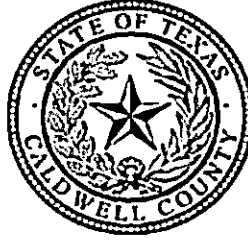


COMMISSIONERS COURT MINUTES
110 S Main St. 2nd Floor, Lockhart, Texas
Commissioners Court February 14, 2023, 9:00 a.m.



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. Commissioner Thomas is absent.

Invocation.

Judge Haden 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.

Judge Haden wishes everyone a Happy Valentine's Day.

Ezzy Chan Executive Assistant reminds everyone about Cyber Security Training.

Dennis Engelke Grants Administrator announces the Rifle Resistant Body Armor has arrived, equipment inventory will be done then Sheriff and Constable's office will be contacted to pick it up.

Update on Caldwell Community Service Foundation to date has funded 21 non-profit organizations, also received an additional grant from Saint David's Foundation and Grant Writing workshops are scheduled in Luling on March 22 & 23, April 26 & 27, July 26 & 27, September 13 & 14 at the Zidler Pavilion, Lockhart workshop scheduled for April 18 & 19, May 24 & 25, July 18 & 19 at the Golden Age Community Room.

Cristina Arias Chair of Caldwell County Animal Control Advisory Committee reports the best course of action would be to encourage the community to microchip their pets. Funding opportunities for microchip clinics and future events will be further researched.

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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.CommissionersCourtFormn>

No Citizens' Comments.

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

1. **Approve payment of County invoices and County Purchase Orders: \$707,680.74**
2. **Approve payment of County HAVA Grant: \$16,320.83**
3. **Ratify re-occurring County Payments:**
 - A. **\$382,934.99 Payroll (1/15/2023 – 1/28/2023)**
 - B. **\$113,570.28 Payroll Tax (1/15/2023 – 1/28/2023)**
4. **To approve the Bond for BJ Westmoreland, Commissioner Pct. 1**
5. **To approve the Bond for Hoppy Haden, County Judge**
6. **To approve the acknowledgment of 4th Qtr. Audit preformed on Tax Assessor Collector (Luling Office).**
7. **To approve December 2022 Tax Collection Report for the Caldwell County Appraisal District.**
8. **To approve January 2023 Indigent Burial Report.**
9. **To approve Treasurer Q4 Quarterly State Report.**
10. **To approve Constable Pct. 1 Racial Profiling Report.**

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

MOTION APPROVED.

DISCUSSION/ACTION ITEMS:

11. **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 keeping the Burn Ban Off.

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

MOTION APPROVED.

12. **Discussion/Action** to consider the approval of an Order 01-2023 authorizing the sale of fireworks for Texas Independence Day. **Speaker: Judge Haden; Backup: 3; Cost: None**

Order 01-2023 is read.

Motion made by Commissioner Horne, seconded by Commissioner Westmoreland to approve with restrictions and correction, authorizing the sale of fireworks for Texas Independence Day. All voting "Aye".

MOTION APPROVED.

13. Discussion/Action to consider the approval of an Outdoor Music Festival Permit for Old Settlers Music Festival. **Speaker: Judge Haden; Backup: 17; Cost: None**

Motion made by Commissioner Westmoreland seconded by Commissioner Horne to approve the Outdoor Music Festival Permit for Old Settlers with Dr. Laurence's recommendation that masks will be available to help stop the spread of COVID-19. All voting "Aye".

MOTION APPROVED.

14. Discussion/Action to consider the approval of Proclamation for February 2023 as Black History Month. **Speaker: Commissioner Thomas; Backup: 2; Cost: None**

Proclamation is read.

Motion made by Commissioner Theriot, seconded by Commissioner Horne to approve Proclamation for February 2023 as Black History Month. All voting "Aye".

MOTION APPROVED.

15. Discussion/Action to consider the approval of Proclamation for February 2023 as Dating Violence Awareness and Prevention Month for Teens and Young Adults. **Speaker: Judge Haden/ Micaela Aranda; Backup: 2; Cost: None**

Diana Flores Legal Advocate, thanks County for your support.

Proclamation is read.

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve Proclamation for February 2023 as Dating Violence Awareness and Prevention Month for Teens and Young Adults. All voting "Aye".

MOTION APPROVED.

16. Discussion/Action to consider the approval of Resolution 06-2023 for 2023 Caldwell County Indigent Defense Grant Program. **Speaker: Judge Haden/ Dennis Engelke; Backup: 2; Cost: None**

Resolution 06-2023 is read.

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve Resolution 06-2023 for the 2023 Caldwell County Indigent Defense Grant Program. All voting "Aye".

MOTION APPROVED.

17. Discussion/Action to consider the approval to appoint a representative to the Area Agency on Aging of the Capital Area. **Speaker: Judge Haden; Backup: 3; Cost: None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve Commissioner Randy Horne Precinct 2 as the representative to the Area Agency on Aging of the Capital Area. All voting "Aye".

MOTION APPROVED.

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18. Discussion/Action to consider the approval to give the Luling Lions Club a \$50.00 donation to their Flag Rental Program. **Speaker: Judge Haden; Backup: 2; Cost: \$50.00**

Motion made by Commissioner Horne, seconded by Commissioner Westmoreland to approve the Luling Lions Club \$50.00 donation to their Flag Rental Program. All voting "Aye".

MOTION APPROVED.

19. Discussion/Action to approve a \$175 rental rate for election polling equipment. **Speaker: Judge Haden/ Devonte Coe; Backup: 1; Cost: None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve \$175 rental rate for election polling equipment. All voting "Aye".

MOTION APPROVED.

20. Discussion/Action to consider the approval of Budget Amendment #13 to transfer money for SCAAP Grant. **Speaker: Judge Haden/ Danie Teltow; Backup: 2; Cost: \$21,598.00**

Motion made by Commissioner Horne seconded Commissioner Theriot to approve Budget Amendment 13 to transfer money for SCAAP Grant. All voting "Aye".

MOTION APPROVED.

21. Discussion/Action to consider the approval of Budget Amendment #14 to transfer money from Elections (001-6550-4510) Repairs and Maintenance to (001-650-3050) Dues & Subscriptions to pay for Vista Solutions Invoice. **Speaker: Judge Haden/ Danie Teltow; Backup: 3; Cost: \$5,445.00**

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve Budget Amendment 14 to transfer money from Elections (001-6550-4510) Repairs and Maintenance to (001-650-3050) Dues & Subscriptions to pay for Vista Solutions Invoice. All voting "Aye".

MOTION APPROVED.

22. Discussion/Action to consider the approval to pay Vista Solution Invoice in the amount of \$3,895.00. **Speaker: Judge Haden/ Danie Teltow; Backup: 2; Cost: \$3,895.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve pay to Vista Solutions Invoice in the amount of \$3,895.00. All voting "Aye".

MOTION APPROVED.

23. Discussion/Action to consider the approval of Budget Amendment #15 to transfer money from Constable Pct.4(001-4324-1036) Deputy Constables to (001-4324-1090) Chief Deputy Constable for a full-time salary position. **Speaker: Judge Haden/ Danie Teltow; Backup: 2; Cost: \$51,000.00.**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to Table Item 23. All voting "Aye".

MOTION TO TABLE APPROVED.

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- 24. Discussion/Action** to consider the approval of Budget Amendment #16 to transfer money from (019-4000-0404) American Rescue to (019-1000-5173) LCRA Radio System for radio project. **Speaker: Judge Haden/ Danie Teltow; Backup: 2; Cost: \$3,570,000.00**

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve Budget Amendment 16 to transfer money from (019-4000-0404) American Rescue to (019-1000-5173) LCRA Radio System for radio project. All voting "Aye".

MOTION APPROVED.

- 25. Discussion/Action** to consider the approval of REQ02181 LCRA Radio Equipment Blanket PO in the amount of \$3,570,000.00. **Speaker: Judge Haden/ Carolyn Caro; Backup: 2; Cost: \$3,570,000.00.**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve REQ02181 LCRA Radio Equipment Blanket PO in the amount of \$3,570,000.00. All voting "Aye".

MOTION APPROVED.

- 26. Discussion/Action** to consider the approval to pay LCRA Invoice TC1007785 in the amount of \$892,500.00 for radio system equipment. **Speaker: Judge Haden/ Carolyn Caro; Backup: 2; Cost: \$892,500.00**

Motion made by Commissioner Theriot, seconded by Commissioner Horne to approve to pay LCRA Invoice TC1007785 in the amount of \$892,500.00 for radio system equipment. All voting "Aye".

MOTION APPROVED.

- 27. Discussion/Action** to consider the approval of Budget Amendment #17 to transfer money for the Evacuation Center to proper GL's accounts. **Speaker: Judge Haden/Danie Teltow; Backup: 2; Cost: \$14,278,287.28**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve Budget Amendment 17 to transfer money for Evacuation Center to proper GL's accounts. All voting "Aye".

MOTION APPROVED.

- 28. Discussion/Action** to consider the approval of REQ02202 Doucet Evacuation Center Blanket PO in the amount of \$1,499,100.28. **Speaker: Judge Haden/ Carolyn Caro; Backup: 2; Cost: \$1,499,100.28.**

Commissioner Theriot recused himself.

Motion made by Commissioner Horne, seconded by Commissioner Westmoreland to approve REQ02202 Doucet Evacuation Center Blanket PO in the amount of \$1,499,100.28. All voting "Aye".

MOTION APPROVED.

- 29. Discussion/Action** to consider the approval to pay Doucet Invoice #1911-004RT-402 in the amount of \$315,449.86 for Evacuation Center services through October 2023. **Speaker: Judge Haden/ Carolyn Caro; Backup: 2; Cost: \$315,449.86**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve to pay Doucet Invoice #1911-004RT-402 in the amount of \$315,449.86 for Evacuation Center services through October 2023. All voting "Aye".

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MOTION APPROVED.

Commissioner Theriot returns to the courtroom.

- 30. Discussion/Action** to consider the approval of Budget Amendment #18 to transfer money from Treasurer (001-2120-4815) Tyler Tech Training to (001-2120-2070) Employee Bonding to pay for Elected Official Treasurer Bond expense. **Speaker: Judge Haden/ Danie Teltow; Backup: 3; Cost: \$1,610.00**

Motion made by Commissioner Theriot, seconded by Commissioner Horne to approve Budget Amendment 18 to transfer money from Treasurer (001-2120-4815) Tyler Tech Training to (001-2120-2070) Employee Bonding to pay for Elected Official Treasurer Bond expense. All voting "Aye".

MOTION APPROVED.

- 31. Discussion/Action** to consider the approval of REQ02179 American StructurePoint Blanket PO in the amount of \$304,345.64. **Speaker: Judge Haden/ Carolyn Caro; Backup: 2; Cost: \$304,345.64**

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve REQ02179 American StructurePoint Blanket PO in the amount of \$304,345.64. All voting "Aye".

MOTION APPROVED.

- 32. Discussion/ Action** to consider the approval of REQ02189 Office 365 Licenses Renewal in the amount of \$54,295.00. **Backup: 4; Cost: \$54,295.00**

Motion made by Commissioner Horne, seconded by Commissioner Westmoreland to approve REQ02189 Office 365 Licenses Renewal in the amount of \$54,295.00. All voting "Aye".

MOTION APPROVED.

- 33. Discussion/Action** to consider the approval to pay Dell Invoice #10642126836 in the amount of \$54,295.00 for 250 Office 365 Licenses. **Speaker: Judge Haden/ Carolyn Caro; Backup: 3; Cost: \$54,295.00.**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve to pay Dell Invoice #10642126836 in the amount of \$54,295.00 for 250 Office 365 Licenses. All voting "Aye".

MOTION APPROVED.

- 34. Discussion/Action** to consider the approval to pay Easy Vote Solution Invoice #INV-22730 in the amount of \$2,000.00. **Speaker: Judge Haden/ Carolyn Caro; Backup: 2; Cost: \$2,000.00**

Motion made by Commissioner Horne, seconded by Commissioner Theriot to approve to pay Easy Vote Solution Invoice #INV-22730 in the amount of \$2,000.00. All voting "Aye".

MOTION APPROVED.

- 35. Discussion** only of the GLO Infrastructure Grant Roads. **Speaker: Commissioner Westmoreland; Backup: 1; Cost: None**

David Clark reports completion of Briggs Road is to be by the middle or end of next week. A final walk-through with Dennis Engelke will be scheduled.

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- 36. Discussion/Action** to consider the approval of Order 02-2023 approving an amendment to the Caldwell County Development Ordinance. **Speaker: Judge Haden; Backup: 3; Cost: None**

Order 02-2023 is read.

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve Order 02-2023 approving an amendment to the Caldwell County Development Ordinance. All voting "Aye".

MOTION APPROVED.

- 37. Discussion/Action** to consider the approval of a Professional Services Agreement between the County and Someday Strategies, LLC. for pre-construction consultation services regarding the Caldwell County evacuation center. **Speaker: Judge Haden; Backup: 4; Cost: \$49,000.00**

Motion made by Commissioner Horne, seconded by Commissioner Theriot to approve Professional Services Agreement between the County and Someday Strategies, LLC. for pre-construction consultation services regarding the Caldwell County evacuation center. All voting "Aye".

MOTION APPROVED.

- 38. Discussion/Action** to consider the approval of an interlocal agreement between the County and other participating entities for the implementation of the Plum Creek Watershed Protection Plan. **Speaker: Judge Haden; Backup: 16; Cost: \$8,954.00.**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve an interlocal agreement between the County and other participating entities for the implementation of the Plum Creek Watershed Protection Plan. All voting "Aye".

MOTION APPROVED.

- 39. Discussion/Action** to consider the approval of the First Amendment to the Development Agreement establishing Development Standards for Hartland Ranch and Caldwell County. **Speaker: Commissioner Westmoreland; Backup: 12; Cost: None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve First Amendment to the Development Agreement establishing Development Standards for Hartland Ranch and Caldwell County. All voting "Aye".

MOTION APPROVED.

- 40. Discussion/Action** to consider the approval of Public Streets and Drainage of Hartland Ranch Phase 1 Subdivision as complete and ready to begin the 2-year performance period of said public improvements as evidenced by a maintenance bond in the amount of \$245,005.18 and release the construction security/cash deposit in the amount of \$514,862.36 back to the developer. **Speaker: Judge Haden/ Donald LeClerc; Backup: 6; Cost: None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve Public Streets and Drainage of Hartland Ranch Phase 1 Subdivision as complete and ready to begin the 2-year performance period of

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said public improvements as evidenced by a maintenance bond in the amount of \$245,005.18 and release the construction security/cash deposit in the amount of \$514,862.36 back to the developer. All voting "Aye".

MOTION APPROVED.

41. Discussion/Action to consider the approval of the Preliminary Plat for Lake Longhorn Ranch consisting of 163 residential lots on approximately 340.44 acres located on Martindale Lake Road (CR 109B). **Speaker: Commissioner Theriot/ Commissioner Westmoreland/ Kasi Miles/ Tracy Bratton; Backup: 19; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve Preliminary Plat for Lake Longhorn Ranch consisting of 163 residential lots on approximately 340.44 acres located on Martindale Lake Road (CR 109B). All voting "Aye".

MOTION APPROVED.

42. Discussion/Action to consider the approval of the Preliminary Plat for Tumbleweed Estates, Phase 2 consisting of 29 residential lots on approximately 38.79 acres located on Romberg Road. **Speaker: Commissioner Horne/ Kasi Miles; Backup: 36; Cost: None**

Motion made by Commissioner Horne, seconded by Commissioner Theriot to approve Preliminary Plat for Tumbleweed Estates, Phase 2 consisting of 29 residential lots on approximately 38.79 acres located on Romberg Road, with corrections. All voting "Aye".

MOTION APPROVED.

RE-OPEN Item 39

Commissioner Theriot requests clarification with the ordinance on Item 39.

Executive Session opens at 9:59 a.m.

The Executive Session closes at 10:21 a.m.

43. EXECUTIVE SESSION pursuant to Texas Government Code Section 551.87, deliberation regarding economic development negotiations associated with Project Sooner. Possible Action may follow in open court. **Speaker: Judge Haden; Backup: 1; Cost: None**

NO ACTION WAS TAKEN.

44. EXECUTIVE SESSION pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiation associated with Project Coyote. Possible Action may follow in open court. **Speaker: Judge Haden; Backup: 1; Cost: None**

ACTION WILL FOLLOW IN OPEN COURT.

45. Discussion/Action to take possible action on Executive Session Items. **Speaker: Judge Haden; Backup: 1; Cost: None**

Motion made by Commissioner Horne, seconded by Commissioner Theriot to approve MOU between Lockhart and Luling to not exceed \$50,000.00 for each entity. All voting "Aye".

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MOTION APPROVED.

46. Adjournment.

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to adjourn. All voting "Aye".
The court adjourns at 10:22 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 February 14, 2023.

Teresa Rodriguez

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

