



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23rd DAY OF JANUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

WITH THE FOLLOWING MEMBER ABSENT: COUNTY JUDGE ELIZABETH "LIZ" SUMTER; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ingalsbe presided over the meeting due to the absence of the County Judge. She called the meeting to order, Reverend Santiago Heredia gave the invocation and Commissioner Barton led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Constable Pct. 3 Darrell Ayres spoke of being proud of the citizens of Hays County and the public officials in their response to the recent weather event (ice storm).

23942 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve invoices for disbursement date of 1/16/07 in the amount of \$1,180,518.61 and for disbursement date of 1/23/07 in the amount of \$180,914.69 as presented by the County Auditor. All present voting "Aye". MOTION PASSED.

23943 APPROVE BUDGET AMENDMENT 07-07

Budgets being amended: Sheriff's Office - \$757 transfer for time clocks (4) classified as supply rather than equipment, District Attorney & CJD/VAWA Grant - \$24,398 transfer part investigator originally in grant budget to D.A. office as actual, JP3 - \$200 transfer for 4 yr bond not budgeted, JP2 & Countywide - \$2,417 transfer for authorized Court Clerk I to II as approved, and Personal Health - \$500 transfer for cost of defibrillator. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve Budget Amendment #07-07 as proposed by the County Auditor. All present voting "Aye". MOTION PASSED.

23944 APPROVE THE MINUTES OF JANUARY 9, 2007

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve the minutes of January 9, 2007 as presented by the County Clerk. All present voting "Aye". MOTION PASSED.

23945 APPROVE INCREASE TO CONTRACT WITH LAND DESIGN PARTNERS BY \$4,453 ON THE 5-MILE DAM PARK PROJECT AND TO AUTHORIZE COUNTY JUDGE TO EXECUTE AMENDED CONTRACT

Land Design Partners Inc. is the landscape architect selected by the county for the 2nd phase of the engineering for the five-mile dam park project. Funds will come from the Texas Parks & Wildlife Dept. grant and not from the county and city. The total amount for this contract is well below the 12% rule for professional services allowable under TPWD grant rules. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve increase to contract with Land Design Partners by \$4,453 on the 5-Mile Dam Park Project and the authorize County Judge to execute amended contract. All present voting "Aye". MOTION PASSED

23946 APPROVE REAPPOINTMENT OF RON SPANGENBERG, EDDIE GUMBERT AND KEN DOWNING TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #4

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve re-appointment of Ron Spangenberg, Eddie Gumbert, and Ken Downing to the Hays County Emergency Services District #4. All present voting "Aye". MOTION PASSED.

23947 APPROVE AMENDMENT TO THE APPROVED COUNTY HOLIDAYS TO CORRECT THE DATE OF GOOD FRIDAY TO APRIL 6, 2007

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve amendment to the approved County Holidays to correct the date of Good Friday to April 6, 2007. All present voting "Aye". MOTION PASSED.



23948 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE DIVISION OF EMERGENCY MANAGEMENT, OFFICE OF THE GOVERNOR FOR UP TO \$32,701

This grant and county funds pay part of the salary and benefits of the County Emergency Management Coordinator. No match is required. Although the county qualifies for approximately \$32,701 in federal funds, the amount of award will be closer to \$19,712 based on state funds available. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to submit a grant application to the Division of Emergency Management, Office of the Governor for up to \$32,701. All present voting "Aye". MOTION PASSED.**

23949 AUTHORIZE THE USE OF RECORDS PRESERVATION FUNDING TO PRESERVE RECORDS IN THE DISTRICT CLERK'S OFFICE

District Clerk Cecelia Adair is requesting authorization to expend an estimated total of \$23,505 of funds already budgeted for FY2007 from the Records Preservation Fund (09-44-5215) to purchase Content Management Imaging Software. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the use of Records Preservation Funding to preserve records in the District Clerk's office. All present voting "Aye". MOTION PASSED.**

23950 APPROVE CHANGE OF THE ASSISTANT EMERGENCY MANAGEMENT COORDINATOR, GRADE 918, TO ADMINISTRATIVE COORDINATOR, GRADE 915

Shari Miller (Human Resources) spoke of this position being funded for only a portion of the Grade 918 position, therefore, EMC Jeff Turner is requesting that this position be changed to a Grade 915 (Admin Coord.) that could be utilized with the funds budgeted. Emergency Management Coordinator Jeff Turner advised that he will need a fulltime Assistant EMC in the next budget process. The Grade 915 could be approved as a temporary position through the end of this fiscal year. [T1-203] **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve the change of the Assistant Emergency Management Coordinator - Grade 918 to Administrative Coordinator - Grade 915. All present voting "Aye". MOTION PASSED.**

23951 APPROVE THE ESTABLISHMENT OF A FIRE INVESTIGATOR/INSPECTOR POSITION, SALARY GRADE 319

Shari Miller (Human Resources) spoke of funding available from a position that is not currently being utilized. The request is for an "as needed" position paid an hourly rate of \$15 per hour. Fire Marshal Carroll Czichos spoke of not having a certified fire inspector at this time – this position would allow enforcement of fire codes. It was determined that this should be a contract services agreement. [T1-295] **A motion was made by Commissioner Conley, seconded by Commissioner Barton to instruct staff to draw up a contract for a Fire Investigator/Inspector and give the discretion to the Fire Marshal to use within the restraints of his budget. All present voting "Aye". MOTION PASSED.**

23952 [PCT. 4 #06-4-063, 3 LOTS] PLUM CREEK LANE EDITION-SUBDIVISION (10.38 ACRES) – APPROVE FINAL PLAT [T1-305]

Property owners Don & Terra Brimberry are creating a three lot subdivision on Plum Creek Lane. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Plum Creek Lane Edition" subdivision (10.38 acres). All present voting "Aye". MOTION PASSED.**

23953 [PCT. 4 #06-4-065, 2 LOTS] TWELVE OAKS RANCH SUBDIVISION (11.76 ACRES) – APPROVE PRELIMINARY PLAN [T1-315]

12 Oaks Ranch Ltd. proposes to create a 2 lot subdivision with access onto Fitzhugh Road and Crumley Ranch Road. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Twelve Oaks Ranch" Subdivision. All present voting "Aye". MOTION PASSED.**

23954 [PCT. 4 #06-4-071] INDIAN POINT ESTATES REPLAT OF LOTS 1A (8.17 ACRES), AND SETTLERS POINT PHASE 1 LOTS 24 (6.99 ACRES) AND 25 (6.88 ACRES) – CALL FOR PUBLIC HEARING ON FEBRUARY 6, 2007 FOR THE VACATING OF A PORTION OF LOT 1A AND APPROVE PRELIMINARY PLAN [T1-327]

Environmental Health Director Allen Walther advised that part of Lot 1A-1 is being added to Lots 24 & 25 in Settlers Point Phase 1. He gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve preliminary plan for "Replat of Lot 1A Indian Point Estates, Tract 24 & 25 Settlers Point Phase 1" and vacation of "Lot 1A Indian Point Estates", and call for a public hearing on February 6, 2007 for the vacating of a portion of Lot 1A Indian Point Estates. All present voting "Aye". MOTION PASSED.**

23955 AUTHORIZE FILING OF THE RECORD PLAT FOR WHITE WINGS TRACT B2A AND B2K [T1-352]

Environmental Health Director Allen Walther advised that this subdivision received final plat approval in August 2005 and they had difficulty in obtaining signatures on the plat and were not able to file it within the one year time limit. He gave staff recommendation to authorize filing of the plat. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge and Environmental Health Director to sign off on plat and authorize filing of the record plat for "White Wings Tract B2A and B2K". All present voting "Aye". MOTION PASSED.**

23956 CALL FOR A PUBLIC HEARING ON FEBRUARY 6, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION [T1-377]

The proposed traffic regulations are a STOP sign on Arbor Canyon Pass at Hawthorne Loop, a STOP sign on Sad Willow Pass at Hawthorne Loop, a STOP sign on Lonely Pine Cove at Hawthorne Loop, a STOP sign on Tender Valley Cove at Hawthorne Loop, a STOP sign on Sandy Creek Cove at Hawthorne Loop, a STOP sign on Low Limb Cove at Hawthorne Loop, and a speed limit of 35 MPH in Rim Rock Subdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on February 6, 2007 to establish traffic regulations in Rim Rock Subdivision. All present voting "Aye". MOTION PASSED.**

23957 CALL FOR A PUBLIC HEARING ON FEBRUARY 6, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN CREEK ROAD RANCH SUBDIVISION, SECTION 2 [T1-385]

The proposed traffic regulations are a STOP sign on Dario Drive at Creek Road, a STOP sign on McKellar Lane at Dario Drive, and a speed limit of 25 MPH in Creek Road Ranch Subdivision Section 2. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on February 6, 2007 to establish traffic regulations in Creek Road Ranch Subdivision Section 2. All present voting "Aye". MOTION PASSED.**

23958 HOLD PUBLIC HEARING ON JANUARY 23, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON HILLSEDGE RD. [T1-394]

Commissioner Ingalsbe declared the public hearing open. No public input was received and the public hearing was closed. Road Dept. Supt/Engineer Jerry Borcharding gave staff recommendation for a 25 MPH speed limit on Hillsedge Road. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to establish traffic regulation of 25 MPH speed limit on Hillsedge Road. All present voting "Aye". MOTION PASSED.**

23959 RELEASE THE MAINTENANCE BOND, ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR CREEK ROAD RANCH SUBDIVISION, SECTION 2 [T1-408]

Road Dept. Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to release the maintenance bond, accept for maintenance all road and drainage improvements within county right-of-way for Creek Road Ranch Section 2 subdivision. All present voting "Aye". MOTION PASSED.**

23960 ACCEPT ROAD CONSTRUCTION, DRAINAGE IMPROVEMENTS AND RELEASE OF THE CONSTRUCTION BOND FOR W. GRANER UNIT 1 (A.K.A. FRONTIER) SUBDIVISION [T1-426]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance of road construction, drainage improvements and release of the construction bond for W. Grainer Subd. No maintenance bond is required – roads are private. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction and drainage improvements; and release the construction bond for W. Graner Unit 1 (AKA Frontier Ranch) subdivision. All present voting "Aye". MOTION PASSED.**



23961 AUTHORIZE THE COUNTY JUDGE TO DRAW AGAINST THE CONSTRUCTION BOND FOR THE PRESERVE AT LA VENTANA SUBDIVISION, SECTION 2, DUE TO THE UPCOMING EXPIRATION OF THE CONSTRUCTION BOND IN THE AMOUNT OF \$689,078.35 AND TO AUTHORIZE THE HIRING OF OUTSIDE COUNSEL [T1-441]

Commissioner Ford advised that the developer is in default of road improvements – the performance bond is expiring on January 30, 2007. Attorney Mike Schaunessy spoke of bond and agreement on file. He has sent out a notice of default to the developer and to the lender. [T1-547] Property owner Bruce Wilson spoke of his concerns regarding this subdivision. Lots are being sold and there are no utilities at this time and the bridge has not been built. [T1-670] Property owner Larry Stephenson Sr. voiced his concerns regarding this subdivision. Mr. Schaunessy spoke of need to develop figures on what work needs to be done. Road Supt/Engineer Jerry Borcharding spoke of already having an estimate of costs - this would exhaust the amount of the bond. [T1-1001] William Davis (resident in La Ventana) spoke of Driftwood Development (the developer). **A motion was made by Commissioner Ford, seconded by Commissioner Conley to instruct staff to prepare a list of those items in default regarding "The Preserve at La Ventana Section 2", authorize the County Judge to execute a contract with outside legal counsel, and furthermore, authorize legal counsel to proceed with whatever action is necessary to insure that our rights are enforced. All present voting "Aye". MOTION PASSED.**

23962 APPOINT A MEMBER TO THE "CLEAN AIR COALITION" [T1-1155]

Bill Gill (Air Quality Director of COG) spoke of the Clean Air Coalition and their responsibilities. This group meets twice a year (sometimes additional meetings are required). He also spoke of "Early Action Compact". Consist of 5 counties (Travis, Bastrop, Caldwell, Hays & Williamson) and 7 cities (one being the City of San Marcos) which are represented by elected officials. Commissioner Ford spoke of her interest in these issues and she would like to serve as the county's representative. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to appoint Commissioner Pct. 4 Karen Ford to the "Clean Air Coalition". All present voting "Aye". MOTION PASSED.**

Court convened into closed executive session to deliberate litigation issues re: Holly Cagle vs. Hays County, et al at 10:30 a.m. and reconvened into open meeting at 12:35 p.m.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING LEGAL/LITIGATION ISSUES RELATING TO HOLLY CAGLE V. HAYS COUNTY, ET. AL. [T1-1400]

Commissioner Ingalsbe reconvened the meeting into open meeting and advised that no action will be taken. Court recessed until 1:00 p.m.

WORKSHOP RE: HOUSE BILL 1863 COURT COLLECTION IMPROVEMENT PROGRAM PRESENTATION [T1-1407]

Russ Duncan, Regional Collections Specialist for the Office of Court Administration, gave a presentation regarding court collection improvement program. He urged the court to allow him to assist the county in setting up the program in Hays County. There is no fee involved for his services. Commissioner Conley spoke of county already funding the mandate and the county committee is looking at operations of the program. Judge, County Court at Law #1 Howard Warner spoke of assessment and collection in the County Court at Law. Mr. Duncan advised that he will audit the JP courts as soon as possible. District Clerk Cecelia Adair spoke of not having the time to do the job that is necessary.

DISCUSSION OF PROPOSED SUBDIVISION RULE CHANGES AND CALL FOR PUBLIC HEARING ON FEBRUARY 6, 2007 [T1-2515]

Commissioner Ford spoke of stakeholders meetings and their top concerns. Rule changes are being proposed for Sections 3.10, 3.11, & 3.12. She suggested a public hearing on February 6, 2007. Tom Brown, Naismith Engineering, spoke of stakeholder process. They are putting together an outline of new regulations for the county to discuss. Charles O'Dell (President of Hays CAN and a representative to the stakeholder committee) spoke. Commissioner Ford suggested putting the draft subdivision rule changes on the county website. Public input will be received in the Commissioner Pct. 4 office regarding the draft changes. Winton Porterfield (Core committee member) advised that the stakeholder committee and core committee needs additional time to review the changes. Chapter 232 LGC requires public notice when changing subdivision regulations. Commissioner Ford advised that no action will be taken on February 6, 2007. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on February 6, 2007 to review draft of rule changes for discussion toward a final draft and for adoption of subdivision rule changes. MOTIONS WITHDRAWN** Naismith will present the draft for review by the stakeholders and come back to the court on Feb 6th to call for a public hearing.



23963 DISCUSSION OF REGIONAL AND LOCAL BOARDS ON WHICH THE COUNTY HAS A TRADITIONAL SEAT, OR ON WHICH COURT MEMBERS MAY BE ASKED TO PARTICIPATE AS REPRESENTATIVES OF THE COUNTY. DISCUSSION OF COURT MEMBER PARTICIPATION IN MAJOR COMMITTEES AND PROJECTS UPCOMING. CONSIDER HOW TO APPORTION INTERESTS AND WORK LOAD AMONG MEMBERS OF THE COURT, INCLUDING, SPECIFICALLY, A POSSIBLE APPOINTMENT TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO). ACTION ON THE CAMPO APPOINTMENT TO FOLLOW DISCUSSION [T2-237]

Charles O'Dell spoke of considering public participation. Susan Cook spoke of attending the CAMPO meeting and she supports appointment of the County Judge to the CAMPO Board. Commissioner Barton spoke of other regional boards and committees that need to be addressed. [[T2-940] Commissioner Barton spoke of various boards and committees that members of the Court are on. Commissioner Conley spoke of regional issues that are being addressed by precinct officials. He spoke of this county and other counties having had commissioners sit on this board. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to appoint County Judge Liz Sumter as the county's representative on the CAMPO Regional Board. All present voting "Aye". A motion was made by Commissioner Conley, seconded by Commissioner Ford to appoint Commissioner Pct. 2 Jeff Barton as the alternate representative on the CAMPO Regional Board. All present voting "Aye". MOTIONS PASSED.**

WORKSHOP RECYCLING ELECTRONIC WASTE [T2-400]

Dianne Wassenich spoke of electronic waste program through the River Foundation and her concerns about how electronic waste is disposed. Robin Schneider (Executive Director of Texas Campaign for the Environment) spoke of toxins inside electronic items and how they are being disposed. She spoke of efforts to make producers responsible for taking back their products for recycling. She spoke of recycling program being done by Dell Computers at this time and being looked at by other companies (HP, Sony, Nokia, etc.) and she spoke of designing products for recycling. There will be bills introduced to the legislature regarding electronic waste.

23964 DISCUSSION AND POSSIBLE ACTION RELATING TO THE ALLOCATION OF OFFICE SPACE AT THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE [T2-1290]

Special Counsel Jacqueline Cullom Murphy spoke of funding to come from the District Attorney's office. The cost for this project will come from salary savings. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize and instruct Maintenance Director Ron Knott to proceed with construction on the allocated office space at the District Attorney's office as submitted. All present voting "Aye". MOTION PASSED.**

DISCUSSION REGARDING SPECIAL COUNSEL POSITION

[T2-1319]

Special Counsel Jacqueline Cullom Murphy will be leaving this week and the job needs to be posted. [T2-1656] Commissioner Barton spoke of District Attorney pursuing options for filling special counsel position. He spoke of need to look at the Environmental Health Director structure to see if we need a manager, sanitarian, certified Planner, or an engineer. This item to be placed on an upcoming agenda.

DISCUSSION AND POSSIBLE ACTION TO REVIEW DESIGNEE STATUS FOR THE PASS-THROUGH TOLL FINANCE PROGRAM

[T2-1392]

Commissioner Conley spoke of action of 11/23/06 regarding this issue – if no action is taken, he will continue serving as the county representative until a new designee is made. Commissioner Ingalsbe asked that this item be postponed at this time.

The court convened into closed EXECUTIVE SESSION at 4:30 p.m. for the following:

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE EMPLOYMENT/APPOINTMENT OF THE ENVIRONMENTAL HEALTH DIRECTOR, AND/OR AN INTERIM DIRECTOR. ACTION MAY FOLLOW IN OPEN COURT.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO MEET WITH THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY TO DISCUSS AND DELIBERATE THE EMPLOYMENT OF THE SPECIAL COUNSEL TO THE COMMISSIONERS COURT. ACTION MAY FOLLOW IN OPEN COURT

Upon completion of these sessions, the court reconvened into open meeting at 7:00 p.m.



23965 ACTION RELATING TO THE JOB DUTIES/FUNCTIONS BEING PERFORMED BY THE CURRENT ENVIRONMENTAL HEALTH DIRECTOR AND THE POSSIBLE RESTRUCTURING OF THOSE DUTIES/FUNCTIONS [T2-1560]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to ask the Human Resources Director to post a job opening for Professional Design Review & Floodplain Management with the understanding that the court is interested in individuals who would work long-term or on an interim basis. All present voting "Aye". MOTION PASSED.

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to have Commissioner Barton assist Purchasing to post an RFQ for firms or individuals that would do this job on a contract basis. All present voting "Aye".

Court was adjourned.

I, LINDA C. FRITSCHKE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on JANUARY 23, 2007.



LINDA C. FRITSCHKE, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS

