



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 6th DAY OF FEBRUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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. FRITSCHÉ	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, Randy Ryan gave the invocation and Commissioner Ford led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

District Attorney Office Administrator Carolyn Hale presented a 15 year service pin to Legal Secretary Dalia Ortiz and a 20 year service pin to Hot Check Manager Pamela Maldonado. Judge Sumter presented a 15 year service pin to District Court Administrator Jimmie Kitchen. County Clerk Linda Fritsche presented a 5 year service pin to Deputy Clerk Susan Shaffer. Chief Sanitarian Tom Pope presented a 10 year service pin to Senior Sanitarian Corrie Smith. Commissioner Ingalsbe presented a 10 year service pin to 911 Addressing Technician Alicia Campos. County Extension Agent Richard Parish presented a 5 year service pin to Office Administrator Bari Conley.

PRESENTATION BY HAYS COUNTY SHERIFF'S OFFICE CONCERNING A POSSIBLE INTERLOCAL AGREEMENT TO PROVIDE LAW ENFORCEMENT SERVICES TO THE CITY OF BUDA [T1-113]

Bo Kidd, Patrol Captain with the Sheriff's Dept., spoke of proposed agreement to provide law enforcement services to the City of Buda. He spoke of crime occurring in various communities, across city limit and county lines. He spoke of number of patrol deputies (4) that would be assigned to the City of Buda and the cost analysis will be determined. The City of Buda would be responsible for paying for the officers and all the equipment necessary. They are currently determining the liability issue. Commissioner Barton spoke of bringing this back to the court in the near future when all details are worked out. J.P. Pct. 5 Lamont Ramage spoke of this setting a precedent and he spoke of revenue that will be reverted to the city and he voiced other concerns. Buda City Manager spoke of commitment being made by the city (mission is neighborhood patrol and crime prevention). Capt. Bo Kidd advised that the Sheriff's Dept. is already providing services to the City of Buda.

PRESENTATION BY NAISMITH ENGINEERING REGARDING STAKEHOLDER INPUT AND STATUS OF HAYS COUNTY SUBDIVISION RULE CHANGES [T1-412]

Tom Brown, Naismith Engineering, spoke of stakeholder meeting that was held. They are rewriting the rules to reflect what stakeholders requested be changed. The revised rules will be considered at the next stakeholders meeting on February 15, 2007. Commissioner Ford requested that members of the court receive a copy of the revised rules. Mr. Brown spoke of additional clarifications and organizational issues. The three areas (1) filing of engineering report regarding water availability, (2) notification of affecting political subdivisions, (3) prior to final plat approval a letter would be submitted by the utility company that advised that they could and would provide necessary services. Commissioner Conley spoke of attending the stakeholder meeting. He feels like they are close to reaching a consensus and it was very helpful to him.

23991 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE JOINT POWERS AGREEMENT WITH THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION [T1-540]

Maureen McCoy Daniel, CAMPO Assistant Director, appeared before the court and explained the joint powers agreement. She spoke of voting representation being reduced from 23 to 18 (16 elected officials and 2 at large, being TxDot and Capitol Metro). Hays County has two members (one from Commissioners Court and one from one of the small cities in the county). Buda Mayor Trube is currently the Vice Chair. Commissioner Conley spoke of need for representation from City of San Marcos. **A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to execute the Joint Powers Agreement with the Capital Area Metropolitan Planning Organization subject to auditor and legal review. All voting "Aye". MOTION PASSED.**

PUBLIC COMMENTS

Public comments were made by [T1-654] Charles O'Dell, President of Hays CAN regarding citizen's participation in government (submitted in writing), [T1-725] Reed Carr regarding the FM110 project, and [T1-795] Maria Gonzales regarding the FM110 project.

23992 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$557,103.54 as presented by the County Auditor. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

23993 APPROVE BUDGET AMENDMENT 07-08

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-08 as proposed by the County Auditor. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

23994 APPROVE THE MINUTES OF JANUARY 29, 2007 AND JANUARY 30, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of January 29, 2007 and January 30, 2007 as presented by the County Clerk. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

23995 APPROVE REAPPOINTMENT OF ORA MAE MONTAGUE TUCKER TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #1.

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve reappointment of Ora Mae Montague Tucker to the Hays County Emergency Services District #1. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

23996 ACCEPT THE INTERNAL EXAMINATION REPORTS FOR THE SHERIFF'S JAIL COMMISSARY AND THE TAX ASSESSOR-COLLECTOR'S OFFICE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept the internal examination reports for the Sheriff's Jail Commissary and the Tax Assessor-Collector's office. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

23997 APPROVE TWO COMMISSIONED RESERVE DEPUTIES FOR CONSTABLE PCT. 2

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve two commissioned Reserve Deputies for Constable Pct. 2. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

23998 APPROVE AWARD OF RFP 2007-P01 MANAGEMENT CONSULTANT FOR FEMA/HAZARD MITIGATION GRANT TO LANGFORD COMMUNITY MANAGEMENT SERVICES AND AUTHORIZE PURCHASING MANAGER TO NEGOTIATE CONTRACT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve award of RFP 2007-P01 Management Consultant for FEMA/Hazard Mitigation Grant to Langford Community Management Services and authorize Purchasing Manager to negotiate contract to be brought back to the court for approval. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #14 RE: APPROVE AWARD OF "FLASH FLOOD WARNING SYSTEM" TO WATERMARK SAFETY AND AUTHORIZE PURCHASING MANAGER AND COMMITTEE TO NEGOTIATE CONTRACT was PULLED. No discussion and no action taken.



23999 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS RELATING TO THE REGIONAL WEB EOC SYSTEM [T1-890]

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute a Memorandum of Agreement with the Capital Area Council of Governments relating to the regional Web EOC System. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

24000 APPROVE APPOINTMENTS TO THE HAYS COUNTY HISTORICAL COMMISSION

[T1-912] A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to appoint Ofelia Vasquez-Philo, LaMarr Petersen, Jim Cullen, Brandy Harris, Bonnie Eisler, Lila Knight, Richard Gashot, and Kate Johnson (Chair), Dorothy Gumbert, LuRose Hickey, Linda Keese, Robert A. Flocke, Linda Coker, Clemmie Egger New, Shelly L. Henry, Richard D. Kidd, Floyd L. Hensen, Betty Harrison, James W. Lanning, Jessica Lee Irwin, Mary Ann Mattis, and Lana Larsen to the Hays County Historical Commission. All voting "Aye". MOTION PASSED

24001 [PCT. 4 #06-4-070, 4 LOTS] LUNA VISTA SUBDIVISION AND VACATING .43 AC OUT OF LOT C TERRY SUBDIVISION – CALL FOR A PUBLIC HEARING ON FEBRUARY 20, 2007 AND APPROVE PRELIMINARY PLAN [T1-974]

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve preliminary plan for "Luna Vista" subdivision and vacating of 0.43 acres out of Lot C Terry Subdivision and call for a public hearing on February 20, 2007. All voting "Aye". MOTION PASSED

24002 [PCT. 4 #07-4-02, 2 LOTS] PIONEER RANCHES REPLAT OF TRACT 26 – APPROVE FINAL PLAT [T1-996]

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of "Pioneer Ranches Replat of Tract 26". All voting "Aye". MOTION PASSED

24003 [PCT. 4 #07-4-01, 2 LOTS] EAMES ACRES – APPROVE FINAL PLAT

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of "Eames Acres" subdivision. All voting "Aye". MOTION PASSED

24004 [PCT. 4 #06-4-065, 2 LOTS] TWELVE OAKS RANCH – APPROVE FINAL PLAT [T1-1022]

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of "Twelve Oaks Ranch" subdivision. All voting "Aye". MOTION PASSED

24005 [PCT. 4 #06-4-071, 3 LOTS] VACATION OF A PORTION OF LT 1A INDIAN POINT ESTATES, REPLAT OF LOT 1A INDIAN POINT ESTATES AND REPLAT OF TRACTS 24 & 25 SETTLERS POINT ESTATES – PUBLIC HEARING AND APPROVE FINAL PLAT

Judge Sumter called the public hearing open. No public input was received and the public hearing was closed. Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve final plat of "vacation of a portion of Lot 1A Indian Point Estates, Replat of Lot 1A Indian Point Estates, and Replat of Tracts 24 & 25 Settlers Point Estates". All voting "Aye". MOTION PASSED

24006 [PCT. 3 #06-3-073, 1 LOT] WOODCREEK SEC 12 REPLAT OF LOTS 15 & 16 – WAIVE PUBLIC HEARING AND PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT [T1-1051]

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to waive public hearing and preliminary plan approve and to approve final plat of "Woodcreek Section 12 Replat of Lots 15 & 16". All voting "Aye". MOTION PASSED



24007 [PCT. 3 #06-3-074, 1 LOT] **RIVER OAKS OF WIMBERLEY UNIT 5 TRACT 4C – WAIVE PUBLIC HEARING AND PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT** [T1-1068]

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to waive public hearing and preliminary plan approval and to approve final plat of "River Oaks of Wimberley Unit 5 Tract 4C". All voting "Aye". MOTION PASSED

24008 **PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION** [T1-1104]

Judge Sumter called the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borchering gave staff recommendation for traffic regulations. A motion was made by Commissioner Ford, seconded by Judge Sumter to establish traffic regulations as recommended by the Road Department: STOP sign on Arbor Canyon Pass at Hawthorne Loop, on Sad Willow Pass at Hawthorne Loop, on Lonely Pine Cove at Hawthorne Loop, on Low Limb Cove at Hawthorne Loop, on Tender Valley Cove at Hawthorne Loop, on Sandy Creek Cove at Hawthorne Loop, and set the speed limit at 35 MPH for all roads in Rim Rock Phase 1 Section 1. All voting "Aye". MOTION PASSED

24009 **PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN CREEK ROAD RANCH SUBDIVISION SEC. 2** [T1-1117]

Judge Sumter called the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borchering gave staff recommendation for traffic regulations. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations as recommended by the Road Department: STOP sign on Dario Drive (850 ft) at Creek Road and on McKellar Lane (860 ft) at Dario Drive, and a speed limit of 25 MPH in Creek Road Ranch Subdivision Section 2. All voting "Aye". MOTION PASSED

24010 **ALLOW A PROMOTIONAL INCREASE TO EXCEED THE MINIMUM OF THE NEW GRADE FOR FIRST ASSISTANT DISTRICT ATTORNEY (GRADE 619)** [T1-1132]

Commissioner Barton spoke of request from District Attorney Sherri Tibbe to allow the promoted First Assistant District Attorney to receive a salary of \$75,000 which exceeds the minimum for Grade 619 (\$66,347). Commissioner Conley advised that this action will be increasing the District Attorney budget for the next fiscal year. A motion was made by Commissioner Barton, seconded by Judge Sumter to allow a promotional increase to exceed the minimum of the new grade for First Assistant District Attorney (Grade 619). All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #25 RE: DISCUSSION AND POSSIBLE ACTION TO HIRE SPECIAL COUNSEL ABOVE MINIMUM OF PAY GRADE (GRADE 618) was PULLED. No discussion and no action taken.

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

The Court convened into closed executive session at 10:30 a.m. to meet with the District Attorney to discuss and deliberate the employment of special counsel to the Commissioners' Court and reconvened into open meeting at 10:55 a.m. No action was taken.

WORKSHOP RELATING TO HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT WATER AVAILABILITY STUDY [T1-1223]

Andrew Backus, Hays-Trinity Groundwater Conservation District President, introduced board members that were present today: Mark Hemmingway, Jack Hollon, and Joe Day. Mr. Backus spoke of ground water model being used and he spoke of being out of available water to permit. Mr. Backus spoke of situation at La Ventana Subdivision and restriction on the groundwater conservation district that prohibits them from taking action. Chapter 36 Texas Water Code addresses exempt wells. Gregg Ellis, counsel for the district, spoke of planning process for subdivisions. Mr. Backus spoke of quality of water in the Trinity Aquifer. He spoke of need for changes in enabling legislation, long term funding changes, exemptions consistent with Chapter 36, increase director's term length to 4 years (instead of 2 years), redefine areas of joint responsibilities, water availability studies, short term study/GW modeling aid, and groundwater availability consideration in lot sizing. He provided

numbers for groundwater usage 2003-2005 in the HTGC District. Potential Management Implications: Need for additional study, develop district drought contingency plan, promote increased water conservation efforts (voluntary and mandatory), well permitting prioritization, setting production limits on Non-exempt wells/public water supply wells, establishing critical depletion zones, and work with entities to secure surface water supplies including rainwater harvesting. Mr. Backus spoke of need to create a local model versus using a regional model. Discussions were had regarding creation of a local model, surface water availability, and exempt wells. Mr. Backus spoke of possible fees that could be collected if enabling legislation is changed. Jerry Pinnix spoke of concerns regarding rainwater harvesting. Commissioner Ford spoke in support of the Hays Trinity Groundwater Conservation District. It was requested that members of the court be provided with the powerpoint presentation.

WORKSHOP RELATING TO SOUTH MADRONE TRAIL [T2-215]

Dianne Wassenich spoke of water quality being connected to water quantity – dense growth affects water quality – 90% of recharge is from creeks. She spoke of need to negotiate with purveyors of water to make sure that water wells are capped. Tony Bagwell, South Madrone Trail resident, spoke of need to get a water line extended into their subdivision. John Hudson, resident of South Madrone Trail, spoke of visiting with residents on the proposed route and was able to get some commitments (15 out of 28 potential properties). He spoke of forming a corporation to proceed with the project “South Madrone Trail Corporation” The engineering plans have been submitted to LCRA. Mr. Bagwell spoke of possible cost sharing arrangement with the county (\$100,000 cap for the county) would require a payment of \$11,862 per year for 15 years. Fifteen initial participants would pay \$13,725 per year for financing \$103,875. He spoke of subsequent users cost to connect and potential rebate to the county. Grants Administrator Richard Salmon spoke of water projects that have been done by the county and he spoke of revenue being received by the county from LCRA . Commissioner Conley spoke in support of this project and commended Mr. Bagwell and Mr. Hudson. Commissioner Conley left the meeting at this time. Commissioner Barton spoke of work that was done on this project. Commissioner Ingalsbe spoke of her concerns regarding this project and details that need to be worked out with LCRA. Judge Sumter spoke of this project and issues that need to be discussed and policy that needs to be made. Commissioner Ford spoke in support of this project and future projects. Court needs to pursue the legal issues involved. Charles O'Dell, President of Hays CAN, spoke of TCEQ regulations and LCRA's CCN. Mr. Bagwell spoke of other possible funding options for the Village of Bear Creek. Discussion was had regarding capping of wells (cost \$1500 per well to cap).

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 FEBRUARY 6, 2007.



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

