

# COMMISSIONERS COURT MINUTES

Regular Meeting on May 17, 2010

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**RONNIE DUESTERHEFT** County Judge  
**NINA S. SELLS** County Clerk

**JOHN P. CYRIER** Commissioner Pct 1  
**CHARLES BULLOCK** Commissioner Pct 2  
**NETO MADRIGAL** Commissioner Pct 3  
**JOE IVAN ROLAND** Commissioner Pct 4

## **Call to order.**

The meeting was called to order at 9:00 A.M. by newly appointed County Judge Ronnie Duesterheft . Judge Duesterheft thanked Commissioners Court for his appointment as Caldwell County Judge. He stated the County Judge's office will faithfully work hard for all employees and keep the current policies in effect.

## **A-1**

### **Approve Minutes of Previous Meeting.**

Motion made by Commissioner Bullock, seconded by Commissioner Roland, to approve the minutes of the Regular meeting on May 10, 2010. Motion carried unanimously.

## **A-2**

### **Citizens' Comment: (At This Time Any Person With Business Before the Commissioners Court, Not Scheduled On The Agenda, May Speak To The Commissioners Court. Comments Will Be Limited to Three (3) To Five (5) Minutes Per Person.**

Commissioner Roland thanked Judge Duesterheft for taking on the position of Caldwell County Judge.

Former Commissioner Morris Alexander stated Commissioners could not have chosen a better person for the position of County Judge.

Commissioner Madrigal also thanked Judge Duesterheft for taking the position.

## **A-3**

### **Approve the Caldwell County Reports**

#### **B. Tax Report of April 2010**

The Tax Report of April 2010 was reviewed. Motion made by Commissioner Bullock, seconded by Commissioner Madrigal, to approve the Tax Report for the month of April 2010. Motion carried unanimously.

## **A-4**

### **Discussion/Action to consider Outdoor Burning Ban for Caldwell County – Judge Duesterheft.**

Motion made by Commissioner Roland, seconded by Commissioner Cyrier, to leave the Outdoor Burning Ban off for Caldwell County. Motion carried unanimously.

## **A-5**

### **Discussion/Action concerning USDA Rural Housing Preservation Grant Program – Philip Ruiz**

Philip Ruiz stated that grant funding by the USDA Rural Housing Preservation Grant Program will have seven or eight awards statewide and Caldwell County has the opportunity to apply for this grant funding by June 28, 2010. The last award of funding Caldwell County received was targeted toward Precinct 3 and Precinct 4 and Caldwell County received about \$125,000. Motion made by Commissioner Madrigal, seconded by Commissioner Roland, to participate and apply for this grant funding through USDA Rural Housing Preservation Grant Program. Motion carried unanimously. Philip Ruiz asked for and was granted permission to work with the District Attorney and the Justices of the Peace for information concerning county residents that may qualify as recipients of this grant award.

## **A-6**

### **Discussion/Action – update on Plum Creek Watershed Partnership Steering Committee – Nikki Dictson.**

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Commissioners Court heard a presentation by Nikki Dictson who explained the Plum Creek Watershed Partnership Steering Committee process and touched on all the group has helped with recently. She stated the program is managed from College Station at the present time and they are recommending hiring a local position within the watershed district with local entities providing the funding for the office. After further discussion, motion was made by Commissioner Roland, seconded by Commissioner Cyrier, to support the hiring of a local position within the Plum Creek Watershed District. Motion carried unanimously.

**A-7**

**Discussion/Action to appoint a representative to the Community Action, Inc. of Hays, Caldwell, and Blanco Counties Board – Judge Duesterheft/Carole Belver.**

Motion made by Commissioner Madrigal, seconded by Commissioner Bullock, to appoint Judge Duesterheft as the Caldwell County representative to the Community Action, Inc. of Hays, Caldwell, and Blanco Counties Board. Motion carried unanimously.

**A-8**

**Discussion/Action to appoint a representative to the Capital Area Council of Governments General Assembly – Judge Duesterheft.**

Motion made by Commissioner Roland, seconded by Commissioner Bullock, to appoint Commissioner Madrigal to the Capital Area Council of Governments General Assembly. Motion carried unanimously.

**A-9**

**Discussion/Action concerning an update on the improvement plan prepared by the Local Data Advisory Board pursuant to Section 60.09 of the Code of Criminal Procedure and funding requirement for implementation of the improvement plan – District Attorney Trey Hicks.**

District Attorney Trey Hicks presented information concerning the Local Data Advisory Board. Pursuant to Section 60.09 of the code of Criminal Procedure, the Board was formed to implement procedures to make Caldwell County bring their D.P.S reporting of arrests through disposition up above 90% completion percentage. It was reported that the Sheriff Department, District Attorney's Office, and both County Clerk's and District Clerk's Offices had worked hard to implement steps to comply with this improvement plan. District Attorney Hicks stated that part of the problem with misdemeanor cases is that there is no arrest before the case is filed and no fingerprints are taken. D.P.S. does not accept the CR 43 if no fingerprints are included. He requested Commissioners Court include the equipment and space for the fingerprinting of defendants in next years budget process.

**A-10**

**Discussion/Action concerning Facility Assessment and Planning Proposal for Caldwell County – Commissioner Cyrier/Stephen Coulston.**

Commissioner Cyrier presented information concerning an inspection report of the Caldwell County Judicial Center. He explained the roof and other problems and stated estimated costs of repairs to this building will be over \$400,000. He introduced Doug Abraham and Brenda Jenkins of Broaddus Planning, a company that does assessment of needs for future planning for entities. They can do an initial assessment of needs for Caldwell County's buildings and future growth needs at a cost of \$16,136 (does not include the offices of the Justices of the Peace). Motion made by Commissioner Cyrier, seconded by Commissioner Roland, to approve Broaddus Planning proposal to do an initial planning and assessment for Caldwell County at a cost of \$16,136. Motion carried unanimously.

**A-11**

**Discussion/Action concerning a request for assistance from the Caldwell County Fire Chiefs Association in the amount of \$4,550 to purchase burn ban signs to be mounted on TXDOT signs – Judge Duesterheft.**

Judge Duesterheft explained that TXDOT will allow burn ban signs mounted on TXDOT signs. The burn ban signs costs approximately \$30 each. There was further discussion concerning maintenance and man power to fold the signs down when the burn ban is in effect. Motion made by Commissioner Madrigal, seconded by Commissioner

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Cyrier, to approve the purchase of 100 burn ban signs plus hardware to mount on the TXDOT signs. Motion carried unanimously.

## A-12

### **Discussion/Action to canvass the votes for the May 8<sup>th</sup> 2010 Caldwell County Emergency Services District No. 2 – Vicky Gonzales**

Judge Duesterheft abstained from this item and let County Judge Pro Tem Roland handle the discussion and vote. Judge Duesterheft explained he worked on the petition and election for ESD No. 2.

County Election Administrator Vicky Gonzales explained the election results of this election stating that every precinct voted for the ESD. Motion made by Commissioner Madrigal, seconded by Commissioner Cyrier, to approve the canvass of votes on the May 8, 2010 Caldwell County Emergency Services District No. 2 Election. Motion carried with Commissioner Cyrier, Commissioner Bullock, Commissioner Madrigal, and Commissioner Roland, voting "Aye" and Judge Duesterheft chose to "Abstain."

## A-13

### **Discussion/Action to approve an order concerning formation of Caldwell County Emergency Services District No. 2 – Commissioner Roland.**

Judge Duesterheft abstained from this item and let County Judge Pro Tem Roland handle the discussion and vote. Judge Duesterheft explained he worked on the petition and election for ESD No. 2.

Motion made by Commissioner Madrigal, seconded by Commissioner Cyrier, to approve the Order Concerning the Formation of Caldwell County Emergency Services District No. 2. Motion carried with Commissioner Cyrier, Commissioner Bonn, Commissioner Madrigal, and Commissioner Roland voting "Aye" and Judge Duesterheft chose to "Abstain".

## A-14

### **Discussion/Action concerning cutting and pruning an oak tree located on the north side of the Courthouse to meet the 13'6" height requirement for the paving of San Antonio Street – Judge Duesterheft.**

It was reported that Bartlett Tree Service will cut and prune the oak tree located on the north side of the Courthouse at a cost of \$840. It was also reported that the City of Lockhart will pay for ½ the cost, or \$420. Commissioner Roland thanked the City of Lockhart. Motion made by Commissioner Roland, seconded by Commissioner Cyrier, to have Bartlett Tree Service cut and trim the tree located on the north side of the Courthouse to meet the 13'6" height requirement during the paving of San Antonio Street at a cost of \$840 with \$420 paid by the City of Lockhart and \$420 paid by Caldwell County. Motion carried unanimously.

## A-15

### **Discussion/Action to approve Surety Bond for County Judge Ronnie Duesterheft beginning on May 11, 2011 ending November 2010 – Judge Duesterheft.**

Motion made by Commissioner Cyrier, seconded by Commissioner Madrigal, to approve the Surety Bond for County Judge Ronnie Duesterheft to begin on May 11, 2011 and end November 2010. Motion carried unanimously.

## A-16

### **Discussion/Action to approve Surety Bond for one year beginning June 23, 2010 and ending June 23, 2011 for Chief Deputy Treasurer Darlene Morris – Judge Duesterheft.**

Motion made by Commissioner Madrigal, seconded by Commissioner Roland, to approve the Surety Bond for one year beginning June 23, 2010 and ending June 23, 2011 for Chief Deputy Treasurer Darlene Morris. Motion carried unanimously.

## A-17

### **Discussion/Action to approve Resolution in Honor and Appreciation of H. T. Wright, County Judge – Judge Duesterheft.**

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Commissioner Roland stated he was honored to make the motion, and motion was seconded by Commissioner Madrigal, to approve the Resolution in Honor and Appreciation of H. T. Wright, County Judge. Motion carried unanimously. This Resolution will be presented to family of H. T. Wright at the next meeting.

## A-18

**Discussion/Action to approve temporary Road Closure of Mineral Spring Road (CR 114) to allow TXDOT to replace the bridge at West Fork of Plum Creek – Judge Duesterheft.**

Motion made by Commissioner Bullock, seconded by Commissioner Cyrier, to approve the temporary road closure of Mineral Springs Road (CR 114) to allow TXDOT to replace the bridge at West Fork of Plum Creek. Motion carried unanimously.

## A-19

**Discussion/Action to consider a variance request to divide one acre out of a 40 acre tract located on FM 2001 – Commissioner Roland/Steven Durnhan.**

Commissioner Roland explained this variance request by Steven Durnhan to sell one acre with house out of a 40 acre tract located on FM 2001. The house with one acre will be sold with a 50 foot right of way. Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve the variance request to divide one acre with house with a 50 foot right of way and septic system to be part of this one acre out of a 40 acre tract located on FM 2001 belonging to Steven Durnhan. Motion carried unanimously.

## A-20

**Pay Bills.**

Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve bills totaling \$133,764.96. Motion carried unanimously.

## A-21

**Discussion/Action to consider a variance request to divide 4 acres out of 50 acres track located on CR 130 – Commissioner Bullock/Frank W Davis.**

Motion made by Commissioner Bullock, seconded by Commissioner Cyrier, to approve the variance request to divide 4 acres out of a 50 acre tract located on CR 130. Motion carried unanimously.

Commissioners Court recessed the Regular meeting to go into Executive Session at 10:50 A.M.

## A-22

**Executive Session pursuant to 551.171 concerning legal advice of procedural and substantive issues concerning Chapter 2007 of the Government Code and Commissioner Court actions related thereto, including adaption/revision of subdivision regulations, administration thereof, and potential violations of existing subdivision regulations.**

Commissioners Court adjourned the Executive Session and went back into Regular meeting at 12:15 P.M.

## A-23

**Discussion/Action to approve Order adopting Categorical Determinations and Governmental Entity-Specific TIA Procedures pursuant to Chapter 2007 of the Government Code (The Private Real Property Rights Preservation Act).**

Motion made by Commissioner Cyrier, seconded by Commissioner Roland, to approve the Order Adopting Categorical Determinations and Governmental Entity-Specific TIA Procedures pursuant to Chapter 2007 of the Government Code (The Private Real Property Rights Preservation Act). Motion carried unanimously.

## A-24

**Discussion/Action to direct District Attorney's office to prepare cost estimate and outline for adoption/revision of subdivision regulations.**

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Motion made by Commissioner Madrigal, seconded by Commissioner Roland, to direct the District Attorney's office to prepare a cost estimate and outline for adoption/revision of the subdivision regulations. Motion carried unanimously.

**Adjourn.**

Motion made at 12:20 P.M. by Commissioner Bullock, seconded by Commissioner Roland, to adjourn. Motion carried unanimously.



Ronnie Duesterheft, County Judge