

COMMISSIONERS COURT MINUTES
Regular Meeting June 13, 2011



TOM D. BONN County Judge
CAROL HOLCOMB County Clerk

JOHN P. CYRIER Commissioner Pct 1
FRED F. BUCHHOLTZ Commissioner Pct 2
NETO MADRIGAL Commissioner Pct 3
JOE IVAN ROLAND Commissioner Pct 4

1. **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 Bonn led the Pledge to the United States and Texas Flag.
2. **Approve Minutes of Previous Meetings (May 23, 2011).**
Motion made by Commissioner Cyrier, seconded by Commissioner Buchholtz to approve the Commissioner Court Minutes for May 23, 2011. All voting "Aye". MOTION PASSED
3. **Citizen's comments: 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 (5) minutes per person.**
The following citizens signed up to speak, Henry Swafford, Louise Watts, Barbara Decker, Susan Modrall, Susan Stewart, Henry O. Hanson, Larry and Kathy Sellers.
Henry Swafford spoke on behalf of American Fireworks, about Agenda item 15 (Discussion/Action concerning approval of the County Judge's Order Declaring a Local State of Disaster for Caldwell County, Texas and Restricting the Sale, Use or Possession of Fireworks), listing several other ways that fires can be started other than fireworks. He also made note that American Fireworks has been proactive in removing the rocket and missile type items from sales.
Commissioner Buchholtz informed Court that the roof on the Judicial Center had been finished and was awaiting inspection. Judge Bonn spoke of the accomplishment for Texas A&M sports teams over the weekend. Commissioner Roland was glad for the Dallas Mavericks!
4. **Presentation on Employee Benefits Services (medical, dental and life insurance) for Caldwell County Employees-Judge Bonn/Don Wallace.**
Presentation by Don Wallace on Employee Benefits Services (medical, dental and life insurance) for Caldwell County Employees. He provided packets to the Commissioners and Judge Bonn with information on services, details on types of coverage and letters of reference from other Counties that are in the area.
5. **Discussion/Action to enter in to a contractual agreement with Carolyn Arnold, Communications Consultant, Inc. to perform an audit and reconciliation of all telephone bills and the County agrees to pay CACC, Inc. (45%) of each and every credit or refund granted by Vendors-Liz Mundine/Carolyn Arnold.**
Presentation by Georgia Arnold providing background information and overview of CACC. Motion made by Commissioner Buchholtz, seconded by Commissioner Roland to table this item until further information was gathered. All voting "Aye". MOTION PASSED
At this time Judge Bonn recognizes Liz and other county employees for the hard work and research done to save our County money.

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6. Discussion/Action concerning changing Caldwell County telephone land lines and long distance service from ATT to Time Warner-Liz Mundine/ Brian Beresford

Caldwell County Asst. Auditor, Liz Mundine reviews information concerning the situation and costs of land lines. Brian Beresford let the Court know time lines concerning contracts and construction of cables for Business Class Phone Lines. Motion made by Commissioner Buchholtz, seconded by Commissioner Madrigal to sign a Letter of Intent with Time Warner for local and Long Distance service. All voting "Aye". MOTION PASSED

7. Discussion/Action to consider Outdoor Burning Ban for Caldwell County-Judge Bonn.

Motion made by Commissioner Cyrier, seconded by Commissioner Roland to keep the burn ban on. All voting "Aye". MOTION PASSED

8. Discussion/Action concerning Southeast Caldwell County Volunteer Fire Department Financial Reporting for the year 2010 as stated in the Rural Fire Protection Service Contract-Judge Bonn

Henry Hanson and Louise Watts spoke on behalf of the Southeast Caldwell County Volunteer Fire Department. Louise Watts informed the court that the "postcard" was mailed for the year 2010. They also submitted a copy of the Financial Report to the Commissioners at this time. Motion made by Commissioner Cyrier, seconded by Commissioner Buchholtz to approve the Financial Report for Southeast Caldwell County Volunteer Fire Department for the year 2010. All voting "Aye". MOTION PASSED

9. Discussion /Action concerning Mid County Volunteer Fire Department Financial Reporting for the year 2010 as stated in the Rural Fire Protection Service Contract-Judge Bonn.

Jerry Doyle, Fire Chief from Mid County Volunteer Fire Department spoke to Court informing that they were in process of preparing the Financial Report for 2010. It would be completed soon.

10. Discussion/Action concerning Delhi Volunteer Fire Department 990-EZ, organization Exempt from Income Tax Financial Reporting for the year 2010, as stated in the Rural Fire Protection Service Contract-Judge Bonn.

This report was submitted via email. Motion made by Commissioner Cyrier, seconded by Judge Bonn to approve the Financial Reporting for the year 2010 from Delhi Volunteer Fire Department. All voting "Aye". MOTION PASSED

11. Discussion/Action concerning approval of a motion to approve a Family Land Grant exception to platting concerning property located on Westwood Road (A portion of Esther Berry Survey A-1)-Kasi Miles/Bruce & Peggy Franks.

Motion made by Commissioner Cyrier, seconded by Commissioner Buchholtz to approve a Family Land Grant exception to platting concerning property located on Westwood Road (A portion of Esther Berry Survey A-1) All voting "Aye". MOTION PASSED

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12. Discussion/Action to approve installing Dual Band Wireless Access Point at the Courthouse, Judicial Center and Scott Annex-Judge Bonn/Mark Hinnenkamp.

Motion made by Judge Bonn, seconded by Commissioner Roland to approve installing Dual Band Wireless Access Point at the Courthouse, Judicial Center and Scott Annex at a cost of \$2,000.00 for 4 routers. All voting "Aye". MOTION PASSED

13. Discussion/Action concerning dedication of new roadway relating to Mustang Hollow Condominium Association and Flint Hill Resources-Ron Heggemeier.

Motion made by Commissioner Madrigal, seconded by Judge Bonn to approve acceptance of the Dedication of Roadway for Public Purpose from Flint Hills Resources Corpus Christi, LLC and Mustang Hollow Condominium Association and to instruct the County Judge to execute and record said dedications based on the following conditions:

(1) Receipt of \$5,000.00 from Flint Hills Resources pursuant to paragraph 7 of that certain Road Construction and Conveyance Agreement dated February 9th, 2011.

(2) Receipt of proof of ownership from Mustang Hollow Condominium Association of the roadway portion described in their Dedication of Roadway for Public Purpose which is Exhibit D to the Road Construction and Conveyance Agreement dated February 9th, 2011.

(3) Execution of the documents by the County Judge and acceptance of the above described dedications will not be final until such time as conditions (1) and (2) above have been met. All voting "Aye". MOTION PASSED

14. Executive Session: an executive session will be held pursuant to § 551.071 (2) of the Texas Government Code in order for the Commissioners Court to receive substantive legal advice from counsel concerning § 552.272 of the Texas Government Code and § 418.108 (a) of the Texas Government Code.

Executive Session is from 11:00 a.m. - 12:00 p.m.

15. Discussion/Action concerning approval of the County Judge's Order Declaring a Local State of Disaster for Caldwell County, Texas and Restricting the Sale, Use or Possession of Fireworks.

Motion made by Commissioner Buchholtz, seconded by Commissioner Cyrier to approve the Order of the Caldwell County Commissioners Court Extending the Foregoing Declaration of Disaster Declared by the Caldwell County Judge on June 13th, 2011. All voting "Aye". MOTION PASSED. Question from Susan Modrall asking Court to clarify "possession of." The answer was given, "to be on ones self". Comment from Kathy Sellers asking the press to publish other things that might cause fires and the precautions that can be taken to prevent. President of Caldwell County Fire Chief's Association, Chuck Cutshall informs Court that there is a Town Hall Meeting in Luling, Maxwell and Lockhart (Monday, Tuesday , Wednesday) given by a representative from the Texas Forest Service to educate the people about things that can cause fires and the resources that we have in our County.

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16. **Discussion/Action concerning adoption of reasonable time limit (36 hours per fiscal year) on the amount of time County personnel are required to spend producing public information or duplication by a requestor or providing copies of public information to a requestor without recovering its costs attributable to that personnel time pursuant to 552.275 of the Texas Government Code.**

Motion made by Commissioner Buchholtz, seconded by Commissioner Cyrier to approve adoption of a reasonable time limit of 36 hours per fiscal year for the amount of time that County personnel are required to spend producing public information from any one requestor without recovering the costs attributable to such requests in accordance with 552.275 of the Texas Government Code and that this time limit shall remain in place after adoption unless changed within thirty (30) days following the close of each fiscal year of the County (i.e. October 30th of each year). All voting "Aye". MOTION PASSED

17. **Discussion/Action to reduce the speed limit to 30 miles on County Road 253, Whizzerville Road and set the date for the public hearing-Commissioner Buchholtz.**

Jason Slick reads the letter that he wrote to Commissioner Buchholtz concerning traffic and the increased usage. Lena Sustalla also lives in the vicinity and is very concerned about the situation as well. Motion made by Commissioner Buchholtz, seconded by Commissioner Cyrier to table this agenda item until next week. All voting "Aye". MOTION PASSED

18. **Discussion/Action concerning revisions to the Caldwell County Development Ordinance adopted January 18, 2011-Commissioner Fred Buchholtz.**

Motion made by Commissioner Buchholtz, seconded by Commissioner Roland to table this item. All voting "Aye". MOTION PASSED. Kathy Sellers asked about acquiring copies showing changes. Commissioner Buchholtz is working on a way to show changes in different fonts since printers are not able to distinguish colors on copies. Susan Stewart asked what describes a tentative agreement. Basically an agreement on sections that are approved, but will not be binding until the complete document has been approved.

19. **Discussion/Action concerning a request from Constable Zapata to have access to the Voyager Mobile Web to access criminal justice data from the web browser-Commissioner Madrigal.**

Motion made by Commissioner Cyrier, seconded by Commissioner Madrigal to approve the payment of the invoice providing the Mobile Data Terminal (Voyager) and for the County Auditors office to find a line item to do so. All voting "Aye". MOTION PASSED
Kathy Sellers asked if Caldwell County had an Automated Data Processing Security Policy? She is concerned with the protection of laptops and security passwords within Caldwell County employees and County offices.

20. **Budget Amendment No.15 Transfer between line items to provide funding for the purchase of technology equipment in association with network upgrade-Judge Bonn/Mark Hinnenkamp.**

Motion made by Judge Bonn, seconded by Commissioner Cyrier to approve transfer of \$9,500.00 between line items to provide funding for the purchase of technology equipment in association with network upgrade. All voting "Aye". MOTION PASSED

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21. Pay Bills

Motion made by Commissioner Roland, seconded by Commissioner Madrigal to pay the bills in the amount of \$240,103.78. This includes \$25,674.00 for Total Indigent Defense and \$6,855.37 for Total Indigent Health. All voting "Aye". MOTION PASSED

Motion made by Commissioner Buchholtz, seconded by Commissioner Cyrier to ADJOURN. All voting "Aye". MOTION PASSED

_____ TOM D. BONN, County Judge