 (12/31/2023 - 1/13/2024).**
- F.4.To approve County Payroll payment in the amount of \$429,937.22 (1/14/2024 - 1/27/2024).**
- F.5.To approve County Payroll Tax payment in the amount of \$125,953.22 (1/14/2024 - 1/27/2024).**
- F.6.To accept partial January 2024 DMV Remittance in the amount of \$26,981.75.**

- F.7.To accept January 2024 DMV Comptroller payment in the amount of \$307,637.84.**
- F.8.To approve the bond for Cheryl Mendoza, Accounts Payable Clerk.**
- F.9.To approve the bond for Melissa Montana, Assistant Auditor.**
- F.10To. approve the bond for Gabrielle Saldana, 1st Assistant Auditor.**
- F.11To. accept the January 2024 Indigent Burial Report.**
- F.12To. accept Caldwell County Constable PCT. 2 December 2023 Report.**
- F.13To. accept the December 2023 Tax Collection Report from the Caldwell County Appraisal District.**
- F.14To. accept Disclosure Report/Financial Accounts reconciliation regarding Hot Check, Escrow, Discretionary Fund, Asset Forfeiture, and Asset Forfeited for November and December 2023.**
- F.15To. accept the new 2024 IRS mileage reimbursement rate and updated county form.**

Motion made by Commissioner Horne, seconded by Commissioner Westmoreland to Approve . All voting "Aye."

MOTION APPROVED.

- F.1 To approve payments of County Invoices and Purchase Orders in the amount of \$845,729.90. AP 2 13 2024 Payment Register.pdf
- F.2 To approve County Payroll payment in the amount of \$420,164.89 (12/31/2023 - 1/13/2024). Payroll 12.31.2023 - 1.13.2024.pdf
- F.3 To approve County Payroll Tax payment in the amount of \$121,623.62 (12/31/2023 - 1/13/2024). Payroll Tax 12.31.2023 - 1.13.2024.pdf
- F.4 To approve County Payroll payment in the amount of \$429,937.22 (1/14/2024 - 1/27/2024). Payroll 1.14.24 - 1.27.24.pdf
- F.5 To approve County Payroll Tax payment in the amount of \$125,953.22 (1/14/2024 - 1/27/2024). Payroll Tax 1.14.24 - 1.27.24.pdf
- F.6 To accept partial January 2024 DMV Remittance in the amount of \$26,981.75. Partial January 2024 DMV Remittance
- F.7 To accept January 2024 DMV Comptroller payment in the amount of \$307,637.84. January 2024 DMV Comptroller_Redacted.pdf
- F.8 To approve the bond for Cheryl Mendoza, Accounts Payable Clerk. Mendoza_Bond_Redacted.pdf
- F.9 To approve the bond for Melissa Montana, Assistant Auditor. Montana_Bond_Redacted.pdf
- F.10 To approve the bond for Gabrielle Saldana, 1st Assistant Auditor. Saldana_Bond_Redacted.pdf
- F.11 To accept the January 2024 Indigent Burial Report. 01.2024 indigent burial rep.pdf
- F.12 To accept Caldwell County Constable PCT. 2 December 2023 Report. Constable PCT. 2 Dec 2023 Report.docx
- F.13 To accept the December 2023 Tax Collection Report from the Caldwell County Appraisal District. CCAD Monthly Report - December 2023.pdf
- F.14 To accept Disclosure Report/Financial Accounts reconciliation regarding Hot Check, Escrow,

Discretionary Fund, Asset Forfeiture, and Asset Forfeited for November and December 2023.
Disclosure Report_Financial Accounts_Nov_Dec_2023.pdf

F.15 To accept the new 2024 IRS mileage reimbursement rate and updated county form.
01.01.2024 Mileage Only Expense Form_FY23_Fillable.pdf

G. DISCUSSION/ACTION ITEMS:

G.1 Regarding the burn ban. Speaker: Judge Haden/Hector Rangel; Backup: 2; Cost:
\$0.00 Hector Rangel Chief EMC recommends keeping the burn ban off.
Burn Ban Order 2.13.24.docx

Motion made by Commissioner Theriot, seconded by Commissioner Thomas to Approve . All voting "Aye."

MOTION APPROVED.

G.2 To approve Order 05-2024 authorizing the sale of fireworks for Texas Independence Day. Speaker:
Judge Haden/Hector Rangel; Backup: 3; Cost: \$0.00
Hector Rangel Chief EMC recommends prohibiting the sale of fireworks with fin or sticks for
Texas Independence Day .

Order 05-2024 is read.

TAC TX Independence Day Fireworks Order.pdf 05-
2024_Order_Texas_Independence_Day_Fireworks_-_DRAFT v2.docx

Motion made by Commissioner Thomas, seconded by Commissioner Horne to Approve . All voting "Aye."

MOTION APPROVED.

G.3 To approve a Proclamation designating February 2024 as Black History Month. Speaker:
Commissioner Thomas; Backup: 1; Cost: \$0.00

Proclamation is read.
2.13.24 Proclamation - Black History Month (FEB 2024).docx

Motion made by Commissioner Thomas, seconded by Commissioner Westmoreland to Approve.
All voting "Aye."

MOTION APPROVED.

G.4 To approve a Proclamation designating February 2024 as Dating Violence Awareness
Month. Speaker: Judge Haden/Ashley Rios/Brianna Buenrostro; Backup: 3; Cost: \$0.00
Brianna Buenrostro, Dating Violence Counselor with Hays-Caldwell County thanks the Court
for acknowledging February as Dating Violence Awareness Month. .

Proclamation is read.

2.13.24 Proclamation - Dating Violence Awareness & Prevention.docx
Proclamation Request - February 2024 Dating Violence Awareness Month.pdf

Motion made by Commissioner Theriot, seconded by Commissioner Horne to Approve . All voting "Aye."

MOTION APPROVED.

G.5 To approve Resolution 10-2024, authorizing Caldwell County to apply for the Rural Sheriff's Office
Salary Assistance Grant Program. Speaker: Judge Haden/Amber Quinley; Backup: 1; Cost:

\$0.00

Resolution 10-2024 is read.

Resolution 10-2024 SB22 Law Enforcement Grant.docx

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to Approve . All voting "Aye."

MOTION APPROVED.

G.6 To approve Resolution 11-2024, authorizing the Caldwell County Criminal District Attorney to apply for the Rural Prosecutor's Office Salary Assistance Grant Program. Speaker: Judge Haden/Amber Quinley; Backup: 1; Cost: \$0.00

Resolution 11-2024 is read.

Resolution 11-2024 SB22 Prosecutor Grant.docx

Motion made by Commissioner Horne, seconded by Commissioner Thomas to Approve . All voting "Aye."

MOTION APPROVED.

G.7 To approve Resolution 12-2024, committing to the co-location of emergency dispatch equipment and personnel with the City of Lockhart and the City of Luling. Speaker: Judge Haden/Chase Goetz; Backup: 2; Cost: \$0.00

Resolution 12-2024 is read.

Resolution 12-2024 Combined Dispatch.docx

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to Approve.

All voting "Aye."

MOTION APPROVED.

G.8 To approve a fee schedule for EMS ambulance services in the unincorporated portions of Caldwell County. Speaker: Judge Haden/Chase Goetz; Backup: 3; Cost: \$0.00
FY2025 EMS FEES SCHEDULE.pdf

Motion made by Commissioner Horne, seconded by Commissioner Westmoreland to Approve . All voting "Aye."

MOTION APPROVED.

G.9 To approve contract between Caldwell County and County Information Resources Agency (CIRA) for website hosting package that would enhance county's abilities to disseminate information to the public. Speaker: Judge Haden/Ezzy Chan/Miles Smith; Backup: 26; Cost: \$6,650 for 2024, \$4,200 for subsequent years
Miles Smith requests to upgrade website hosting package with County Information Resources Agency (CIRA).
CIRA Annual Services Agreement Renewal.pdf
Ultimate package Q&A and quote.pdf

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to Approve . All voting "Aye."

MOTION APPROVED.

G.10 To ratify Right of Entry Consent Form. Speaker: Judge Haden; Backup: 2; Cost: \$0.00

Ratifying the widening of FM 2720
ROE Consent Form_Signed.pdf

Motion made by Commissioner Theriot, seconded by Commissioner Thomas to Approve. All voting "Aye."

MOTION APPROVED.

- G.11 To approve a development agreement between the County and Entrada Capital Group, LLC - State Park Road Series, for the development of State Park RV Village on approximately 5.258 acres located at 10710 State Park Road. Speaker: Commissioner Theriot; Backup: 15; Cost: \$0.00 Proposed Development Agreement 1-10-24.docx
State Park RV Village Exhibit B.pdf
State Park RV Village Exhibit C.docx
State Park RV Village Exhibit A.pdf
State Park RV Village Exhibit D.docx

Motion made by Commissioner Theriot, seconded by Commissioner Horne to Approve . All voting "Aye."

MOTION APPROVED.

- G.12 To approve the Preliminary Plat for Cotton Gateway consisting of 1,280 residential lots on approximately 396.7 acres located East of SH 21 and William Pettus Road. Speaker: Commissioner Theriot/Kasi Miles/Tracy Bratton; Backup: 21; Cost: \$0.00
Preliminary Plat- Cotton Gateway

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to Approve. All voting "Aye."

MOTION APPROVED.

I. EXECUTIVE SESSION:

Executive Session opens at 9:30 a.m. and closes at 10:04 a.m.

- I.1 Pursuant to Texas Local Government Code Section 551.071(1): Consultation with counsel regarding pending or contemplated litigation or settlement offers involving No. 1:23-CV-910-RP in the U.S. District Court for the Western District of Texas. Speaker: Judge Haden/Chase Goetz/Eric Magee; Backup: 18; Cost: \$0.00

NO ACTION TAKEN

- I.2 Pursuant to Texas Local Government Code Section 551.071(2): Consultation with counsel regarding a proposed contingent fee contract for legal services for the collection of County-assessed fees and fines. Possible action may follow in open court. Speaker: Judge Haden; Backup: TBD; Cost: \$0.00

ACTION TO FOLLOW IN OPEN COURT.

- G.13 To approve the Preliminary Plat for Sunset Oaks, Phase 7 consisting of 3 commercial lots on approximately 47.2 acres located on Highway 21 and FM 1966. Speaker: Commissioner Theriot/Tracy Bratton/Kasi Miles; Backup: 10; Cost: \$0.00
Preliminary Plat- Sunset Oaks, Phase 7

Motion made by Commissioner Theriot, seconded by Commissioner Thomas to Approve. All voting "Aye."

MOTION APPROVED.

- G.14 To approve the Final Plat for Sagada Dos, Phase 2, subdivision consisting of 14 residential lots on approximately 16.658 acres located on Homann Road and Homannville Trail. Speaker: Commissioner Thomas/Tracy Bratton/Kasi Miles; Backup: 38; Cost: \$0.00
Final Plat-Sagada Dos

G.14 To approve the Final Plat for Sagada Dos, Phase 2, subdivision consisting of 14 residential lots on approximately 16.658 acres located on Homann Road and Homannville Trail. Speaker: Commissioner Thomas/Tracy Bratton/Kasi Miles; Backup: 38; Cost: \$0.00
Final Plat-Sagada Dos

Motion made by Commissioner Thomas, seconded by Commissioner Horne to Approve. All voting "Aye."

MOTION APPROVED.

G.15 To authorize the County Judge to negotiate the terms of renewal for services from i3-Bearcat, LLC. Speaker: Judge Haden; Backup: 17; Cost: TBD
Net Data - Caldwell County License Hosting Agreement and GHS Agreementpdf

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to Approve. All voting "Aye."

MOTION APPROVED.

G.16 To terminate an existing contract for Court Collection Services between the County and i3-Bearcat, LLC. Speaker: Judge Haden; Backup: 17; Cost: \$0.00

Net Data - Caldwell County License Hosting Agreement and GHS Agreement.pdf

Motion made by Commissioner Theriot, seconded by Commissioner Horne to Approve. All voting "Aye."

MOTION APPROVED.

G.17 To approve a contingent fee contract for legal services between the County and Linebarger Goggan Blair & Sampson, LLP ("Linebarger") for the collection of County-assessed fees and fines.

The agreement to be considered is necessary for the delinquent court fines and fees owed to the County to be collected in the most effective manner. The County desires that such court fines and fees be collected as provided pursuant to Article 103.0031, Texas Code of Criminal Procedure.

Linebarger is fully qualified to provide this representation, being the largest collection law firm in the State of Texas, as well as the United States and having been engaged in this specialized legal service for more than 40 years. In addition, Linebarger possesses infrastructure and technology, such as call center technology, that the County does not currently possess.

Linebarger has not previously represented the County in the collection of delinquent court fines and fees.

The specialized legal services required by this agreement cannot be adequately performed by the County's attorneys and supporting personnel due to the high cost of implementing the appropriate infrastructure and technology and employing sufficient in-house attorneys and staff with the level of experience and competence necessary to perform these activities.

Linebarger will be compensated on a contingent fee basis as provided in the Chapter 103.0031, Texas Code of Criminal Procedure.

These sections specifically provide for an additional penalty on court fines and fees to compensate collection attorneys. A contract to pay inside or outside attorneys on an hourly basis would represent an additional cost to the County.

Entering into the proposed agreement is in the best interests of the residents of Caldwell County because the court fines and fees will be professionally and competently collected without the additional costs to the County of implementing infrastructure and technology, and employing in-house personnel or paying outside counsel on an hourly fee basis is cost prohibitive. Speaker: Judge Haden; Backup: 6; Cost: \$40.00

Resolution 13-2024 is read.
CaldwellCo_FFContract.docx

Motion made by Commissioner Westmoreland, seconded by Commissioner Thomas to Approve.
All voting "Aye."

MOTION APPROVED.

H. DISCUSSION ONLY:

H.2 To consider a development agreement between the County and Chisholm Hill, LP for the development of an approximately 776.772-acre subdivision located at Black Ankle Road and Boggy Creek Road. Speaker: Commissioner Westmoreland/Tracy Bratton; Backup: 63; Cost: \$0.00

Commissioner Westmoreland and Tracy Bratton County Consulting Engineer discuss development agreement with Chisholm Hill, LP.

H.3 To consider a development agreement between the County and Tack Redwood Partners for the development of the Lakeshore subdivision, an approximately 1,044.73-acre subdivision located at Railroad Street and SH 142. Speaker: Judge Haden/Tracy Bratton/Chris Elizondo; Backup: 22; Cost: \$0.00

Tracy Bratton County Consulting Engineer and Chris Elizondo discuss Tack Redwood Partners development.

H.1 Request by Caldwell County Appraisal District (C.C.A.D) on delayed 1st QTR 23-24 payment. Speaker: Danie Teltow; Backup: 14; Cost: \$0.00
Linda Hinkle Caldwell County Appraisal District Secretary and Danie Teltow County Auditor discuss the issue of a delayed payment to Caldwell County Appraisal District.

J. ADJOURNMENT:

Court adjourns at 10:48 a.m.

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to Adjourn. All voting "Aye."

MOTION APPROVED.



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 held by the Caldwell County Commissioners' Court on February 13, 2024.


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