

NOTICE OF A MEETING OF THE COMMISSIONERS COURT OF CALDWELL COUNTY, TEXAS



Notice is hereby given that an open meeting of the Caldwell County Commissioners Court will be held on Tuesday, February 13, 2024 at 9:00 AM in 110 S Main St. 2nd Floor, Lockhart, Texas at which time the following subjects will be discussed, considered, passed or adopted, to wit:

A. CALL MEETING TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS:

(Texas Pledge: Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.)

D. ANNOUNCEMENTS:

Items or comments from Court members or staff.

E. 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>

F. CONSENT AGENDA:

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

- F.1 To approve payments of County Invoices and Purchase Orders in the amount of \$845,729.90.
- F.2 To approve County Payroll payment in the amount of \$420,164.89 (12/31/2023 - 1/13/2024).
- F.3 To approve County Payroll Tax payment in the amount of \$121,623.62 (12/31/2023 - 1/13/2024).
- F.4 To approve County Payroll payment in the amount of \$429,937.22 (1/14/2024 - 1/27/2024).
- F.5 To approve County Payroll Tax payment in the amount of \$125,953.22 (1/14/2024 - 1/27/2024).
- F.6 To accept partial January 2024 DMV Remittance in the amount of \$26,981.75.
- F.7 To accept January 2024 DMV Comptroller payment in the amount of \$307,637.84.
- F.8 To approve the bond for Cheryl Mendoza, Accounts Payable Clerk.
- F.9 To approve the bond for Melissa Montana, Assistant Auditor.
- F.10 To approve the bond for Gabrielle Saldana, 1st Assistant Auditor.
- F.11 To accept the January 2024 Indigent Burial Report.

- F.12 To accept Caldwell County Constable PCT. 2 December 2023 Report.
- F.13 To accept the December 2023 Tax Collection Report from the Caldwell County Appraisal District.
- F.14 To accept Disclosure Report/Financial Accounts reconciliation regarding Hot Check, Escrow, Discretionary Fund, Asset Forfeiture, and Asset Forfeited for November and December 2023.
- F.15 To accept the new 2024 IRS mileage reimbursement rate and updated county form.

G. DISCUSSION/ACTION ITEMS:

- G.1 Regarding the burn ban. Speaker: Judge Haden/Hector Rangel; Backup: 2; Cost: \$0.00
- G.2 To approve Order 05-2024 authorizing the sale of fireworks for Texas Independence Day. Speaker: Judge Haden/Hector Rangel; Backup: 3; Cost: \$0.00
- G.3 To approve a Proclamation designating February 2024 as Black History Month. Speaker: Commissioner Thomas; Backup: 1; Cost: \$0.00
- G.4 To approve a Proclamation designating February 2024 as Dating Violence Awareness Month. Speaker: Judge Haden/Ashley Rios/Brianna Buenrostro; Backup: 3; Cost: \$0.00
- G.5 To approve Resolution 10-2024, authorizing Caldwell County to apply for the Rural Sheriff's Office Salary Assistance Grant Program. Speaker: Judge Haden/Amber Quinley; Backup: 1; Cost: \$0.00
- G.6 To approve Resolution 11-2024, authorizing the Caldwell County Criminal District Attorney to apply for the Rural Prosecutor's Office Salary Assistance Grant Program. Speaker: Judge Haden/Amber Quinley; Backup: 1; Cost: \$0.00
- G.7 To approve Resolution 12-2024, committing to the co-location of emergency dispatch equipment and personnel with the City of Lockhart and the City of Luling. Speaker: Judge Haden/Chase Goetz; Backup: 2; Cost: \$0.00
- G.8 To approve a fee schedule for EMS ambulance services in the unincorporated portions of Caldwell County. Speaker: Judge Haden/Chase Goetz; Backup: 3; Cost: \$0.00
- G.9 To approve contract between Caldwell County and County Information Resources Agency (CIRA) for website hosting package that would enhance county's abilities to disseminate information to the public. Speaker: Judge Haden/Ezzy Chan/Miles Smith; Backup: 26; Cost: \$6,650 for 2024, \$4,200 for subsequent years
- G.10 To ratify Right of Entry Consent Form. Speaker: Judge Haden; Backup: 2; Cost: \$0.00
- G.11 To approve a development agreement between the County and Entrada Capital Group, LLC - State Park Road Series, for the development of State Park RV Village on approximately 5.258 acres located at 10710 State Park Road. Speaker: Commissioner Theriot; Backup: 15; Cost: \$0.00
- G.12 To approve the Preliminary Plat for Cotton Gateway consisting of 1,280 residential lots on approximately 396.7 acres located East of SH 21 and William Pettus Road. Speaker: Commissioner Theriot/Kasi Miles/Tracy Bratton; Backup: 21; Cost: \$0.00
- G.13 To approve the Preliminary Plat for Sunset Oaks, Phase 7 consisting of 3 commercial lots on approximately 47.2 acres located on Highway 21 and FM 1966. Speaker: Commissioner Theriot/Tracy Bratton/Kasi Miles; Backup: 10; Cost: \$0.00
- G.14 To approve the Final Plat for Sagada Dos, Phase 2, subdivision consisting of 14 residential lots on

approximately 16.658 acres located on Homann Road and Homannville Trail. Speaker: Commissioner Thomas/Tracy Bratton/Kasi Miles; Backup: 38; Cost: \$0.00

G.15 To authorize the County Judge to negotiate the terms of renewal for services from i3-Bearcat, LLC. Speaker: Judge Haden; Backup: 17; Cost: TBD

G.16 To terminate an existing contract for Court Collection Services between the County and i3-Bearcat, LLC. Speaker: Judge Haden; Backup: 17; Cost: \$0.00

G.17 To approve a contingent fee contract for legal services between the County and Linebarger Goggan Blair & Sampson, LLP ("Linebarger") for the collection of County-assessed fees and fines.

The agreement to be considered is necessary for the delinquent court fines and fees owed to the County to be collected in the most effective manner. The County desires that such court fines and fees be collected as provided pursuant to Article 103.0031, Texas Code of Criminal Procedure.

Linebarger is fully qualified to provide this representation, being the largest collection law firm in the State of Texas, as well as the United States and having been engaged in this specialized legal service for more than 40 years. In addition, Linebarger possesses infrastructure and technology, such as call center technology, that the County does not currently possess.

Linebarger has not previously represented the County in the collection of delinquent court fines and fees.

The specialized legal services required by this agreement cannot be adequately performed by the County's attorneys and supporting personnel due to the high cost of implementing the appropriate infrastructure and technology and employing sufficient in-house attorneys and staff with the level of experience and competence necessary to perform these activities.

Linebarger will be compensated on a contingent fee basis as provided in the Chapter 103.0031, Texas Code of Criminal Procedure.

These sections specifically provide for an additional penalty on court fines and fees to compensate collection attorneys. A contract to pay inside or outside attorneys on an hourly basis would represent an additional cost to the County.

Entering into the proposed agreement is in the best interests of the residents of Caldwell County because the court fines and fees will be professionally and competently collected without the additional costs to the County of implementing infrastructure and technology, and employing in-house personnel or paying outside counsel on an hourly fee basis is cost prohibitive.

Speaker: Judge Haden; Backup: 6; Cost: \$40.00

H. DISCUSSION ONLY:

H.1 Request by Caldwell County Appraisal District (C.C.A.D) on delayed 1st QTR 23-24 payment. Speaker: Danie Teltow; Backup: 14; Cost: \$0.00

H.2 To consider a development agreement between the County and Chisholm Hill, LP for the development of an approximately 776.772-acre subdivision located at Black Ankle Road and Boggy Creek Road. Speaker: Commissioner Westmoreland/Tracy Bratton; Backup: 63; Cost: \$0.00

H.3 To consider a development agreement between the County and Tack Redwood Partners for the development the Lakeshore subdivision, an approximately 1,044.73-acre subdivision located at Railroad Street and SH 142. Speaker: Judge Haden/Tracy Bratton/Chris Elizondo; Backup: 22;

Cost: \$0.00

I. EXECUTIVE SESSION:

- I.1 Pursuant to Texas Local Government Code Section 551.071(1): Consultation with counsel regarding pending or contemplated litigation or settlement offers involving No. 1:23-CV-910-RP in the U.S. District Court for the Western District of Texas. Speaker: Judge Haden/Chase Goetz/Eric Magee; Backup: 18; Cost: \$0.00
- I.2 Pursuant to Texas Local Government Code Section 551.071(2): Consultation with counsel regarding regarding a proposed contingent fee contract for legal services for the collection of County-assessed fees and fines. Possible action may follow in open court. Speaker: Judge Haden; Backup: TBD; Cost: \$0.00

J. ADJOURNMENT:

As authorized by Chapter 551 of the Texas Government Code, the Commissioners Court of Caldwell County, Texas, reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed above. The Court may adjourn for matters that may relate to: Texas Government Code Section 551.071(1) (Consultation with Attorney about Pending or Contemplated Litigation or Settlement Offers); Texas Government Code Section 551.071(2) (Consultation with Attorney when the Attorney's Obligations Under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Conflicts with Chapter 551 of the Texas Government Code); Texas Government Code Section 551.072 (Deliberations about Real Property); Texas Government Code Section 551.073 (Deliberations about Prospective Gift Donations); Texas Government Code Section 551.074 (Deliberations about Personnel Matters); Texas Government Code Section 551.0745 (Deliberations about a County Advisory Body); Texas Government Code Section 551.076 (Deliberations about Security Devices or Security Audits); Texas Government Code Section 551.084 (Exclusion of Witness from Hearing); Texas Government Code Section 551.087 (Deliberations about Economic Development Negotiations); and Texas Government Code Section 551.089 (Deliberations about Security Devices or Security Audits). In the event that the Court adjourns into Executive Session, the Court will announce the section of the Government Code the Commissioners Court is using as its authority to enter into an Executive Session. The meeting facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the County Judge's Office at 512-398-1808 for further information.

Notice: Any documents linked to an item listed in this Agenda are subject to change both after posting and after discussion and vote during the Commissioners Court meeting. A copy of this Notice has been posted on the outdoor bulletin board located at the Caldwell County Courthouse, 110 S. Main Street, Lockhart, Texas 78644. Said place is readily accessible to the general public at all times, and will remain posted continuously for at least 72 hours preceding the scheduled time of the meeting. A copy of this Notice has also been posted online at the County's website at <https://www.co.caldwell.tx.us/page/caldwell.CommissionersCourtAgendaMinutesandVideo>.