

COMMISSIONERS COURT MINUTES
110 S Main St. 2nd Floor, Lockhart, Texas
Commissioners Court July 11, 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

Commissioner Thomas 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 announces that James Lovett with SH 130 reports that with weather permitting the lights at SH142 and SH130 will go under control as opposed to flashing the week of July 31st.

Ezzy Chan Executive Assistant reminds everyone that Cyber Training needs to be completed by August 15th.

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>

No Citizens' Comments.

COMMISSIONERS COURT MINUTES
Regular Meeting July 11, 2023, 9:00 a.m.

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

1. **Approve payment of County Invoices and County Purchase Orders: \$453,663.50**
2. **Ratify re-occurring County Payments:**
 - A. **\$401,484.47 Payroll (06/18/2023 – 07/01/2023)**
 - B. **\$119,658.42 Payroll Tax (06/18/2023 – 07/01/2023)**
 - C. **\$160,924.87 DMV Remittance**
 - D. **\$431,953.91 DMV Comptroller**
3. **To approve the Bond #72488666, Court Clerk**
4. **To accept the Caldwell County Appraisal District financial statements ending December 31, 2022**
5. **To approve Caldwell County ESD #3 Financial Reports for FY 2022**
6. **Acknowledgement of 2023 cash and procedure audit on Caldwell County Sanitation Department**
7. **Acknowledgement of 2023 cash and procedure audit on Caldwell County District Attorney's Office**

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

MOTION APPROVED.

DISCUSSION/ACTION ITEMS:

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

Hector Rangel Chief EMC provides a fire update and recommends a Burn ban.

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

MOTION APPROVED.

9. **Discussion/Action** to consider approval of Resolution 21-2023, amending a development agreement with Ranch Road Bollinger, LLC for the Bollinger Subdivision located at Sundance Court (FM 2720). **Speaker: Judge Haden/Commissioner Theriot; Backup: 30; Cost: \$0.00**

Scott Miller Representative for Bollinger Subdivision presents a slide show on amendments.

Resolution 21-2023 is read.

Motion made by Commissioner Theriot, seconded by Commissioner Horne to approve Resolution 21-2023, amending a development agreement with Ranch Road Bollinger, LLC for the Bollinger Subdivision located at Sundance Court (FM 2720). All voting "Aye".

MOTION APPROVED.

10. **Discussion/Action** to approve Resolution 22-2023, disapproving the Caldwell County Appraisal District's FY 2024 adopted budget. **Speaker: Judge Haden; Backup: 14; Cost: \$0.00**

Resolution 22-2023 is read; Assistant DA Chase Goetz states a correction of 2023 should be 2024 on the Resolution.

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve Resolution 22-2023, disapproving the Caldwell County Appraisal District's FY 2024 adopted budget. All voting "Aye"

MOTION APPROVED.

COMMISSIONERS COURT MINUTES
Regular Meeting July 11, 2023, 9:00 a.m.

11. Discussion/Action to approve an interlocal cooperation agreement between the County and the Regional Public Defender Office for indigent legal defense services and authorizing the County Judge to execute the same. **Speaker Judge Haden/Chase Goetz; Backup: 14; Cost: \$18,645.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve interlocal cooperation agreement between the County and the Regional Public Defender Office for indigent legal defense services and authorizing the County Judge to execute the same. All voting "Aye".

MOTION APPROVED.

12. Discussion/Action to approve Supplemental Work Authorization No. 2 to Work Authorization No. 1 Project: SH142. Additional cost of \$46,649.78 for additional effort related to environmental services. **Speaker: Judge Haden; Backup: 8; Cost: \$46,649.78**

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve Supplemental Work Authorization No. 2 to work Authorization No. 1 Project: SH142. Additional cost of \$46,649.78 for additional effort related to environmental services. All voting "Aye".

MOTION APPROVED.

13. Budget Amendment to approve budget amendment #46 for Purchasing – Seventeen new hotspots for Caldwell County. Six laptops for Tax Office. **Speaker: Judge Haden/Danie Teltow; Backup: 6; Cost: \$14,500.00**

Motion made by Commissioner Horne, seconded by Commissioner Thomas to approve budget amendment #46 for Purchasing – Seventeen new hotspots for Caldwell County. Six laptops for Tax Office. All voting "Aye".

MOTION APPROVED.

14. Discussion/Action to approve payment of Dell Invoice #10680883867 for tax office laptops. **Speaker Judge Haden/Carolyn Caro; Backup: 3; Cost: \$7,390.98**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve payment of Dell Invoice #10680883867 for tax office laptops. All voting "Aye".

MOTION APPROVED.

15. Budget Amendment to approve budget amendment #47 for Constable Pct. 4 for increase to Uniform line item. **Speaker: Judge Haden/Danie Teltow; Backup: 4; Cost: \$3,000.00**

Motion made by Commissioner Thomas, seconded by Commissioner Theriot to approve budget amendment #47 for Constable Pct. 4 for an increase to Uniform line item. All voting "Aye".

MOTION APPROVED.

16. Budget Amendment to approve budget amendment #48 for Building Maintenance to complete current projects. **Speaker: Judge Haden/Danie Teltow; Backup: 6; Cost: \$3,000.00**

Danie Teltow, County Auditor clarifies projects for the Scott Annex line item and Judicial Center line item.

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve budget amendment #48 for Building Maintenance to complete current projects. All voting "Aye".

MOTION APPROVED.

COMMISSIONERS COURT MINUTES
Regular Meeting July 11, 2023, 9:00 a.m.

17. Budget Amendment to approve budget amendment #49 for the county clerk to purchase four scanners for the clerk's office. **Speaker: Judge Haden/Danie Teltow; Backup 10; Cost: \$1,517.64**

Motion made by Commissioner Thomas, seconded by Commissioner Westmoreland to approve budget amendment #49 for the county clerk to purchase four scanners for the clerk's office. All voting "Aye".

MOTION APPROVED.

18. Budget Amendment to consider approval of budget amendment #50 to transfer Visiting Judge funds to administrative expenditures and visiting court reporters. **Speaker: Judge Haden/Danie Teltow; Backup: 8; Cost: \$5,000.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve budget amendment #50 to transfer Visiting Judge funds to administrative expenditures and visiting court reporters. All voting "Aye".

MOTION APPROVED.

19. Discussion/Action to approve payment of Invoice #61423 to Heather Holden, CSR, for court reporting services. **Speaker: Judge Haden/Carolyn Caro; Backup: 2; Cost: \$1,200.00**

Motion made by Commissioner Horne, seconded by Commissioner Thomas to approve payment of Invoice #61423 to Heather Holden, CSR, for court reporting services. All voting "Aye".

MOTION APPROVED.

20. Discussion/Action to consider public streets and drainage in Tumblewood Estates Phase 2 Subdivision as complete and ready to begin the two-year performance period of said public improvements as evidenced by a maintenance bond in the amount of \$58,238.40 for maintenance security. **Speaker: Judge Haden/Commissioner Thomas/Donald LeClerc; Backup: 4; Cost: \$0.00**

Motion made by Commissioner Thomas, seconded by Commissioner Theriot to approve public streets and drainage in Tumblewood Estates Phase 2 Subdivision as complete and ready to begin the two-year performance period of said public improvements as evidenced by a maintenance bond in the amount of \$58,238.40 for maintenance security. All voting "Aye".

MOTION APPROVED.

21. Discussion/Action to return the construction bond in the amount of \$856,604.65 for Tumbleweed Estates Phase 2 Subdivision back to 2231 Romberg 30 LLC. **Speaker: Judge Haden/Commissioner Thomas/Donald LeClerc; Backup: 3; Cost: \$0.00**

Motion made by Commissioner Thomas, seconded by Commissioner Horne to approve to return of the construction bond in the amount of \$856,604.65 for Tumbleweed Estates Phase 2 Subdivision back to 2231 Romberg 30 LLC. All voting "Aye".

MOTION APPROVED.

22. Discussion/Action to consider approval of a development agreement between the County and Johnson Trust Investments, LLC and Flintrock Office Suites, LLC, for an RV and boat storage facility and industrial park located at 5133 N US HWY 183. **Speaker: Commissioner Theriot; Backup: 15; Cost: \$0.00**

Tracy Bratton, County Consulting Engineer speaks on the R.V. & Boat storage and industrial park facility.

Motion made by Commissioner Theriot, seconded by Commissioner Thomas to approve development agreement between the County and Johnson Trust Investments, LLC and Flintrock Office Suites, LLC, for an RV and boat storage facility and industrial park located at 5133 N US HWY 183. All voting "Aye".

MOTION APPROVED.

COMMISSIONERS COURT MINUTES
Regular Meeting July 11, 2023, 9:00 a.m.

- 23. Discussion/Action** to approve an application form when an Exemption Letter from Caldwell County is requested for development purposes. **Speaker: Commissioner Westmoreland/Kasi Miles/Tracy Bratton; Backup: 3; Cost: \$0.00**

Commissioner Westmoreland explains that the exemption letter is to provide basic information for development purposes.

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve an application form when an Exemption Letter from Caldwell County is requested for development purposes. All voting "Aye".

MOTION APPROVED.

- 24. Discussion/Action** concerning approval of Maiorka Acres, Replat of Lot 3 located off FM 20 and Old Colony Line Road in Dale, Texas. **Speaker: Commissioner Westmoreland/Kasi Miles/Tracy Bratton; Backup: 16; Cost: \$0.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve Maiorka Acres, Replat of Lot 3 located off FM 20 and Old Colony Line Road in Dale, Texas. All voting "Aye".

MOTION APPROVED.

- 25. Discussion/Action** concerning approval of the Replat of Paz Acres, Lot 1 and 2 located on Homannville Trail in Lockhart, Texas. **Speaker: Commissioner Thomas/Kasi Miles/Tracy Bratton; Backup:21; Cost: \$0.00**

Motion made by Commissioner Thomas, seconded by Commissioner Theriot to approve the Replat of Paz Acres, Lot 1 and 2 located on Homannville Trail in Lockhart, Texas. All voting "Aye".

MOTION APPROVED.

- 26. Discussion/Action** to consider the approval of the Final Plat for Village Ranchette, Phase 2 consisting of 13 residential lots on approximately 106.3 acres located on Taylorsville Road. **Speaker: Commissioner Horne/Kasi Miles/Tracy Bratton; Backup: 24; Cost: \$0.00**

Motion made by Commissioner Horne, seconded by Commissioner Westmoreland to approve the Final Plat for Village Ranchette, Phase 2 consisting of 13 residential lots on approximately 106.3 acres located on Taylorsville Road. All voting "Aye".

MOTION APPROVED.

- 27. Discussion/Action** to consider a variance request to subdivide 20 acres out of 147.753 acres off an existing easement for Property ID: 29126 located at 634 FM 1296 in Waelder, Texas. **Speaker: Commissioner Horne/Kasi Miles/Tracy Bratton; Backup: 12; Cost: \$0.00**

Motion made by Commissioner Horne, seconded by Commissioner Theriot to approve variance request to subdivide 20 acres out of 147.753 acres off an existing easement for Property ID: 29126 located at 634 FM 1296 in Waelder, Texas. All voting "Aye".

MOTION APPROVED.

COMMISSIONERS COURT MINUTES
Regular Meeting July 11, 2023, 9:00 a.m.

- 28. Discussion/Action** to consider a variance request from the construction site plan requirement in the Caldwell County Development Ordinance to allow a third habitable structure on 24.665 acres located at Property ID: 16130, 280 Sides Road in Lockhart, Texas. **Speaker: Commissioner Horne/Kasi Miles/Tracy Bratton; Backup: 12; Cost: \$0.00**

Motion made by Commissioner Horne, seconded by Commissioner Thomas to approve a variance request from the construction site plan requirement in the Caldwell County Development Ordinance to allow a third habitable structure on 24.665 acres located at Property ID: 16130, 280 Sides Road in Lockhart, Texas. All voting "Aye".

MOTION APPROVED.

- 29. Discussion/Action** to consider a variance request to allow two separate structures on 1.311 acres on Property ID: 13615 located at 762 Brite Road in Lockhart, Texas. **Speaker: Commissioner Horne/Kasi Miles/Tracy Bratton; Backup: 14; Cost: \$0.00**

Linda Hinkle, Hinkle Survey questioned the variance, and Tracy Bratton County Consulting Engineer spoke on septic laws.

Jose Carrillo spoke on his behalf about the variance.

Motion made by Commissioner Horne, seconded by Commissioner Theriot to deny variance request to allow two separate structures on 1.311 acres on Property ID 13615 located at 762 Brite Road in Lockhart, Texas. 4 Ayes, 1 Oppose.

MOTION APPROVED TO DENY VARIANCE.

Executive Session 30 opens at 9:55 a.m. and closes at 10:04 a.m.

- 30. EXECUTIVE SESSION** Pursuant to Texas Government Code Section 551.071: Consultation with counsel regarding pending or contemplated litigation or settlement offers in a suit filed by Michael Voetee. **Speaker: Judge Haden/Chase Goetz; Backup: 1; Cost: \$0.00**

NO ACTION TAKEN.

31. Adjournment

Motion made by Commissioner Westmoreland, seconded by Commissioner Thomas to adjourn. All voting "Aye". The court adjourns at 10:05 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 July 11, 2023.

Teresa Rodriguez

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

