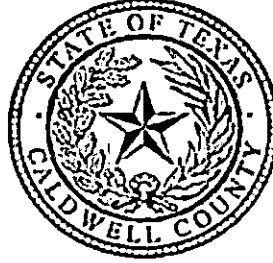


COMMISSIONERS COURT MINUTES
110 S Main St. 2nd Floor, Lockhart, Texas
Commissioners Court August 9, 2022, 9:00 a.m.



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. 4

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 Shelton states part of McMahan received rain.

Commissioner Theriot announces San Marcos River Appreciation Day Celebration will be on the 13th.

Judge Haden thanks Commissioner Shelton and their family for a successful fundraiser and thanked all that helped with the 100th Anniversary Celebration of the discovery of oil in Luling and Edgar B Davis's life.

Dennis Engelke Grants Administrator reports final grant workshops in Luling on August 10th and 11th, August 20th will be the Community Cleanup Event in Luling. The Caldwell County Community Service Foundation approved 4 grants.

Danie Teltow County Auditor reports that the 1st Cash Handling Audit was conducted with the County Clerk's office.

COMMISSIONERS COURT MINUTES
Regular Meeting August 9, 2022, 9:00 a.m.

Ezzy Chan Executive Assistant reminds everyone to complete Cyber Security Training.

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: \$281,088.25
2. Ratify re-occurring County Payments:
 - A. \$346,297.53 Payroll (7/17/2022 – 7/30/2022)
 - B. \$104,003.53 Payroll Tax (7/17/2022 – 7/30/2022)
3. To approve Caldwell County Treasure Quarterly Reports and Fees.
4. To approve ESD #2 Financial Statements.
5. To approve QTR #4 Caldwell County Clerk Cash Audit performed on July 6th, 2022.
6. To approve Deputy Constables Bonds.
7. To approve an amendment to the Juniper Springs Development Agreement correcting information contained in Exhibit 1.

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

MOTION APPROVED.

DISCUSSION/ACTION ITEMS:

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

Hector Rangel Chief EMC recommends keeping the Burn Ban on. Motion made by Commissioner Roland, seconded by Theriot. All voting "Aye".

MOTION APPROVED.

10. Discussion 4-H Roundup for the youth, and present members that received scholarships. **Speakers: Judge Haden/ Extension Agents; Backup: 1; Cost: None**

Wayne Morse, Andrew Miller, and Elsie Lacy provide updates on 4H Jr. Livestock Show participants. Toni Martinez President of the 4H Council and members introduced themselves and their projects.

COMMISSIONERS COURT MINUTES
Regular Meeting August 9, 2022, 9:00 a.m.

- 11. Discussion/Action** to consider the approval of Caldwell County Historical Commission with a Distinguished Service Award for the 2021 year of Service from the Texas Historical Commission. **Speaker: Judge Haden; Backup: 2; Cost: None**

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve Caldwell County Historical Commission with a Distinguished Service Award for the 2021 year of Service from the Texas Historical Commission. All voting "Aye".

MOTION APPROVED.

- 12. Discussion/Action** to consider the approval of Imposition of Optional Fees for Calendar Year 2023 for the Texas Department of Motor Vehicles. **Speaker: Judge Haden/ Darla Law; Backup: 3; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Roland for no change to Imposition of Optional Fees for Calendar Year 2023 for the Texas Department of Motor Vehicles. All voting "Aye".

MOTION APPROVED.

- 13. Discussion/Action** to consider the approval of Order the General Election in Caldwell County occurring on November 8, 2022, pursuant to Texas Election Code Section 3.001 and 3.004. **Speaker: Judge Haden/ Kimber Daniel; Backup: 4; Cost: None**

Kimber Daniel Elections Administrator discussed the General Elections that will be held on November 8th and provided court polling locations with dates and times.

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to approve the Order the General Election in Caldwell County occurring on November 8, 2022, pursuant to Texas Election Code Section 3.001 and 3.004. all voting "Aye".

MOTION APPROVED.

- 14. Discussion/Action** to consider the approval of Proclamation designation August 13, 2022, as the River Appreciation Day, and commemoration local of commitment to San Marcos River cleanup and preservation efforts. **Speaker: Commissioner Theriot; Backup: 2; Cost: None**

Proclamation River Appreciation Day 2022 is read.

Motion made by Commissioner Theriot, seconded by Commissioner Roland to approve Proclamation designation August 13, 2022, as the River Appreciation Day, and commemoration local of commitment to San Marcos River cleanup and preservation efforts. All voting "Aye".

MOTION APPROVED.

- 15. Discussion/Action** to consider the approval of an interlocal cooperation agreement between the County and the Capital Area Council of Governments for the FY 2023 9-1-1 GIS contract. **Speaker: Judge Haden; Backup: 28; Cost: TBD**

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to approve an interlocal cooperation agreement between the County and the Capital Area Council of Governments for the FY 2023 9-1-1 GIS contract. All voting "Aye".

MOTION APPROVED.

PUBLIC HEARING @ 9:30

Re-Plat for Green Acres subdivision, Lot #22 & 23, Property ID 16602-16604 to include approximately 8.0 acres located on Tumbleweed Trail (CR 164)

Judge Haden calls the Public Hearing to order at 9:30 a.m.
There are no speakers and the Public Hearing close at 9:32 a.m.

- 8. Discussion/Action** to consider the approval of the Re-Plat for Green Acres Subdivision, Lot #22 & #23 located on Tumbleweed Trail (CR 164). **Speaker: Judge Haden/ Kasi Miles; Backup: 17; Cost: None**

Motion made by Commissioner Roland, seconded by Commissioner Theriot to approve Re-Plat for Green Acres Subdivision, Lot #22 & #23 located on Tumbleweed Trail (CR 164). All voting "Aye".

MOTION APPROVED.

- 16. Discussion/Action** to consider the approval of Budget Amendment #87 to transfer money from Building Maintenance 001-6520-3130 Operating Supplies to 001-6520-4510 Repairs and Maintenance for additional funding to pay supplement and get machinery and equipment in the positive. **Speaker: Judge Haden/Danie Teltow; Backup: 2; Cost: \$3,000.00**

Motion made by Commissioner Roland, seconded by Commissioner Westmoreland to approve Budget Amendment 87 to transfer money from Building Maintenance 001-6520-3130 Operating Supplies to 001-6520-4510 Repairs and Maintenance for additional funding to pay supplement and get machinery and equipment in the positive. All voting "Aye".

MOTION APPROVED.

- 17. Discussion/Action** to consider the approval of Budget Amendment #88 to transfer money from Building Maintenance 001-6520-3130 Operating Supplies to 001-6520-3500 JP3 Simon Building Maxwell for Roof Repair on JP Building. **Speaker: Judge Haden/ Danie Teltow; Backup: 3, Cost: \$2,000.00**

Motion made by Commissioner Theriot, seconded by Commissioner Shelton to approve Budget Amendment 88 to transfer money from Building Maintenance 001-6520-3130 Operating Supplies to 001-6520-3500 JP3 Simon Building Maxwell for Roof Repair on JP Building. All voting "Aye".

MOTION APPROVED.

- 18. Discussion/Action** to consider the approval of Budget Amendment #89 to transfer money from IT Department 001-6610-4810 Training to 001-6610-4185 Computer Support for Liquid Networx Quote for Fortinet Support. **Speaker: Judge Haden/ Danie Teltow; Backup: 3; Cost: \$1,250.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve Budget Amendment 89 to transfer money from IT Department 001-6610-4810 Training to 001-6610-4185 Computer Support for Liquid Networx Quote for Fortinet Support. All voting "Aye".

MOTION APPROVED.

- 19. Discussion/Action** to consider approval of Final Draft RFP 22CCP01B Caldwell County Road Materials, Fuel & Oil 2022 – 2023 for Unit Road. **Speaker: Judge Haden/ Carolyn Caro; Backup: 10; Cost: None**

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve Final Draft RFP 22CCP01B Caldwell County Road Materials, Fuel & Oil 2022 – 2023 for Unit Road. All voting “Aye”.

MOTION APPROVED.

- 20. Discussion/Action** to consider approval to solicit bid of final draft RFP 22CCP01B Caldwell County Road Materials, Fuel & Oil 2022 – 2023 for Unit Road. **Speaker: Judge Haden/ Carolyn Caro; Backup: 1; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Roland to approve to solicit bid of final draft RFP 22CCP01B Caldwell County Road Materials, Fuel & Oil 2022 – 2023 for Unit Road. All voting “Aye”.

MOTION APPROVED.

- 21. Discussion/Action** to consider the approval of a change order for blanket PO #01281 for Ergon Asphalt and Emulsions, Inc in the amount of \$100,000.00 for 002-1101-4630 Seal Coating to cover current and future invoices for remainder of FY 21- 22. **Speaker: Judge Haden/ Carolyn Caro; Backup: 3; Cost: \$100,000.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to approve a change order for blanket PO #01281 for Ergon Asphalt and Emulsions, Inc in the amount of \$100,000.00 for 002-1101-4630 Seal Coating to cover current and future invoices for remainder of FY 21- 22. All voting “Aye”.

MOTION APPROVED.

- 22. Discussion/Action** to consider the approval of payment in the amount of \$41,008.07 to Ergon Asphalt and Emulsions, Inc for invoices #9402736205, 9402737765, and 9402736203. **Speaker: Judge Haden/ Carolyn Caro; Backup: 7; Cost: \$41,008.07**

Motion made by Commissioner Shelton, seconded by Commissioner Theriot to approve payment in the amount of \$41,008.07 to Ergon Asphalt and Emulsions, Inc for invoices #9402736205, 9402737765, and 9402736203. All voting “Aye”.

MOTION APPROVED.

- 33. 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 Clark Engineer for Doucet provided the court with progress with road projects.

- 23. Discussion/Action** to consider the approval of REQ1801 in the amount of \$97,297.52 for WJC Construction Services, LLC for Application Payment #1 CDBG-DR Black Ankle Rd. at Dry Branch. **Speaker: Judge Haden/ Carolyn Caro; Backup: 3; Cost: \$97,297.52**

COMMISSIONERS COURT MINUTES
Regular Meeting August 9, 2022, 9:00 a.m.

Motion made by Commissioner Westmoreland, seconded by Commissioner Roland to approve REQ1801 in the amount of \$97,297.52 for WJC Construction Services, LLC for Application Payment #1 CDBG-DR Black Ankle Rd. at Dry Branch. All voting "Aye".

MOTION APPROVED.

24. Discussion/Action to consider the approval of payment in the amount of \$97,297.52 to WJC Construction Services, LLC for Application Payment #1 CDBG-DR Black Ankle Rd. at Dry Branch. **Speaker: Judge Haden/ Carolyn Caro; Backup: 2; Cost: \$97,297.52**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve payment in the amount of \$97,297.52 to WJC Construction Services, LLC for Application Payment #1 CDBG-DR Black Ankle Rd. at Dry Branch. All voting "Aye".

MOTION APPROVED.

25. Discussion/Action to consider the approval of REQ1802 in the amount of \$57,492.50 for WJC Construction Services, LLC for Application Payment #3 CDBG-DR Political Rd. at Dickerson Creek. **Speaker: Judge Haden/ Carolyn Caro; Backup: 3; Cost: \$57,492.50**

Motion made by Commissioner Theriot, seconded by Commissioner Roland to approve REQ1802 in the amount of \$57,492.50 for WJC Construction Services, LLC for Application Payment #3 CDBG-DR Political Rd. at Dickerson Creek. All voting "Aye".

MOTION APPROVED.

26. Discussion/Action to consider the approval of payment in the amount of \$57,492.50 for WJC Construction Services, LLC for Application Payment #3 CDBG-DR Political Rd. at Dickerson Creek. **Speaker: Judge Haden/ Carolyn Caro; Backup: 2; Cost: \$57,492.50**

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve payment in the amount of \$57,492.50 for WJC Construction Services, LLC for Application Payment #3 CDBG-DR Political Rd. at Dickerson Creek. All voting "Aye".

MOTION APPROVED.

27. Discussion/Action to consider the approval to apply for a 2022 – 2023 Feral Hog harvesting grant of \$20,000.00 offered by the Texas A&M AgriLife Extension Service: Caldwell County Paying 50% of bounty fees. **Speaker: Judge Haden/ Dennis Engelke; Backup: 10; Cost: \$2,500.00**

Motion made by Commissioner Theriot, seconded by Commissioner Shelton to approve applying for a 2022 – 2023 Feral Hog harvesting grant of \$20,000.00 offered by the Texas A&M AgriLife Extension Service: Caldwell County Paying 50% of bounty fees. All voting "Aye".

MOTION APPROVED.

28. Discussion/Action to consider the approval of a Right of Entry License between the County and the owner of 595 Sandholler Rd. **Speaker: Judge Haden/ Neil Kucera/ Chase Goetz; Backup: 3; Cost: None**

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve Right of Entry License between the County and the owner of 595 Sandholler Rd. All voting "Aye".

MOTION APPROVED.

- 29. Discussion/Action** to consider the approval to adopt a development agreement between the County and Maxwell Farms Partners, LP for the Misty Farms subdivision located on Misty Lane (CR 229). **Speaker: Commissioner Theriot/ Kasi Miles/ Tracy Bratton/ Trevor McManis; Backup: 16; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Shelton to approve to adopt a development agreement between the County and Maxwell Farms Partners, LP for the Misty Farms subdivision located on Misty Lane. All voting "Aye".

MOTION APPROVED.

- 30. Discussion/Action** to consider the approval of a partial Re-Platting of Block 1 in Prairie Lea. **Speaker: Commissioner Shelton; Backup: 16; Cost: None**

Motion made by Commissioner Shelton, seconded by Commissioner Theriot to approve partial Re-Platting of Block 1 in Prairie Lea. All voting "Aye".

MOTION APPROVED.

- 31. Discussion/Action** to consider the approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Fox Tail Estates located on Fox Lane. **Speaker: Commissioner Westmoreland/ Kasi Miles; Backup: 20; Cost: none**

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to approve Order authorizing the filing of a Final Plat (Short Form Procedure) for Fox Tail Estates located on Fox Lane. All voting "Aye".

MOTION APPROVED.

- 32. Discussion/Action** to consider 2022-2023 Tax Rate. If the proposed tax rate will exceed the voter-approval rate or no-new revenue tax rate, whichever is lower, a recorded vote is to be taken and to schedule a public hearing to adopt the 2022-2023 tax rate. **Speaker: Judge Haden/ Danie Teltow; Backup: 2; Cost: None**

Rollcall: Commissioner Westmoreland "Aye", Commissioner Shelton "Aye", Commissioner Theriot "Aye", Commissioner Roland "Aye", and Judge Haden "Aye".

MOTION APPROVED.

- 34. EXECUTIVE SESSION** Pursuant to Texas Government Code Section 551.087, the discussion of deliberation regarding economic development negotiations associated with Project Exodus and Project Ardizia. Possible Action may follow in open court. **Speaker: Judge Haden/ Chase Goetz; Backup: 1; Cost: None**

Judge Haden opens Item 34 Executive Session at 10:08 a.m. and closes at 10:32 a.m. Executive Session attended by Commissioner Westmoreland, Commissioner Shelton, Judge Haden, Commissioner Theriot, Commissioner Roland, and Chase Goetz Assistant Criminal District Attorney- Civil.

COMMISSIONERS COURT MINUTES
Regular Meeting August 9, 2022, 9:00 a.m.

35. Discussion/Action to consider taking action on Executive Session. **Speaker: Judge Haden; Backup: 1;**
Cost: None

Resolution is read.

Motion made by Commissioner Westmoreland, seconded by Commissioner Roland to take action. All voting "Aye".

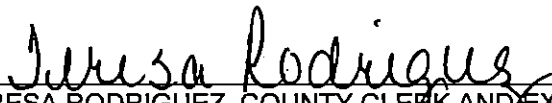
MOTION APPROVED.

36. Adjournment.

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

The court adjourns at 10:37 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 August 9, 2022.


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

