

COMMISSIONERS COURT MINUTES

Regular Meeting on August 10, 2009

H. T. WRIGHT County Judge
NINA S. SELLS County Clerk

TOM BONN 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.

A-1

Approve Minutes of Previous Meeting.

No minutes were approved at this meeting.

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.

No citizens comments.

A-3

Approve the Caldwell County Reports:

A. Veterans Services Officer Report for the Month of June 2009 – Larry Corpus.

Veterans Services Officer Larry Corpus presented his report. Motion made by Commissioner Bonn, seconded by Commissioner Roland, to approve the Veterans Services Officer Report for the month of July 2009. Motion carried unanimously.

B. Texas AgriLIFE Extension Service reports – Jeff Watts Carissa Wilhelm

Carissa Wilhelm and Jeff Watts presented the Texas AgriLIFE Extension Service Reports. Motion made by Commissioner Bonn, seconded by Commissioner Madrigal, to approve the Texas AgriLIFE Extension Service reports. Motion carried unanimously.

C. Maintenance Report for the months of May and June 2009 – Curtis Weber.

Maintenance Director Curtis Weber presented his report. Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve the Maintenance Report for the month of July 2009. Motion carried unanimously.

A-4

Discussion/Action to consider Outdoor Burning Ban for Caldwell County – Judge Wright.

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

A-5

Discussion/Action regarding setting 2010 Sheriffs' and Constables' fees to be charged for service by the offices of the Sheriff and Constables for Caldwell County – Judge Wright/Sheriff Law.

Motion made by Commissioner Bonn, seconded by Commissioner Roland, to leave the 2010 Sheriffs' and Constables' fees the same as the 2009 Sheriffs' and Constables' fees. Motion carried unanimously.

A-6

Discussion/Action concerning preliminary plan on the proposed Spanish Oaks Estates Subdivision located on Sierra Drive (CR 113)-Commissioner Madrigal/Joel Richardson.

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A-7

Discussion/Action concerning a roadway variance request for the proposed Spanish Oaks Estates Subdivision from Section 3.3.1, Appendix B of the Caldwell County Subdivision Regulations specifying a minimum right of way width of 50 feet to approximately 26.6 feet – Commissioner Madrigal/Joel Richardson.

The 127 foot road entrance to this subdivision is approximately 26.6 feet wide and variance was requested on this limited right of way. Sheriff Law and Unit Road Administrator Jeffrey expressed concerns about the “bottleneck” that could occur with traffic during an emergency. Other areas of concern such as drainage, stop signs, and turnarounds for safety in this proposed subdivision were discussed. Motion was made by Commissioner Madrigal, seconded by Commissioner Roland, to grant the variance request with the provisions that a turnaround for safety vehicles would be included at the end of the 127 foot 26.6 foot wide entrance roadway, that all safety precautions would be taken at the entrance to this subdivision, and that the subdivision would be built by the guidelines of the flood plane regulations. Motion carried with Commissioner Madrigal, Commissioner Roland, and Judge Wright voting “Aye” and Commissioner Bonn and Commissioner Bullock voting “No.” Commissioner Bonn stated he would like to see the area before voting on it. Commissioner Bullock stated he does not see why Commissioners Court should approve this subdivision when the Court doesn’t accept others. Judge Wright, in voting yes to break the tie vote, stated that this subdivision is better engineered than most subdivision plans and he has no objection to approving the preliminary plan.

A-8

Discussion/Action to approve Continuing Education Certificate for 12 hours for Commissioner Tom Bonn – Judge Wright.

Motion made by Judge Wright, seconded by Commissioner Madrigal, to approve the Continuing Education Certificate for 12 hours for Commissioner Tom Bonn. Motion carried unanimously.

A-9

Discussion/Action concerning a proposed concept plan for Cherryville Subdivision located on north side of Highway 80 in Caldwell County – Commissioner Madrigal/Don Cherry.

Michael Wilson and Steven Ihnen with Garrett-Ihnen presented the proposed concept plan for Cherryville Subdivision located on the north side of Highway 80 at CR 110 where the proposed State Highway 130 will cross Highway 80. All areas of this concept were presented including housing, schools, hospital, parks, industrial parks, wastewater and water issues. Commissioners Court commented that this appears to be a very professionally done project. This presentation was for information only.

Commissioners Court recessed the Regular meeting to go into Executive Session.

A-13

Executive Session: Consult with attorney Robert T. “Bob” Bass with the firm of Allison, Bass & Associates, LLP, in executive session held in accordance with Texas Government Codes S 551.071(1)(A),(2), regarding pending and/or contemplated litigation, i.e. Cause No. 09-0-095, Loftin v. Caldwell County, Texas; Chad Forbes v Mike Allen et al; Cause No. A08CA532LY in the U.S. District Court for the Western District of Texas, Austin Division’ and Cheryl Diana Rumfield v. Caldwell County, Texas et al; Cause No. 09-0-282 in the 421st District Court of Caldwell County, Texas.

Commissioners Court closed the Executive Session and went back into Regular meeting.

A-14

Open Session: Take action, if necessary, on closed session matters, including but not limited to offers of settlement, authorization of litigation or alternative dispute resolution, counter-claims or other appropriate legal action.

Motion made by Commissioner Bonn, seconded by Commissioner Madrigal, to compromise and settle litigation on terms favorable to Caldwell County on terms mutually agreed to by the parties, and to authorize Judge Wright to execute documents to conclude the litigation. Motion carried unanimously.

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A-10

Pay Bills.

Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve bills totaling \$444,978.03. Motion carried unanimously.

A-11

General Discussion on 2010 Budget.

The 2010 budget was discussed.


A-12

Discussion/Action to discuss proposed tax rate for the 2009/2010 budget year – Judge Wright

The proposed tax rate was discussed. Motion made by Judge Wright, seconded by Commissioner Bullock, to approve a proposed tax rate for the 2009/2010 budget at .7190. Motion carried with Commissioner Bullock, Commissioner Madrigal and Commissioner Roland voting "Aye" and Commissioner Bonn voting "No." Commissioner Bonn stated concerns about new positions created in the proposed budget.

Adjourn.

Commissioners Court adjourned at 12:10 P.M.



H. T. Wright, County Judge