

COMMISSIONERS COURT MINUTES  
110 S Main St. 2<sup>nd</sup> Floor, Lockhart, Texas  
Commissioners Court October 10, 2023, 9:00 a.m.



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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 called 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 Horne reminds everyone that Old Night in Luling this weekend starts at 5:00 p.m. and half the proceeds go to the Animal Shelter.

Ezzy Chan Executive Assistant reports to all department heads and elected officials that the processing of agenda set-up is being changed to Granicus System, an email will go to designate a clerk or deputy for submissions to the court.

**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 – left the courtroom.

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

1. Approve payment of County Invoices and County Purchase Orders: \$416,064.70
2. Ratify re-occurring County Payments – Human Resources Department:
  - A. \$394,756.33 Payroll (09/10/2023 – 09/23/2023)
  - B. \$115,827.69 Payroll Tax (09/10/2023 – 09/23/2023)
3. Ratify re-occurring County Payment – Tax Assessor-Collector:
  - A. \$421,479.33 DMV Comptroller
4. To accept the September 2023 Indigent Burial Report.
5. To ratify payment to the Caldwell County Appraisal District 4<sup>th</sup> quarter dues.
6. To approve Chapter 59 Asset Forfeiture Report/audit completed by the District Attorney’s Office.
7. To receive statement of offered services by currently existing emergency services districts if the proposed ESD No. 5 is approved by voters on November 7, 2023.

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

**MOTION APPROVED.**

**PRESENTATION:**

- Texas Workforce Commission REINVEST Grant – Kelly Moreno, Chief Solutions Officer

Kelly Moreno, Chief Solutions Officer, and the team presented a check to the County.

**DISCUSSION/ACTION ITEMS:**

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

Hector Rangel, Chief EMC recommends keeping the burn ban off.

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

**MOTION APPROVED.**

9. Discussion/Action to approve an agreement between the County and the Tri-Community Volunteer Fire Department for rural fire protection and emergency medical services. **Speaker: Commissioner Theriot/Hank Alex; Backup: 10; Cost: \$18,000.00**

Motion made by Commissioner Theriot, seconded by Commissioner Horne to approve the agreement between the County and the Tri-Community Volunteer Fire Department for rural fire protection and emergency medical services. All voting “Aye”.

**MOTION APPROVED.**

10. Discussion/Action to consider an agreement between the County and Futurity IT, Inc., for the use of Orion disaster mitigation software. **Speaker: Judge Haden/Hector Rangel/Hank Alex; Background: 10; Cost: \$21,675.00**

Motion to deny was made by Commissioner Westmoreland, seconded by Commissioner Horne to consider the agreement between the County and Futurity IT, Inc., for the use of Orion disaster mitigation software. All voting “Aye”.

**MOTION TO DENY APPROVED.**

- 11. Discussion/Action** to approve a Proclamation from the Central Texas Dispute Resolution Center designating October 2023 as Mediation Month. **Speakers: Judge Haden/Martha Joyce; Backup: 2; Cost: None**

Proclamation is read.

Martha Joyce, representative for Central Texas Dispute Resolution Center thanks the County for support and introduces board members Lydia Serna, Margie Villapando, and Bailey Rosas.

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve Proclamation from the Central Texas Dispute Resolution Center designating October 2023 as Mediation Month. All voting "Aye".

**MOTION APPROVED.**

- 12. Discussion/Action** to approve Resolution 01-2024, nominating up to 5 candidates to be included on a ballot for the Caldwell County Appraisal District Board of Directors. **Speaker: Judge Haden/Chase Goetz; Backup: 8; Cost: None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve Sally Daniel, Kathy Haigler, Alfredo Munoz, Linda Hinkle, and Kaylin Cabe nominees to be included on the ballot for the Caldwell County Appraisal District Board of Directors. All voting "Aye".

**MOTION APPROVED.**

- 13. Discussion/Action** to approve an interlocal cooperation agreement between the County and the City of Lockhart for the provision of emergency medical services and emergency ambulance services in the county. **Speaker: Judge Haden/Chase Goetz; Backup: 11; Cost: \$350,000.00**

Motion made by Commissioner Theriot, seconded by Commissioner Thomas to approve interlocal cooperation agreement between the County and the City of Lockhart for the provision of emergency medical services and emergency ambulance services in the county. All voting "Aye".

**MOTION APPROVED.**

- 14. Discussion/Action** to authorize the County Judge to sign and execute FCC Form 601 applications to the federal government for 700/800 MHz frequencies. **Speaker: Judge Haden; Backup: 3; Cost: None**

Motion made by Commissioner Horne, seconded by Commissioner Thomas to approve the County Judge to sign and execute FCC Form 601 applications to the federal government for 700/800 MHz frequencies. All voting "Aye".

**MOTION APPROVED.**

- 16. Discussion/Action** to approve Resolution 02-2024, authorizing the filing of an application to the Texas Department of Transportation (TxDOT) State Infrastructure Bank (SIB) requesting a 20-year loan for road improvements; authorizing the County Judge to execute related documents; and ratifying previous action. **Speaker: Judge Haden/Will Conley; Backup: 21; Cost: \$2,106,617.50**

**COMMISSIONERS COURT MINUTES**  
**Regular Meeting October 10, 2023, 9:00 a.m.**

---

Resolution 02-2024 is read.

Road improvement will consist of adding a left turn lane to Hwy-183 to the Evacuation Center project.

Motion made by Commissioner Horne, seconded by Commissioner Theriot to approve Resolution 02-2024, authorizing the filing of an application to the Texas Department of Transportation (TxDOT) State Infrastructure Bank (SIB) requesting a 20-year loan for road improvements; authorizing the County Judge to execute related documents; and ratifying previous action. All voting "Aye".

**MOTION APPROVED.**

**PUBLIC HEARING @ 9:30 A.M.**

- **Regarding amending the Caldwell County siting ordinance designating an area of the County in which municipal or industrial solid waste disposal is prohibited.**

Public Hearing opens at 9:30 a.m. and closes at 9:33 a.m. There are no speakers.

**15. Discussion/Action** to approve Order 01-2024, prohibiting solid waste disposal and processing in certain areas of Caldwell County. **Speaker: Judge Haden/Commissioner Theriot; Backup: 26; Cost: None**

Order 01-2024 is read.

Motion made by Commissioner Theriot, seconded by Commissioner Thomas to approve Order 01-2024, prohibiting solid waste disposal and processing in certain areas of Caldwell County. All voting "Aye".

**MOTION APPROVED.**

**17. Discussion/Action** to accept ratification of budget amendment #01 to properly split the Senate Bill 22 stipend between the District Attorney's Office and Environmental Task Force in the amount of \$13,511.00. **Speaker: Judge Haden/Danie Teltow; Backup: 6; Cost: \$13,511.00**

Motion made by Commissioner Horne, seconded by Commissioner Westmoreland to approve ratification of budget amendment #01 to properly split the Senate Bill 22 stipend between the District Attorney's Office and Environmental Task Force in the amount of \$13,511.00. All voting "Aye".

**MOTION APPROVED.**

**18. Discussion/Action** request to approve 17 Blanket POs for FY 2023-2024. **Speaker: Judge Haden/Carolyn Caro; Backup: 18; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Horne to approve 17 Blanket POs for FY 2023-2024. All voting "Aye".

**MOTION APPROVED.**

**19. Discussion/Action** to approve the appointment of David Childress to the ESD#2 Board. **Speaker: Commissioner Theriot; Backup: 2; Cost: None**

**COMMISSIONERS COURT MINUTES**  
**Regular Meeting October 10, 2023, 9:00 a.m.**

---

Motion made by Commissioner Theriot, seconded by Commissioner Thomas to recommend David Childress to the ESD#2 Board. All voting "Aye".

**MOTION APPROVED.**

- 20. Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Upper Pool Hollow Ranches located at FM 1854 and FM 672. **Speaker: Commissioner Thomas/Kasi Miles; Backup: 14; Cost: None**

Motion made by Commissioner Thomas, seconded by Commissioner Horne to approve Order authorizing the filing of a Final Plat (Short Form Procedure) for Upper Pool Hollow Ranches located at FM 1854 and FM 672. All voting "Aye".

**MOTION APPROVED.**

- 21. Discussion/Action** to consider approval of the Preliminary Plat for Casa Subdivision consisting of 14 residential lots on approximately 17.283 acres located on FM 1854. **Speaker: Commissioner Thomas/Kasi Miles; Backup:19; Cost: None**

Motion made by Commissioner Thomas, seconded by Commissioner Theriot to approve Preliminary Plat for Casa Subdivision consisting of 14 residential lots on approximately 17.283 acres located on FM 1854. All voting "Aye".

**MOTION APPROVED.**

- 22. Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Alcala Family Subdivision located on Old Lockhart Road. **Speaker: Commissioner Theriot/Kasi Miles; Backup: 14; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve Order authorizing the filing of a Final Plat (Short Form Procedure) for Alcala Family Subdivision located on Old Lockhart Road. All voting "Aye".

**MOTION APPROVED.**

Executive Session opens at 9:49 a.m.  
Executive Session closes at 10:30 a.m.

- 23. EXECUTIVE SESSION:** Pursuant to Texas Government Code Section 551.071: Consultation with counsel regarding pending or contemplated litigation or settlement offers. **Speaker: Judge Haden/Chase Goetz; Backup: 1; Cost: None**

**NO ACTION TAKEN.**

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

**NO ACTION TAKEN.**

COMMISSIONERS COURT MINUTES  
Regular Meeting October 10, 2023, 9:00 a.m.

---

**25. 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; 1; Cost: None**

**NO ACTION TAKEN.**

**26. Discussion/Action** to approve a 381 economic development agreement between the County and F3 Lockhart Owner LLC and F3 ColdCo Lockhart LLC, to promote development of a 300,000 sq. ft. cold storage facility. **Speaker: Judge Haden/Mike Kamerlander; Backup: 11; Cost: TBD**

Mike Kamerlandeer spoke on behalf of the Chapter 381 economic development for the Apple Pie project.

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve 381 economic development agreement between the County and F3 Lockhart Owner LLC and F3 ColdCo Lockhart LLC, to promote the development of a 300,000 sq. ft. cold storage facility. All voting "Aye".

**MOTION APPROVED.**

**27. Adjournment**

Motion made by Commissioner Theriot, seconded by Commissioner Thomas to adjourn. All voting "Aye".  
The court adjourns at 10:33 a.m.

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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 10, 2023.



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