



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13th 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. FRITSCHER COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, Paul Bunton gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

24011 ADOPT A PROCLAMATION SALUTING THE WOMEN ENTREPRENEURS OF HAYS COUNTY AND PROCLAIMING THE WEEK OF FEBRUARY 11TH - 18TH, 2007 AS "WOMEN ENTREPRENEURS WEEK IN HAYS COUNTY".

Johnnie Armstead thanked the court for recognizing the ninth year of Women Entrepreneurs program in Hays County. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to adopt a Proclamation saluting the women entrepreneurs of Hays County and proclaiming the week of February 11 - 18, 2007 as "Women Entrepreneurs Week in Hays County". All voting "Aye". MOTION PASSED.

PUBLIC COMMENTS

[T1-99] Justice of the Peace Pct. 1 Place 2 Margie Hernandez spoke of office space that is being requested from her for the compliance office at the Justice Center. [T1-125] Gary Conner asked the court to reject the idea of using Property Code Section 542.007 regarding traffic enforcement on private roads in subdivisions. He also spoke of Property Code Section 204.005. [T1-198] Anita Fournier spoke in opposition to traffic enforcement in Mountain Crest (a private gated community). [T1-219] Donna Williams spoke in opposition to traffic control on private roadways in Mountain Crest subdivision.

24012 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$1,220,481.87 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24013 APPROVE BUDGET AMENDMENT 07-09

Budgets being amended: District Attorney \$ 18,255 transfer for approved salary schedule for balance of FY07 Personal Health = \$8,000 transfer for approved contract for doctor 2/1-9/30/07. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Budget Amendment #07-09 as proposed by the County Auditor. All voting "Aye". MOTION PASSED.

24014 APPROVE THE MINUTES OF FEBRUARY 6, 2007

Clerk's Note: Original draft (in packet) had an error on page 499 - Resolution #23998 and Pulled Agenda Item were reversed. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the minutes of February 6, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24015 APPROVE UTILITY PERMITS #01910 - 01912

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Utility Permit #10910 on Paul's Valley Road issued to Pedernales Electric, #01911 on CR235/Posey Road issued to City of San Marcos, and #01912 on Old Black Colony Road issued to City of Buda. All voting "Aye". MOTION PASSED.

24016 APPROVE REAPPOINTMENT OF FRED ROTHERT TO THE PLUM CREEK CONSERVATION DISTRICT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve reappointment of Fred Rothert for a four year term to the Plum Creek Conservation District. All voting "Aye". MOTION PASSED.

24017 ACTION TO REVIEW DESIGNEE STATUS FOR THE PASS-THROUGH TOLL FINANCE PROGRAM [T1-294]

Commissioner Conley spoke of being involved in this program from the beginning. He has been taking care of administrative type work regarding this program and he meets with the respective commissioner regarding projects in their precinct. Commissioner Conley advised that he is not in support of the County Judge having the administrative oversight. Commissioner Ingalsbe spoke in support of the Judge's recommendation. Judge Sumter advised that she would work with Road Supt/Engineer Jerry Borcharding in the administrative oversight. Commissioner Conley spoke of county staff that has been involved in this program (Road Supt/Engineer, County Auditor). Commissioner Barton stated that Commissioner Conley has done a good job. Commissioner Ford stated that she would like to see more involvement with the Commissioners who have projects in their precinct and keep the process open. **A motion was made by Judge Sumter, seconded by Commissioner Ford for Commissioner Precinct 1 be responsible for FM 110, Commissioner Precinct 2 be responsible for FM 1626, Commissioner Conley be responsible for Ranch Road 12, and with the County Judge having administrative oversight over the program to review designee status for the Pass-Through Toll Finance Program.** [T1-644] Woodcreek Mayor Morris Haggerton and Jim Green spoke in support of Commissioner Conley continuing oversight of this program. Charles O'Dell (President of Hays CAN) spoke in opposition to Commissioner Conley continuing with oversight. [T1-856] Maria Gonzales spoke of FM110 project and responsibility of each commissioner. [T1-960] A motion was made by Commissioner Conley that the Commissioner of the Precinct in which the road lies be the direct contact and that Commissioner Pct. 3 remain the designee of the Pass-Through Toll Finance Program. Motion died for lack of a second. [T1-994] **Commissioner Ford made a friendly amendment to the original motion made by Judge Sumter to let each Commissioner be in charge of projects in their precinct [Pct. 1/FM110 & SH21, Pct. 2/SH21 & FM 1626, Pct. 3/RR12) and allow each commissioner to have oversight of their project. This amendment was accepted by the County Judge.** Discussion was had regarding allocation of funds – each project already has a budget. Commissioner Conley spoke of administrative process being followed. Commissioner Barton suggested postponing action at this time to work out the management details. **Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton and Commissioner Conley voting "No". MOTION PASSED.**

PUBLIC COMMENT

[T1-1434] Donna Williams spoke of water availability and Milam Park Subdivision that was approved in January 2007. [T1-1513] Hanlon Skillman spoke of TxDot meeting regarding Ranch Road 12 and subdivision developments being approved.

24018 RESOLUTION IN SUPPORT OF THE CREATION OF A SPECIAL UTILITY DISTRICT TO BE STYLED "GOFORTH SPECIAL UTILITY DISTRICT", AS PROVIDED FOR UNDER CHAPTER 65 OF THE TEXAS WATER CODE [T1-1647]

Currently about 11,000 residents of northwestern Hays County receive water from Goforth Water Supply Corporation. The board of directors and the membership has voted to convert to a special utility district (SUD). Legislation to accomplish the change has been drafted and Goforth and its general manager are seeking a resolution of support from the county. The special utility district will not be a taxing authority. Attorney Leonard Dougal spoke of receiving water from the Edwards Aquifer and recently signing onto the GBRA-I35 pipeline for surface water to serve the area. They have received support from Buda, Neiderwald and Caldwell County. They will become a political subdivision and have more options available to them regarding financing, etc. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve resolution in support of the creation of a special utility district to be styled "Goforth Special Utility District" as provided for under Chapter 65 of the Texas Water Code. All voting "Aye". MOTION PASSED.**

The Court convened into closed executive session at 10:40 a.m. for the following two items:

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

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE POSSIBLE EMPLOYMENT AND/OR APPOINTMENT OF AN INTERIM OR PERMANENT DIRECTOR OF THE ENVIRONMENTAL HEALTH DEPARTMENT

and reconvened into open meeting at 12:40 p.m. Commissioner Ingalsbe was not present when the court reconvened into open meeting.

[T1-1759] Commissioner Barton advised that he will work with Human Resources to bring back a refined list of applicants for an interim or permanent Director of Environmental Health.



24019 APPROVE WORK AUTHORIZATION NO. 2 FOR PRIME STRATEGIES AS IT PERTAINS TO THE HAYS COUNTY TXDOT PARTNERSHIP PROGRAM (PASS THROUGH FINANCING) [T1-1770]

Mike Weaver, Prime Strategies, spoke of website that is being created that will be maintained by the county. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve Work Authorization No. 2 for Prime Strategies as it pertains to the Hays County TxDot Partnership Program (Pass Through Financing). All voting "Aye". MOTION PASSED.

24020 [PCT. 3 #06-3-076, 2 LOTS] SIMON ESTATES UNIT 3 – APPROVE PRELIMINARY PLAN

[T1-1922] Sandra Irvin gave staff recommendation for preliminary plan approval.

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve preliminary plan for "Simon Estates Unit 3". All present voting "Aye". MOTION PASSED.

24021 CALL FOR A PUBLIC HEARING ON FEBRUARY 27, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN HILL COUNTRY RANCHES SUBDIVISION [T1-1940]

Road Supt/Engineer Jerry Borcharding advised that the traffic regulations being considered are STOP signs in Hill Country Ranches subdivision. A motion was made by Commissioner Conley, seconded by Commissioner Barton to call for a public hearing on February 27, 2007 to establish traffic regulations in Hill Country Ranches Subdivision. All present voting "Aye". MOTION PASSED.

24022 CALL FOR A PUBLIC HEARING ON FEBRUARY 27, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON BELL SPRINGS RD., CR 169 BETWEEN OAK FOREST DRIVE SOUTH AND THE TRAVIS COUNTY LINE [T1-1958]

Road Supt/Engineer Jerry Borcharding advised that the traffic regulation being considered to 40 MPH on two straight-aways near River Oaks Ranch. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on February 27, 2007 to establish traffic regulations on Bell Springs Road (CR169) between Oak Forest Drive South and the Travis County Line. All present voting "Aye". MOTION PASSED.

24023 CALL FOR A PUBLIC HEARING ON FEBRUARY 27, 2007 TO ESTABLISH TRAFFIC REGULATIONS AND ENFORCEMENT FOR PARKING RESTRICTIONS AT THE COURTHOUSE ANNEX EMPLOYEE PARKING LOT [T1-1986]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to call for a public hearing on February 27, 2007 to establish traffic regulations and enforcement for parking restriction at the Courthouse Annex employee parking lot. All present voting "Aye". MOTION PASSED.

24024 ADOPT A RESOLUTION CALLING FOR THE PASSAGE OF STATE LEGISLATION REQUIRING PRODUCERS OF ELECTRONICS AND COMPUTERS TO PARTICIPATE IN TAKEBACK RECYCLING PROGRAMS [T1-2098]

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a resolution calling for the passage of State Legislation requiring producers of electronics and computers to participate in take-back recycling programs. All present voting "Aye". MOTION PASSED.

24025 HIRE FUGRO CONSULTANTS, INC. FOR GEOTECHNICAL INVESTIGATION OF THE COUNTY OFFICE COMPLEX BUILDING SITE IN KYLE [T1-2197]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to hire Fugro Consultants Inc. for geotechnical investigation of the county office complex building site in Kyle. All present voting "Aye". MOTION PASSED.

DISCUSSION REGARDING JOB DUTIES AND ORGANIZATION OF PLANNING, INSPECTION, ENGINEERING AND ENVIRONMENTAL REVIEW FUNCTIONS WITHIN COUNTY GOVERNMENT [T1-2224]

Commissioner Barton spoke of collecting resumes from potential applicants and information being obtained by Human Resources regarding organizational charts from other counties. He will continue to put this item on the agenda to keep the court updated. No action was taken.

DISCUSSION REGARDING PUBLIC COMMENT SECTION OF AGENDA GUIDELINES OF THE COURT [T1-2305]

Commissioner Conley spoke of his research of the open meetings act handbook. He read from Section C of the Act and from the agenda guidelines adopted by the court. He feels like members of the court have a right to respond to public comment with facts and policy. A discussion was had regarding responding to public comment. [T1-2805] Charles O'Dell, President of Hays CAN, made public comment.

ANNOUNCEMENTS

Judge Sumter advised that Commissioner Barton has been approved as CAMPO's representative on the Austin-San Antonio Intermunicipal Commuter Rail District

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 13, 2007.



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

