

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

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.

Bob Bush HR Coordinator announces TAC will hold voluntary presentations on July 26th at the Justice Center and July 27th at Unit Road and the Sheriff's Office. Mandatory open enrollment with TAC will be from July 31st through Aug. 3rd at the Justice Center.

Dennis Engelke reminds the court and residents that Caldwell County and the Plum Creek Watershed will host a Feral Hog Management round table workshop which will be held at the Scott Annex building from 1:00 p.m. to 3:00 p.m.

Ezzy Chan Executive Assistant address the court on the Cyber Security Training that needs to be completed.

COMMISSIONERS COURT MINUTES
Regular Meeting July 25, 2023, 9:00 a.m.

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 resident of Prairie Lea requests an update on the progress of the 2nd traffic safety study.

JJ Wells representative for Linebarger presents Caldwell County a check for \$82,094.49 from excess proceeds from tax sales and reminds everyone that Texas Homeowner Assistance Fund is still active to provide taxpayers grants to satisfy delinquent obligations.

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

- 1. Approve payment of County Invoices and County Purchase Orders: \$517,759.39**
- 2. Ratify re-occurring County Payments:**
 - A. \$403,568.34 Payroll (07/02/2023 – 07/15/2023)**
 - B. \$119,386.80 Payroll Tax (07/02/2023 – 07/15/2023)**
 - C. \$134,044.74 DMV Remittance**
- 3. To approve to open two new bank accounts for District Clerk and County Clerk to collect their revenues separately.**
- 4. To accept the June 2023 Indigent Burial Report**
- 5. To approve the June 2023 Collections Report from Caldwell County Appraisal District**
- 6. To approve the Bond #72563035, Executive Assistant**
- 7. To approve the Bond #72563028, Judicial Assistant**
- 8. To approve the Bond #70347581, Auditor Assistant**
- 9. To approve the Bond #70351699, 50 Deputy Constables**

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

PRESENTATIONS

- **Special Presentation from Austin Helton regarding TxDOT work on FM 2720**

Austin Helton, Engineer Consultant for Kimley-Horn provides a slide show of the project for SH 21 to SH 142.

DISCUSSION/ACTION ITEMS:

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

Hector Rangel Chief EMC provides fire updates and recommends a burn ban.

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

MOTION APPROVED.

COMMISSIONERS COURT MINUTES
Regular Meeting July 25, 2023, 9:00 a.m.

- 14. Discussion/Action** to approve Resolution for the Texas Department of Agriculture Texans Feeding Texans; Home-Delivered Meal Grant Program. **Speaker: Judge Haden; Backup: 4; Cost: \$2,153.75 - \$8,000.00**

Kelly Franke, Combined Community Action Program Director for Meals on Wheels requests County to match TDA funds.

Resolution is read.

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve the pending amount. All voting "Aye".

MOTION APPROVED.

- 15. Discussion/Action** to approve budget amendment #51 for Sheriff's Office to purchase repairs for truck, computer stands, and increase Overtime line item. **Speaker: Judge Haden/Danie Teltow; Backup: 7; Cost: \$88,500.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve amendment #51 for Sheriff's Office to purchase repairs for truck, computer stands, and increase Overtime line item. All voting "Aye".

MOTION APPROVED.

- 16. Discussion/Action** to approve budget amendment #52 for Emergency Management – Cabinets for radios and vehicle wrap. **Speaker: Judge Haden/Danie Teltow/Hector Rangel; Backup: 6; Cost: \$3,000.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Thomas to approve budget amendment #52 for Emergency Management - Cabinets for radios and vehicle wrap. All voting "Aye".

MOTION APPROVED.

PUBLIC HEARING @ 9:30 A.M.

- **Replat of Zap Acres, Lot #1 located on Hommannville Trail in Lockhart, Texas.**

Public Hearing opens at 9:30 a.m. and closed at 9:32 a.m. There are no speakers.

- **Public Hearing to receive public comment regarding the creation of Caldwell County Emergency Services District No. 5.**

Public Hearing opens at 9:32 a.m.

Mayor Lew White of Lockhart, Mayor CJ Watts of Luling, Mayor Katherine Glaze of Martindale, and Luling City Manager Mark Mayo are in favor of CCE services.

James Montgomery and A.W. McCrary are opposed to CCE services.

Public Hearing closes at 9:39 a.m.

- 11. Discussion/Action** to consider a variance request from County Ordinance Section A.6 (D) concerning flags lots for the Replat of Zap Acres, Lot #1. **Speaker: Commissioner Theriot/Kasi Miles; Backup: 12; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Horne to approve a variance request from County Ordinance Section A6 (D) concerning flags lots for the Replat of Zap Acres, Lot #1. All voting "Aye".

MOTION APPROVED.

COMMISSIONERS COURT MINUTES
Regular Meeting July 25, 2023, 9:00 a.m.

- 12. Discussion/Action** concerning approval of Zap Acres, Lot #1 Replat located on Homannville Trail in Lockhart, Texas. **Speaker: Commissioner Theriot/ Kasi Miles Backup: 22; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Thomas to approve Zap Acres, Lot #1 Replat located on Homannville Trail in Lockhart, Texas. All voting "Aye".

MOTION APPROVED.

- 13. Discussion/Action** to approve Order No. 09-2023, approving a petition for the creation of Caldwell County Emergency Services District No. 5, and ordering an election to submit said issue to the voters of Caldwell County. **Speaker: Judge Haden; Backup: 53; Cost: None**

Chase Goetz Assistant Criminal District Attorney-Civil updates the court on entities' positions on CCE services. Judge Haden requests tabling item 13.

Motion to table Item 13 made by Commissioner Westmoreland, seconded by Commissioner Theriot. All voting "Aye".

MOTION TO TABLE APPROVED.

- 17. Discussion/Action** to approve budget amendment #53 for Jail Professional Services due to overage charges from Southern Health Partner's. **Speaker: Judge Haden/Danie Teltow; Backup: 3; Cost: \$22,061.00**

Motion made by Commissioner Thomas, seconded by Commissioner Horne to approve budget amendment #53 for Jail Professional Services due to overage charges from Southern Health Partner's. All voting "Aye".

MOTION APPROVED.

- 18. Discussion/Action** to approve budget amendment #54 for Unit Road adjustments between Fuel and Lubricants. **Speaker: Judge Haden/Danie Teltow; Backup: 6; Cost: \$5,000.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve budget amendment #54 for Unit Road adjustments between Fuel and Lubricants. All voting "Aye".

MOTION APPROVED.

- 19. Discussion/Action** to approve change order in the amount of \$95,000.00 for Ergon Asphalt Blanket PO #01946 (Seal Coating). **Speaker: Judge Haden/Carolyn Caro; Backup: 2; Cost: \$95,000.00**

Motion made by Commissioner Horne, seconded by Commissioner Theriot approve change order in the amount of \$95,000.00 for Ergon Asphalt Blanket PO #01946 (Seal Coating). All voting "Aye".

MOTION APPROVED.

- 20. Discussion/Action** to approve budget amendment #55 for Substance Abuse Treatment Grant Co-Morbidity. **Speaker: Judge Haden/Danie Teltow; Backup: 2; Cost: \$14,000.00**

Motion made by Commissioner Thomas, seconded by Commissioner Westmoreland to approve budget amendment #55 for Substance Abuse Treatment Grant Co-Morbidity. All voting "Aye".

MOTION APPROVED.

COMMISSIONERS COURT MINUTES
Regular Meeting July 25, 2023, 9:00 a.m.

- 21. Discussion/Action** to approve final draft and solicitation of RFB 23CCP01B for Caldwell County Road Materials, Fuel, & Oil FY 2023-2024 for Unit Road Department. **Speaker: Judge Haden/Carolyn Caro; Backup: 10; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Thomas to approve final draft and solicitation of RFB 23CCP01B for Caldwell County Road Materials, Fuel, & Oil FY 2023-2024 for Unit Road Department. All voting "Aye".

MOTION APPROVED.

- 22. Discussion/Action** to acknowledge the notification of the awarding of a U.S. Department of Transportation grant to Caldwell County of \$22,942,500.00 with a commitment from SH130 Concessions for the balance of funds to support in whole the construction of an Advanced Travel Plaza; and authorizing the County Judge to negotiate required grant administration documents between the County, SH130 Concessions and other grant administration resources as needed. **Speaker: Judge Haden/Dennis Engelke/James Lovett; Backup: 4; Cost: None**

Dennis Engelke, Grants Administrator explains the SH 130 & Hwy 80 Advanced Travel Plaza project.

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve the notification of the awarding of a U.S. Department of Transportation grant to Caldwell County of \$22,942,500.00 with a commitment from SH130 Concessions for the balance of funds to support in whole the construction of an Advanced Travel Plaza; and authorizing the County Judge to negotiate required grant administration documents between the County, SH130 Concessions and other grant administration resources as needed. All voting "Aye".

MOTION APPROVED.

- 23. Discussion/Action** to approve the preparation and submission of a 2023-2024 Feral Hog grant application seeking funding up to \$20,000.00 offered by Texas AgriLife Extension Service. **Speaker: Judge Haden/Dennis Engelke; Backup: 10; Cost: \$2,500.00**

Motion made by Commissioner Thomas, seconded by Commissioner Westmoreland to approve the preparation and submission of a 2023-2024 Feral Hog grant application seeking funding up to \$20,000.00 offered by Texas AgriLife Extension Service. All voting "Aye".

MOTION APPROVED.

- 24. Discussion/Action** to approve the submission of a Rural and Tribal Assistance Pilot Program Grant application of \$360,000.00 to the U.S. Department of Transportation for project development support for legal, technical, financial, and third-party advisory firms' expenses. **Speaker: Judge Haden/Dennis Engelke; Backup: 3; Cost: None**

Motion made by Commissioner Horne, seconded by Commissioner Theriot to approve the submission of a Rural and Tribal Assistance Pilot Program Grant application of \$360,000.00 to the U.S. Department of Transportation for project development support for legal, technical, financial, and third-party advisory firms' expenses. All voting "Aye".

MOTION APPROVED.

COMMISSIONERS COURT MINUTES
Regular Meeting July 25, 2023, 9:00 a.m.

- 25. Discussion/Action** to consider the approval of public improvements in Bluffview Estates for permanent county maintenance and release the maintenance bond in the amount of \$34,461.36 back to D2 Excavating, Inc. **Speaker: Judge Haden/Commissioner Thomas; Backup: 4; Cost: None**

Motion made by Commissioner Thomas, seconded by Commissioner Westmoreland to approve public improvements in Bluffview Estates for permanent county maintenance and release the maintenance bond in the amount of \$34,461.36 back to D2 Excavating, Inc. All voting "Aye".

MOTION APPROVED.

- 26. Discussion/Action** to consider the approval of public improvements in Las Estancias II for the permanent county maintenance and release the maintenance bond in the amount of \$2,862,307.74 back to Jimmy Evans Company, Ltd. **Speaker: Judge Haden/Commissioner Theriot; Backup: 5; Cost: None**

Commissioner Theriot thanks the county staff including the Sheriff's dept. for work-related repairs to the roads.

Motion made by Commissioner Theriot, seconded by Commissioner Horne to approve public improvements in Las Estancias II for the permanent county maintenance and release the maintenance bond in the amount of \$2,862,307.74 back to Jimmy Evans Company, Ltd. All voting "Aye".

MOTION APPROVED.

- 27. Discussion/Action** to consider Resolution 23-2023, amending a development agreement with Maxwell Farms Partners LP for the Misty Farms Subdivision located at Misty Lane (CR 229). **Speaker: Commissioner Theriot/Tracy Bratton; Backup: 6; Cost: None**

Resolution 23-2023 is read.

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve Resolution 23-2023, amending a development agreement with Maxwell Farms Partners LP for the Misty Farms Subdivision located at Misty Lane (CR 229). All voting "Aye".

MOTION APPROVED.

Chase Goetz Assistant Criminal District Attorney-Civil announces if any agents are present, please execute the agreement today.

PRESENTATIONS

- **Special Presentation by MyPermitNow**

Ken Jenkins with MGO (My Government Online) service held a presentation via Zoom.

COMMISSIONERS COURT MINUTES
Regular Meeting July 25, 2023, 9:00 a.m.

28. Adjournment

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

The court adjourns at 10:17 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 25, 2023.

Teresa Rodriguez

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

