



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 30th DAY OF JANUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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| ELIZABETH "LIZ" SUMTER | COUNTY JUDGE |
| DEBBIE GONZALES INGALSBE | COMMISSIONER, PCT. 1 |
| JEFFERSON W. BARTON | COMMISSIONER, PCT. 2 |
| WILL CONLEY | COMMISSIONER, PCT. 3 |
| KAREN FORD | COMMISSIONER, PCT. 4 |
| LINDA C. FRITSCH | COUNTY CLERK |

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, Jimmie Robinson gave the invocation and Commissioner Barton led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY RETIREMENT AWARD TO ALLEN WALTHER

Commissioner Ingalsbe presented a retirement plaque to retiring Environmental Health Director Allen Walther. Commissioner Ingalsbe and Commissioner Conley gave their thanks and appreciation to Allen for his service to Hays County. Commissioner Barton, Commissioner Ford and Judge Sumter also gave their appreciation to Allen. Allen Walther thanked previous members of the court and the current members of the court and spoke of changes over the years.

PRESENTATION BY HAYS COUNTY EXTENSION OFFICE

County Agent Susan Schramm, Brian Davis, and Richard Parish appeared before the court. Susan Schramm spoke of the various programs they have. Brian Davis provided a powerpoint presentation showing the history of the Texas county extension program (centennial 1906-2006). Richard Parish gave his appreciation to the court for their support. Commissioner Conley gave his appreciation to the job being done by the Hays County Extension Office.

23966 ADOPT A PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS COURT RECOGNIZING THE SAN MARCOS NOON LIONS CLUB 61ST ANNUAL MEXICAN LUNCHEON [T1-275]

Commissioner Conley spoke in support of the San Marcos Noon Lions Club. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a Proclamation of the Hays County Commissioners' Court recognizing the San Marcos Noon Lions Club 61st Annual Mexican Luncheon. All voting "Aye". MOTION PASSED

23967 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$ 682,314.68 as presented by the County Auditor. All voting "Aye". MOTION PASSED

23968 APPROVE THE MINUTES OF JANUARY 23, 2007

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the Minutes of January 23, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

23969 APPROVE PURCHASE OF TWO (2) STEPLADDERS FOR COUNTY CLERK'S OFFICE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve purchase of two (2) stepladders for the County Clerk's office as requested. All voting "Aye". MOTION PASSED

23970 APPROVE REAPPOINTMENT OF COMMISSIONER INGALSBE TO THE CARTS BOARD OF DIRECTORS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve reappointment of Commissioner Ingalsbe to the CARTS Board of Directors. All voting "Aye". MOTION PASSED



23971 APPROVE REAPPOINTMENT OF VERNON JORDAN AND HARRELL ROBINSON TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #1

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve reappointment of Vernon Jordan and Harrell Robinson to the Hays County Emergency Services District #1. All voting "Aye". MOTION PASSED

23972 APPROVE REAPPOINTMENT OF MICHAEL C. INMAN SR. TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #5

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve reappointment of Michael C. Inman Sr. to the Hays County Emergency Services District #5. All voting "Aye". MOTION PASSED

23973 APPROVE PURCHASE OF USED BRANSON TRACTOR MODEL 4520 TO REPLACE THE TRACTOR THAT WAS STOLEN FROM THE CIVIC CENTER

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve purchase of used Branson Tractor Model 4520 to replace the Tractor that was stolen from the Civic Center. All voting "Aye". MOTION PASSED

Clerk's Note: RE: AUTHORIZE THE COUNTY FIRE MARSHAL'S OFFICE TO SELL A SURPLUS FIRE TRUCK TO THE CHISHOLM TRAIL FIRE DEPARTMENT was PULLED. No discussion and no action taken.

23974 [PCT. 3 #06-3-075, 4 LOTS] RIM ROCK RANCH ESTATES - APPROVE FINAL PLAT [T1-380]

This is a four lot subdivision out of an original 26.733 acre tract owned by the Tingle Family Revocable Trust with access on Rim Rock Ranch Road. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve final plat of "Rim Rock Ranch Estates" subdivision. All voting "Aye". MOTION PASSED

23975 [PCT. 3 #06-3-078, 3 LOTS] MILAM PARK SUBDIVISION - APPROVE FINAL PLAT [T1-392]

This is a three lot subdivision out of an original 24.992 acre tract owned by JMH Holdings with access on Ranch Road 12 and Jacobs Well Road. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of "Milam Park Subdivision". All voting "Aye". MOTION PASSED

23976 [PCT. 4 #07-4-01, 2 LOTS] EAMES ACRES - APPROVE PRELIMINARY PLAN [T1-405]

This is a two lot subdivision out of an original 9.99 acre tract owned by Frances Oliver & Sandra Eames with access on Fitzhugh 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 "Eames Acres" subdivision. All voting "Aye". MOTION PASSED

23977 [PCT. 4 #07-4-02, 2 LOTS] PIONEER RANCHES LOT 26 - APPROVE PRELIMINARY PLAN

[T1-417] This is a two lot subdivision out of an original 9.997 acre in an unrecorded subdivision owned by Kathryn and Tracy Annis with access on Pioneer Trail (50' access easement) and W. Fitzhugh Road (CR101). Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. Commissioner Ford spoke of plat notes regarding water availability - we encourage rainwater collection. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Pioneer Ranches Resub of Lot 26". All voting "Aye". MOTION PASSED

23978 CALL FOR A PUBLIC HEARING ON FEBRUARY 13, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON SAWYER RANCH ROAD, CR 164 [T1-459]

Road Supt/Engineer Jerry Borcharding advised that the recommended traffic regulation is a 25 MPH speed limit. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on February 13, 2007 to consider establishing traffic regulations on Sawyer Ranch Road (CR164). All voting "Aye". MOTION PASSED

23979 CALL FOR A PUBLIC HEARING ON FEBRUARY 13, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN CREEK ROAD RANCH SUBDIVISION PHASE 3 [T1-469]

Road Supt/Engineer Jerry Borcharding advised that the recommended traffic regulation is a 25 MPH speed limit. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on February 13, 2007 to consider establishing traffic regulations in Creek Road Ranch Subdivision Phase 3. All voting "Aye". MOTION PASSED



23980 ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF CONSTRUCTION BOND, AND ACCEPTANCE OF MAINTENANCE BOND FOR TWO YEARS FOR CREEK ROAD RANCH SUBDIVISION PHASE 3 [T1-482]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance and release. A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction and drainage improvements, release of the construction bond, and acceptance of the maintenance bond for two years for Creek Road Ranch Subdivision Phase 3. All voting "Aye". MOTION PASSED

23981 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OUTSIDE LEGAL COUNSEL AGREEMENT RELATING TO TEMPORARY SPECIAL COUNSEL DUTIES [T1-520]

Commissioner Barton spoke of need for legal counsel to replace Jacqueline Cullom Murphy. District Attorney Sherri Tibbe spoke of proposal she received from a local law firm. She plans on filling this position fairly quickly, however, someone is needed in the interim. The court heard public comments from Mary Gonzales [T1-599] and Charles O'Dell [T1-1695]. County Auditor Bill Herzog spoke of day to day items that need to be addressed by legal counsel and contracts that need to be reviewed. Commissioner Ford advised that she has personal feelings with this firm and will abstain from voting. A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to execute a contract with Duvall, Gruning & Dietz as recommended by the District Attorney for an amount not to exceed \$150 per hour, and to authorize that firm to provide assistance as requested by the County Judge's office or any member of the court, to be funded from money allocated for Special Counsel salary. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Judge Sumter voting "Aye". Commissioner Ford abstained. MOTION PASSED

23982 AUTHORIZE SUBMISSION OF GRANT APPLICATION FOR UP TO \$75,000 TO THE OFFICE OF THE GOVERNOR - DISCRETIONARY JUSTICE ASSISTANCE GRANT PROGRAM FOR THE COPSYNC PROJECT [T1-661]

Grants Administrator Richard Salmon provided the background on this item. PostInk Technology LP, based in New Braunfels, is a developer of software used by law enforcement in the collection and storage of data and compilation of reports. Deputy Sheriff Sam Williams spoke of hardware costs to interface with the current computer system (Odyssey) and budgeted funds available for grant match. A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize submission of grant application for up to \$75,000 to the Office of the Governor - Discretionary Justice Assistance Grant Program for the COPSYNC Project. All voting "Aye". MOTION PASSED

23983 ESTABLISH TRAFFIC ENFORCEMENT IN THE MOUNTAIN CREST SUBDIVISION IN WIMBERLEY AS AUTHORIZED BY SECTION 542.007, TEXAS TRANSPORTATION CODE [T1-874]

Commissioner Conley spoke of Mountain Crest Subdivision with private roads. The homeowners association are requesting that the county enforce traffic regulations in their subdivision. Commissioner Barton advised that other subdivisions may come forward for the same services. He felt like we may need to assess fees in the future and renegotiate the agreement. Residents of the subdivision were notified and a petition circulated (40% responded favorably) Sheriff Allen Bridges spoke in favor of this action. The homeowners association will be providing the traffic signs. A motion was made by Commissioner Conley, seconded by Commissioner Barton to establish traffic enforcement in the Mountain Crest Subdivision in Wimberley as authorized by Section 542.007 Texas Transportation Code with no assessment at this time, but with possible assessment in the future. All voting "Aye". MOTION PASSED

23984 APPOINTMENT OF RENEE LEMAN, MICHAEL GALLARDO AND GENE MARTIN TO THE HAYS COUNTY CHILD PROTECTIVE BOARD [T1-1082]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to appoint Renee Leman, Michael Gallardo and Gene Martin to the Hays County Child Protective Board. All voting "Aye". MOTION PASSED

23985 APPOINTMENT OF MARILYN G. MILLER TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #5 [T1-1116]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve appointment Marilyn G. Miller to the Hays County Emergency Services District #5. All voting "Aye". MOTION PASSED

23986 APPROVE AMENDMENT TO BIO-TERRORISM CONTRACT FOR PANDEMIC FLU

[T1-1153] Health Dept. Director Nick Icossipentarhos explained the contract amendment and advised that this is a re-occurring grant. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve amendment to the Bio-Terrorism contract for Pandemic Flu. All voting "Aye". MOTION PASSED



23987 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR DR. PARKS TO PROVIDE PHYSICIAN SERVICES TO THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY PLANNING CLINIC AND AMEND THE BUDGET ACCORDINGLY [T1-1256]

Health Dept. Director Nick Icosipentarhos spoke in support of this contract. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a contract for Dr. Parks to provide physician services to the Hays County Personal Health Department Family Planning Clinic and amend the budget accordingly. All voting "Aye". MOTION PASSED

23988 ACTION CONCERNING DEVELOPMENT OF A COMPLIANCE OFFICE IN ACCORDANCE AND RESPONSE TO CCP 103.0033 [T1-1346]

Commissioner Conley spoke of committee meeting held last week regarding development of a compliance office. We need to hire a Compliance Administrator that will fall under the Commissioners' Court. Applicants will be interviewed by Dee Dee Baen (Human Resources), District Clerk Cecelia Adair, County Clerk Linda Fritsche, and Jim Lehman (OCA). The Compliance office will be directly responsible for compliance in the District and County Courts and will oversee the Justice of the Peace courts compliance. \$150,000 is budgeted for this office. Commissioner Conley advised that we will continue to work on the details. A motion was made by Commissioner Conley, seconded by Ingalsbe to develop a compliance office in accordance and response to Code of Criminal Procedure Section 103.0033. All voting "Aye". MOTION PASSED

Court convened into closed session at 10:45 a.m. to hold an executive session pursuant to Section 551.074, Texas Government Code, to discuss and deliberate the employment, appointment and/or duties of the Environmental Health Director and reconvened into open meeting at 12:30 p.m.

23989 ACTION RELATING TO THE JOB DUTIES/FUNCTIONS BEING PERFORMED BY THE CURRENT ENVIRONMENTAL HEALTH DIRECTOR INCLUDING BUT NOT LIMITED TO HIS APPOINTMENT AS THE FLOODPLAIN ADMINISTRATOR AND THE POSSIBLE REASSIGNMENT OR RESTRUCTURING OF THOSE DUTIES/FUNCTIONS [T1-1460]

The court heard public comment from Charles O'Dell (President of Hays CAN). A motion was made by Commissioner Barton, seconded by Commissioner Ford to designate Tom Polk as the Interim Floodplain Administrator, and appoint the County Judge as Interim Environmental Health Director and work supervisor for direct reports (911 Addressing/GIS, Subdivision Coordinator, & Sanitarians), and furthermore to authorize the County Judge to sign off on plats. All voting "Aye". MOTION PASSED [T2-2005] Commissioner Barton spoke of need for RFQ and give direction to Human Resources for job description for permanent posting. Human Resources Director Dee Dee Baen advised that the interim posting does not cover the entire job performed by Allen Walther. It was agreed that we may need to restructure Environmental Health Dept. Commissioner Ford spoke of need to get input from outside sources. Commissioner Conley suggested having an interim director for six to twelve months until we revise our subdivision rules. Commissioner Barton will work with Human Resources Director Dee Dee Baen to create a job description. Commissioner Conley spoke of need to have someone to properly and professionally review our new subdivisions as soon as possible. Commissioner Barton will create the RFQ for consideration by the court.

23990 ACTION REGARDING THE HAYS COUNTY AGENDA PROCESS GUIDELINES [T1-1896]

Commissioner Barton spoke of losing staff involved in preparing weekly agendas and suggested having the County Clerk perform duties currently being done by the County Judge's office. County Clerk Linda Fritsche advised that she would be willing to perform these duties. A motion was made by Commissioner Barton, seconded by Commissioner Conley to substitute County Clerk for County Judge in agenda guidelines on a short term basis for preparation of the agenda and County Judge will continue to maintain the weekly staff meetings. All voting "Aye". MOTION PASSED

WORKSHOP RELATING TO PASS THROUGH FINANCE [T1-2070]

Commissioner Conley introduced presenters Mike Weaver (Prime Strategies), Dan Wegmiller (Financial Advisor), and Bob Daigh (TxDot). Mike Weaver provided background information regarding the Hays County 2025 Transportation Plan (Blue RibbonPlan) and the June 2, 2001 Proposition No. 1 approved by voters. On November 13, 2001 the Commissioners' Court requested that the State advance priority projects and in 2002 the court sent a letter allocating \$21 million for priority state highway projects; including US290 West, RM12, FM110, FM1626, FM967, FM1826, and SH21 and offering a partnership program with TxDot. In 2004 there was proposed a new partnership program to conform with new rules and programs adopted in May 2003 (HB 3588). On September 12, 2006 the Commissioners' Court accepted TxDOT pass-through toll agreement. Discussion was had regarding population projections and roadway congestion for 2030. Mr. Weaver spoke of Hays County-TxDOT Partnership Program. Bob Daigh spoke of transportation funding within the CAMPO area.

Mr. Daigh spoke of gasoline taxes used to fund our transportation system. We are spending more money than we are receiving. He explained how the tax money is distributed. Texas "Build It" funding categories for CAMPO area: #2 Metropolitan area Corridor (TMA area) #7 Metropolitan Mobility and rehabilitation (CAMPO) #12. Strategic Priority (Commission Pass Through Financing). Mr. Daigh spoke of current pass through financing packages: Williamson Co = \$151 mil. San Marcos = \$60 mil Hays County = \$133 mil. [posted on TxDot website under unified transportation program] [T1-3090] Mike Weaver spoke of reimbursement terms for the pass-through financing agreements. Pass-Through Financing Projects: FM1626A [FM967 to FM 2770], FM1626B [Bliss Spillar Road to FM 967], FM110 [IH35/McCarty Road to SH123], and RM12 [RM32 to San Marcos city limits]. Mr. Weaver went through the highlights for each of these projects. Pass-Through Financing Program Budget: FM110 = \$30,350,000 RM12 = \$52,700,000 FM1626 A&B = \$69,790,000 [grand total of \$152,840,000]. Next steps: (1) continue project development [hold public meetings, utility coordination meetings, and design concept meetings/TxDOT coordination], (2) develop detailed cash flows for each project [utilization of \$4.0 million 2001 bond program, timing and need for future dollars], (3) implement website and public outreach program, (4) develop and approve second PSI Work Authorization, (5) hold future commissioners court work sessions, (6) negotiate and seek court approval of right-of-way teams, (7) adopt SH 21 safety program and forward to TxDOT for approval. [T2-158] Financial Advisor Dan Wegmiller spoke of risks and the mitigation of risk. Make sure steps/measures are in place to deliver project on budget and on time. In order to maintain flexibility, issue debt only when the phase of the project requires funding. Use capitalized interest through construction and evaluate all available financing options (including interest rate locks). Source of local funding: Pass-through Toll Revenue and Limited Tax Bonds (non-voted) and Unlimited Tax Bonds (voted). Source of payment (reimbursement): TxDOT reimbursement, ad valorem tax, sales tax, and tax increment reinvestment zone revenue. Commissioner Barton spoke in support of moving forward with improvements to FM1626 and SH21. Bob Daigh spoke in favor of moving forward with safety issues. He spoke of negotiating this agreement for a long time – delay of the project will only increase the local costs. Commissioner Conley spoke in support of moving forward with these projects – he would like a consensus of the court. [T2-1308] Charles O'Dell spoke. [T1-1677] Susan Cook asked about FM1626 project. Commissioner Conley suggested having a discussion fairly soon regarding FM110.

WORKSHOP RELATING TO LONG STANDING ADVISORY BOARDS

Judge Sumter spoke of need for a Strategic Comprehensive Planning Committee to get ideas from the citizens on what is needed for the future (long term growth plan). Commissioner Conley spoke of plans that have already been done (Parks and Open Space Master Plan, 2025 Transportation Plan, etc.) that should be considered. Judge Sumter spoke of several different kinds of committees she would like to consider: Water and Wastewater Committee – to investigate creative ideas for handling water and wastewater issues. A Committee to receive citizen input for changing county processes (complaints and suggestions). Bond Committee to advise the court regarding bond packages. Commissioner Conley spoke of urgent issues that need to be addressed soon and issues that could be addressed long term. Commissioner Ingalsbe spoke of already having resources to obtain information from. Commissioner Ford stated that she would like to see a citizens advisory committee to address bond issues and research to see what the voters will go for re: open space issues.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 30, 2007.



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

