

COMMISSIONERS COURT MINUTES
110 S Main St. 2nd Floor, Lockhart, Texas
Commissioners Court April 25th, 2023, 9:00 a.m.



HOPPY HADEN County Judge
TERESA RODRIGUEZ County Clerk

B.J. WESTMORELAND Commissioner Pct. 1
RUSTY HORNE Commissioner Pct. 2
ED THERIOT Commissioner Pct. 3
DYRAL THOMAS Commissioner Pct. 4

Call Meeting to Order

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

Invocation.

Special Guest Kyle Hope 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.

No Announcements.

No Staff 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 by using the

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

Andrew McClish Prairie Lea resident expresses disappointment with the delay of removing unnecessary stop signs in the community.

Thomas Rhodes on behalf of BVRT Utility Holding Co., regarding Item 10, reports the company is opposed to this permit.

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

1. Approve payment of County invoices and County Purchase Orders: \$522,768.71
2. Ratify re-occurring County Payments:

- A. \$396,453.37 Payroll (3/26/2023 – 4/08/2023)
- B. \$116,717.93 Payroll Tax (3/26/2023 – 4/08/2023)

- 3. To reapprove an agreement with LexisNexis for research database access concerning indigent decedents.
- 4. To approve March 2023 report from Constable Pct. 1
- 5. To approve March 2023 Tax Collections Report from Caldwell County Appraisal District.
- 6. To approve acknowledgment of Adult Probation annual outside audit for their financial reporting.

Motion made by Commissioner Horne, seconded by Commissioner Westmoreland to approve Consent Agenda. All voting “Aye”.

MOTION APPROVED.

DISCUSSION/ACTION ITEMS:

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

Hector Rangel, Chief EMC recommends keeping Burn Ban Off.

Motion made by Commissioner Thomas, seconded by Commissioner Theriot. All voting “Aye”.

MOTION APPROVED.

- 8. **Discussion/Action** to consider the approval of a Proclamation for Air Quality Awareness Week for May 2023. **Speaker: Judge Haden; Backup: 2; Cost: None**

Proclamation is read.

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve Proclamation for Air Quality Awareness Week for May 2023. All voting “Aye”.

MOTION APPROVED.

- 10. **Discussion ONLY** regarding TCEQ discharge permit no. WQ0016293001. **Speaker: Commissioner Theriot; Backup: 7; Cost: None**

Beth McDonald, property owner on Schuelke Road, provides handouts to the court concerning the issues with the project on 2045 Schuelke Road. Commissioner Theriot will request a public hearing.

NO ACTION TAKEN.

- 9. **Discussion/Action** to consider the approval of Order 06-2023, amending the Caldwell County Records Management Policy. **Speaker: Judge Haden; Backup: 4; Cost: None**

Chase Goetz Assistant Criminal District Attorney-Civil, states the amending of policy will consist of removing any reference to a specific individual, names the County Judge as records management officer.

Order 06-2023 is read.

Motion made by Commissioner Thomas, seconded by Commissioner Theriot to approve of Order 06-2023,

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Amending the Caldwell County Records Management Policy. All voting "Aye".

MOTION APPROVED.

11. Discussion/Action to consider the County's contracts with local VFDs for rural fire protection and provide direction to County staff for follow-up. **Speaker: Commissioner Theriot; Backup: 1; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve directing staff to review contracts and provide recommendations and proposed changes. All voting "Aye".

MOTION APPROVED.

12. Discussion/Action to consider the approval of the amended final draft and solicitation of qualifications for RFQ 22CCP01Q Engineering Services Pool. **Speaker: Judge Haden/ Carolyn Caro; Backup: 56; Cost: None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve the amended final draft and solicitation of qualifications for RFQ 22CCP01Q Engineering Services Pool. All voting "Aye".

MOTION APPROVED.

13. Discussion/Action to consider the approval to pay invoices to SWAGIT in the amount of \$3,915.00. **Speaker: Judge Haden; Backup: 7; Cost: \$3,915.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Thomas to approve to pay invoices to SWAGIT in the amount of \$3,915.00. All voting "Aye".

MOTION APPROVED.

14. Discussion/Action to ratify a donation agreement between the County and Gloria Matejowsky for the donation of an easement along Holtz Rd/ CR224. **Speaker: Judge Haden; Backup: 11; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Thomas to approve ratify a donation agreement between the County and Gloria Matejowsky for the donation of an easement along Holtz Rd/ CR224. All voting "Aye".

MOTION APPROVED.

15. Discussion/Action to consider the approval of a development agreement between Haskell and Jennifer Griffin and the County for the proposed Oak Knoll RV Park, approximately 10 acres located off U.S. HWY 183. **Speaker: Commissioner Westmoreland; Backup: 25; Cost None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve development agreement between Haskell and Jennifer Griffin and the County for the proposed Oak Knoll RV Park, approximately 10 acres located off U.S. HWY 183. All voting "Aye".

MOTION APPROVED.

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- 16. Discussion/Action** to consider the approval of an Order Authorizing the filing of a Final Plat (Short Form Procedure) for Tallen's Way located on Tinney Creek Rd. **Speaker: Commissioner Horne/ Kasi Miles; Backup: 16; Cost: None**

Motion made by Commissioner Horne, seconded by Commissioner Thomas to approve an Order Authorizing the filing of a Final Plat (Short Form Procedure) for Tallen's Way located on Tinney Creek Rd. All voting "Aye".

MOTION APPROVED.

- 17. Discussion/Action** to consider the approval of an order authorizing the filing of a Final Plat (Short Form Procedure) for Carpol Subdivision located on Political Rd. **Speaker: Commissioner Theriot; Backup: 16; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve an order authorizing the filing of a Final Plat (Short Form Procedure) for Carpol Subdivision located on Political Rd. All voting "Aye".

MOTION APPROVED.

- 18. Discussion/Action** to consider the approval of Subdivision Improvement Performance Bond for Tumbleweed Estates Phase 2 Subdivision in the amount of \$856,604.65. **Speaker: Judge Haden; Donald LeClerc; Backup: 3; Cost: None**

Motion made by Commissioner Thomas, seconded by Commissioner Westmoreland to approve Subdivision Improvement Performance Bond for Tumbleweed Estates Phase 2 Subdivision in the amount of \$856,604.65. All voting "Aye".

MOTION APPROVED.

- 22. Discussion/Action** to remove from consideration a potential radio tower site associated with critical radio infrastructure deployment. **Speaker: Commissioner Westmoreland; Backup: 1; Cost: None**

Motion made by Judge Haden, seconded by Commissioner Westmoreland to approve removal from consideration a potential radio tower site associated with critical radio infrastructure deployment. All voting "Aye".

MOTION APPROVED.

Executive Session Item 19, Item 20, and Item 21 open at 9:35 a.m. and exit at 10:21 a.m.

- 19. EXECUTIVE SESSION** Pursuant to Texas Government Code Section 551.087, the discussion of deliberation regarding economic development negotiations associated with Project Apple Pie. Possible Action may follow in open court. **Speaker: Judge Haden; Backup: 1; Cost: None**

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

- 20. EXECUTIVE SESSION** Pursuant to Texas Government Code Section 551.087, the discussion of deliberation regarding economic development negotiations associated with Project Future. Possible Action may follow in open court. **Speaker: Judge Haden; Backup: 1; Cost: None**

NO ACTION TAKEN.

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21. EXECUTIVE SESSION Pursuant to Texas Government Code Section 551.072, the purchase, lease, exchange, or value of real property. Possible Action may follow in open court. **Speaker: Judge Haden; Backup: 1; Cost: None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to authorize County Judge to begin negotiating discussion in Executive Session. All voting "Aye".

23. Adjournment.

Motion made by Commissioner Thomas, seconded by Commissioner Theriot to adjourn. All voting "Aye". The court adjourns at 10:24 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 April 25, 2023.

Teresa Rodriguez

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

