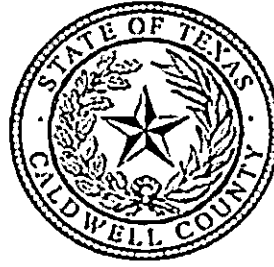


COMMISSIONERS COURT MINUTES
110 S Main St. 2nd Floor, Lockhart, Texas
Commissioners Court June 14, 2022, 9:00 a.m.



HOPPY HADEN County Judge
TERESA RODRIGUEZ County Clerk

B.J. WESTMORELAND Commissioner Pct. 1
BARBARA SHELTON Commissioner Pct. 2
ED THERIOT Commissioner Pct. 3
JOE IVAN ROLAND Commissioner Pct.

Call Meeting to Order

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

Invocation.

Commissioner Roland 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 was glad to see everyone at the Chisholm Trail Round-Up and reports the Watermelon Thump will be next weekend.

Commissioner Shelton thanks all involved and who volunteered at the Chisholm Trail Round-Up and reports the Disposal of the Unserviceable Flag Ceremony will be held at the American Legion tonight at 7:00 p.m. The McMahan community will have a July 4th celebration on July 2nd with a parade at 5:00 p.m. followed by a firework display.

Commissioner Theriot thanks all who volunteered and helped with the Chisholm Trail Celebration.

Commissioner Roland feels blessed to have attended his 33rd Chisholm Trail.

Judge Haden was not able to attend CTR this year, thanks to all the volunteers.

Ezzy Chan reminds all department heads to have staff complete Cyber Security Training by August 31st.

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Dennis Engelke, Grants Administrator reports the Carts donation request was tabled at the last Commissioners Court meeting, the Caldwell County Community Foundation board met and is now eligible to consider funding for a Carts donation request, asking to add an Item on the next Commissioners Court Agenda.

Also reports that Tire Only event in Maxwell was successful and would like to thank the following departments, Environmental Enforcement Unit, Unit Road, Hays County volunteers, Pegasus School, and Emergency Management Unit.

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.

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

1. **Approve payment of County invoices and County Purchase Orders: \$612,082.73**
2. **Ratify re-occurring County Payments:**
 - A. \$350,096.42 Payroll (5/08/2022 – 5/21/2022)
 - B. \$104,182.23 Payroll Tax (5/08/2022 – 5/21/2022)
 - C. \$362,890.06 Payroll (5/22/2022 – 6/04/2022)
 - D. \$108,947.39 Payroll Tax (5/22/2022 – 6/04/2022)
 - E. \$58,436.17 (DMV Remittance)
3. **To approve the May 2022 Indigent Burial Report**
4. **To approve Caldwell County ESD #3 Financial Reports for FY 2021**
5. **To approve Caldwell County ESD #1 Financial Reports for FY 2021**
6. **To approve Caldwell County ESD #4 Financial Reports for FY 2021**
7. **To approve Budget Amendment for Juvenile Probation**

Motion made by Commissioner Shelton, second by Commissioner Westmoreland to approve Consent Agenda. All voting "Aye".
MOTION APPROVED.

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

Hector Rangel, Chief EMC, and Hank Alex, Assistant Chief EMC are not available due to attending training but recommend leaving Burn Ban on.

Motion made by Commissioner Roland, seconded by Commissioner Theriot. All voting "Aye".
MOTION APPROVED.

9. **Discussion/Action** to consider adopting an order permitting the sale of fireworks during the 4th of July fireworks period. **Speaker: Judge Haden/ Hector Rangel; Backup: 3; Cost: None**

Table Item 9 and go to Public Hearing.

PUBLIC HEARING 9:15

Proposed Caldwell County PACE Program.

Charlene Heydinger, President of PACE authority present. The public hearing closed at 9:18 a.m.

PRESENTATION

ViewPoint Engineering Presentation.

Tom Staub, the Managing Partner for ViewPoint Engineering. Staff is introduced and a proposal is provided to the county with engineering services. A slideshow and handouts are given to the court.

DISCUSSION/ACTION ITEMS

9. **Discussion/Action** to consider adopting an order permitting the sale of fireworks during the 4th of July fireworks period. **Speaker: Judge Haden/ Hector Rangel; Backup: 3; Cost:**

Chase Goetz Assistant Criminal District Attorney - Civil explains the firework ordinance.

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to adopt an order permitting the sale of fireworks during the 4th of July firework period, should drought conditions lessen and be lower than KBDI of 575. Sticks and fins are prohibited, but general sale is allowed. All voting "Aye".

MOTION APPROVED.

10. **Discussion Only** Caldwell/ Hays ESD 1 related to adoption and enforcement of the fire code by and within Caldwell/ Hays ESD 1 district boundaries. **Speaker: Judge Haden/ Drew Paxton; Backup: 1; Cost: None**

Ken Bailey Fire Chief with Travis County Rescue, spoke on the adoption and enforcement of fire codes and provides handouts to the court.

11. **Discussion/Action** to consider the approval of Proclamation recognizing Workforce Solution Rural Capital Area for 35 Years of Service to Caldwell County. **Speaker: Judge Haden; Backup: 2; Cost: None**

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Alfonso Sifuentes Vice Chairman for Workforce Solutions Rural Capital Area Development Workforce Board. Thanks to the court for recognizing the Workforce for 35 years. Discusses challenges but with an incredibly skilled workforce, we will be ready to attract enterprises focusing on the needs of employers. Proclamation is read.

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to approve Proclamation. All voting "Aye".
MOTION APPROVED.

- 12. Discussion/Action** to consider the approval of the Proclamation recognizing June 19, 2022, as Juneteenth, and commemorating the announcement of the abolition of slavery in Texas. **Speaker: Judge Haden/ Commissioner Roland; Backup: 2; Cost: None**

Proclamation is read.

Motion made by Commissioner Roland, seconded by Commissioner Theriot to approve the Proclamation recognizing June 19, 2022, as Juneteenth, and commemorating the announcement of the abolition of slavery in Texas. All voting "Aye".
MOTION APPROVED.

- 13. Discussion/Action** to consider the approval of Resolution 36-2022 to Establish a Caldwell County PACE Program. **Speaker: Judge Haden/ Charlene Heydinger; Backup: 54; Cost: None**

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to consider the approval of Resolution 36-2022 to Establish a Caldwell County PACE Program. All voting "Aye".
MOTION APPROVED.

- 14. Discussion/Action** to consider the approval of a professional services agreement with the Texas PACE Authority to administer a Caldwell County PACE Program. **Speaker: Judge Haden/ Charlene Heydinger; Backup: 15; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Roland to approve a professional services agreement with Texas PACE Authority to administer a Caldwell County PACE Program. All voting "Aye".
MOTION APPROVED.

- 15. Discussion/Action** to consider the approval of Resolution 37-2022, authorizing the County Judge to administer the Professional Services Contract between the County and Doucet & Associates, Inc. **Speaker: Judge Haden/ Tracy Bratton; Backup: 48; Cost: None**

Commissioner Theriot recused himself from the courtroom.

Resolution 37-2022 is read.

Motion made by Commissioner Westmoreland, seconded by Commissioner Roland to approve Resolution 37-2022, authorizing the County Judge to administer the Professional Services Contract between the County and Doucet & Associates, Inc. 3 Ayes, 0 Nays 1 Abstention.
MOTION APPROVED.

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Commissioner Theriot returns to the courtroom.

- 16. Discussion/Action** to consider the approval to adopt the amended 381 Agreement with Buc-ee's Ltd, allowing for Buc-ee's to assign or transfer its rights, duties, and obligation to an affiliated if the affiliate assumes all Buc-ee's contractual obligations. **Speaker: Judge Haden/ Chase Goetz; Backup: 7; Cost: None**

Motion made by Commissioners Shelton, seconded by Commissioner Westmoreland to approve to adopt amended 381 Agreement with Buc-ee's Ltd, allowing for Buc-ee's to assign or transfer its rights, duties, and obligation to an affiliated if the affiliate assumes all Buc-ee's contractual obligations. All voting "Aye".
MOTION APPROVED.

- 17. Discussion/Action** to consider the approval of increasing the salary for the Treasurer's Chief Deputy Position. **Speaker: Judge Haden/ Angela Rawlinson; Backup: 5; Cost: \$2,448.55**

Angela Rawlinson County Treasurer introduces staff and discusses salary requests.

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to deny the salary increase for the Treasurer's Chief Deputy Position. All voting "Aye".
MOTION APPROVED.

- 18. Discussion/Action** to consider the approval of Budget Amendment #64 to transfer money from (001-3200-1090) Office and Labor to (001-3200-1040) Clerical & Assistances for District Attorney Salary Budget. **Speaker: Judge Haden/ Danie Teltow; Backup: 6; Cost: \$310,000.00**

Motion made by Commissioner Roland, seconded by Commissioner Theriot to the approval of Budget Amendment 64 to transfer money from (001-3200-1090) Office and Labor to (001-3200-1040) Clerical & Assistances for District Attorney Salary Budget. All voting "Aye".
MOTION APPROVED.

- 19. Discussion/Action** to consider the approval of Budget Amendment #65 to transfer money from (001-3201-1040) Clerical & Assistants to (001-3201-1090) Office and Labor for Environmental Task Force salary coding error. **Speaker: Judge Haden/ Danie Teltow; Backup: 9; Cost: \$16,754.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve Budget Amendment 65 to transfer money from (001-3201-1040) Clerical & Assistants to (001-3201-1090) Office and Labor for Environmental Task Force salary coding error. All voting "Aye".
MOTION APPROVED.

- 20. Discussion/Action** to consider the approval of Budget Amendment #66 for the Sheriff's Office and Jail to revise salary line items and employee coding errors. **Speaker: Judge Haden/ Danie Teltow; Backup: 5; Cost: \$68,102.19**

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Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to Budget Amendment 66 for Sheriff's Office and Jail to revise salary line items and employee coding errors. All voting "Aye".
MOTION APPROVED.

21. Discussion/Action to consider the approval of Budget Amendment #67 to transfer money from (001-6510-4860) Contingency to (001-4321-5310) Machinery & Equipment Constable Pct. 1 for the additional funding for Toughbook mounts. **Speaker: Judge Haden/ Danie Teltow; Backup: 3; Cost: \$2,000.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to approve Budget Amendment 67 to transfer money from (001-6510-4860) Contingency to (001-4321-5310) Machinery & Equipment Constable Pct. 1 for the additional funding for Toughbook mounts. All voting "Aye".
MOTION APPROVED.

22. Discussion/Action to consider the approval of Budget Amendment #68 to transfer money from (002-1101-3205) Bridge Repair/Replace to (002-1101-3163) Fuel for the additional Fuel price increase. **Speaker: Judge Haden/ Danie Teltow; Backup: 2; Cost: \$50,000.00**

Motion made by Commissioner Theriot, seconded by Commissioner Shelton to approve Budget Amendment 68 to transfer money from (002-1101-3205) Bridge Repair/Replace to (002-1101-3163) Fuel for the additional Fuel price increase. All voting "Aye".
MOTION APPROVED.

23. Discussion/Action to consider the approval of Budget Amendment #69 to transfer money for the American Structurepoint SH 142 project drawdown from Fund Balance. **Speaker: Judge Haden/ Danie Teltow; Backup: 6; Cost: \$345,000.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve Budget Amendment 69 to transfer money for American Structure point SH 142 project drawdown from Fund Balance. All voting "Aye".
MOTION APPROVED.

24. Discussion/Action to consider the approval of REQ01687 in the amount of \$97,387.52 for WJC Construction Services, LLC for Payment Application #3 Harvey CDBG-DR Infrastructure Black Ankle Road. **Speaker: Judge Haden/ Carolyn Caro; Backup: 4; Cost: \$97,387.52**

Skip to Item 35.

35. Discussion of the update of Black Ankle Rd. in the CDBG-DR Program Infrastructure Projects. **Speaker: Commissioner Westmoreland/ Dennis Engelke/ David Clark/ David Jenkins**

David Jenkins provided updates on Political Road, Black Ankle Road, and Witter Road. Court requested a schedule of road closures to be provided to our Public Information Officer and a reminder to be sent to Emergency Services as well.

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Back to Item 24.

- 24. Discussion/Action** to consider the approval of REQ01687 in the amount of \$97,387.52 for WJC Construction Services, LLC for Payment Application #3 Harvey CDBG-DR Infrastructure Black Ankle Road. **Speaker: Judge Haden/ Carolyn Caro; Backup: 4; Cost: \$97,387.52**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve REQ01687 in the amount of \$97,387.52 for WJC Construction Services, LLC for Payment Application #3 Harvey CDBG-DR Infrastructure Black Ankle Road. All voting "Aye".

MOTION APPROVED.

- 25. Discussion/Action** to consider the approval to pay REQ01687 in the amount of \$97,387.52 for WJC Construction Services, LLC. **Speaker: Judge Haden; Backup: 1; Cost: \$97,387.52.**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve to pay REQ01687 for \$97,387.52 for WJC Construction Services, LLC. All voting "Aye".

MOTION APPROVED.

- 26. Discussion/Action** to consider the approval to pay Enterprise invoice #2700 in the amount of \$41,498.21. **Speaker: Judge Haden/ Danie Teltow; Backup: 22; Cost: \$41,498.21**

Motion made by Commissioner Shelton, seconded by Commissioner Roland to approve to pay Enterprise invoice #2700 for \$41,498.21. All voting "Aye".

MOTION APPROVED.

- 27. Discussion/Action** to consider the approval to ratify the acceptance of the CAPCOG Interlocal Agreement with Caldwell County related to the implementation of the 2022 Solid Waste Program Grant (\$24,850.00). **Speaker: Judge Haden/ Dennis Engelke; Backup: 66; Cost: None**

Motion made by Commissioner Roland, seconded by Commissioner Theriot to approve to ratify the acceptance of the CAPCOG Interlocal Agreement with Caldwell County related to the implementation of the 2022 Solid Waste Program Grant (\$24,850.00). All voting "Aye".

MOTION APPROVED.

- 28. Discussion/Action** to consider authorizing the County Judge to negotiate the use or acquisition of property located at 9675 State Highway 142 in Maxwell for use by Precinct 3 Justice of the Peace. **Speaker: Judge Haden/ Chase Goetz; Backup: 1; Cost: TBD**

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve the County Judge to negotiate the use or acquisition of property located at 9675 State Highway 142 in Maxwell for use by Precinct 3 Justice of the Peace. All voting "Aye".

MOTION APPROVED.

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29. Discussion/Action to consider authorizing the County Judge to negotiate a potential lease agreement for property near Lytton Springs for the use by the Justice of the Peace Precinct 4. **Speaker: Judge Haden/ Chase Goetz; Backup: 1; Cost: TBD**

Correction: should read Justice of the Peace Constable and Sheriff's Office satellite office.

Motion made by Commissioner Shelton, seconded by Commissioner Roland to approve the County Judge to negotiate a potential lease agreement for property near Lytton Springs for the use by the Justice of the Peace. All voting "Aye".

MOTION APPROVED.

30. Discussion/Action to consider the approval of the Texas Association of Counties Health and Employee Benefits Pool (TAC HEBP) for FY 2022-2033. **Speaker: Judge Haden/ Bob Bush; Backup: 7; Cost: TBD**

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to approve leaving benefits the same. All voting "Aye".

MOTION APPROVED.

31. Discussion/Action to consider the approval of 2022 claim from Texas Comptroller's request for unclaimed Property Capital Credits. **Speaker: Judge Haden; Backup: 3; Cost: None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to approve 2022 claim from Texas Comptroller's request for unclaimed Property Capital Credits. All voting "Aye".

MOTION APPROVED.

32. Discussion/Action to consider public Streets and Drainage in Monte Sagrado Subdivision as complete and ready to begin the two-year performance period of said improvements as evidenced by a maintenance bond in the amount of \$179,900.00 for maintenance security. **Speaker: Judge Haden/ Donald LeClerc; Backup: 3; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Shelton to table Item 32. All voting "Aye".

MOTION TO TABLE APPROVED.

33. Discussion/Action to consider the cancellation of the Estates of Hartland Ranch Subdivision located off Borchers Loop (CR 108). **Speaker: Commissioner Westmoreland/ Kasi Miles; Backup: 3; Cost: None**

Kasi Miles Director of Sanitation request to table Item 33.

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to table Item 33 to 2nd regular scheduled meeting in July. All voting "Aye".

MOTION TO TABLE APPROVED.

COMMISSIONERS COURT MINUTES
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34. Discussion/Action to consider the approval of the Preliminary Plat for Meadow View Estates consisting of 45 residential lots on approximately 56.09 acres located on Bugtussle Lane & Mineral Springs Rd.
Speaker: Judge Haden/ Kasi Miles; Backup: 23; Cost: None

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve Preliminary Plat for Meadow View Estates consisting of 45 residential lots on approximately 56.09 acres located on Bugtussle Lane & Mineral Springs Rd. All voting "Aye".
MOTION APPROVED.

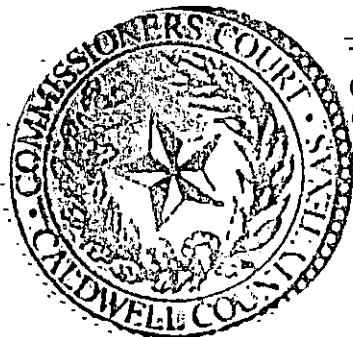
36. Discussion/Action to consider the approval to ratify a contract between Caldwell County and Billboard Source, Inc., for advertising space displaying contact information for the Environmental Enforcement unit.
Speaker: Judge Haden/ Neil Kucera; Backup: 3; Cost: \$6,820.00

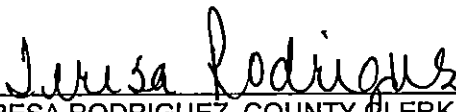
Neil Kucera Environmental Enforcement Unit provided handouts to the court on advertising billboards and locations.
Motion made by Commissioner Theriot, seconded by Commissioner Shelton to approve the ratification of a contract between Caldwell County and Billboard Source, Inc., for advertising space displaying contact information for the Environmental Enforcement unit. All voting "Aye".
MOTION APPROVED.

37. Adjournment.

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to adjourn. All voting "Aye". The court adjourns at 11:09 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 June 14, 2022.




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