



STATE OF TEXAS \*

COUNTY OF HAYS \*

ON THIS THE 20th DAY OF FEBRUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

<b>ELIZABETH "LIZ" SUMTER</b>	<b>COUNTY JUDGE</b>
<b>DEBBIE GONZALES INGALSBE</b>	<b>COMMISSIONER, PCT. 1</b>
<b>JEFFERSON W. BARTON</b>	<b>COMMISSIONER, PCT. 2</b>
<b>WILL CONLEY</b>	<b>COMMISSIONER, PCT. 3</b>
<b>KAREN FORD</b>	<b>COMMISSIONER, PCT. 4</b>
<b>LINDA C. FRITSCHÉ</b>	<b>COUNTY CLERK</b>

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, Robin Steel gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

**PRESENTATION BY AUSTIN SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT TO GIVE AN OVERVIEW OF THE AUSTIN-SAN ANTONIO COMMUTER RAIL SYSTEM.**

Ross Milloy, Interim Exec Director of ASAICR District, Clif Davis and Dennis Waley appeared before the court. A Project Update and Status Report was submitted in writing. Mr. Milloy spoke of traffic problems on IH35. Clif Davis of Carter:Burgess spoke of proposed Austin-San Antonio Commuter Rail Project (from Georgetown to Port Authority/Kelly AFB in San Antonio) with 15 stations. Mr. Davis spoke of ridership and relocation of Union Pacific Railroad east of IH35. Mr. Davis spoke of the direct economic impact from multiple sources. Dennis Waley spoke of proposed funding strategy. Membership in ASAICRD: cities with population greater than 18,000 and counties adjoining the corridor/no population threshold with an annual fee of \$49,500 per member to use for operations expenses not fundable with federal grant monies. Ross Milloy spoke of need for a resolution of support to fund the Texas Rail Relocation Fund in 2007, coordinated State and Federal legislative strategy and support, TOD ordinance, Tax Increment Finance Zone, Interlocal Agreement with ASAICRD, local financial support, and local leadership. Susan Cook (member of the public) asked about moving the Union Pacific Railroad. Mr. Malloy spoke of Texas relocation fund that would be utilized.

**24026 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 \$171,594.99 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

**24027 APPROVE BUDGET AMENDMENT 07-10**

Budgets being amended are the Sheriff's Dept., District Attorney, Information Technology and Justice of the Peace 1-2. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-10 as proposed by the County Auditor. All voting "Aye". MOTION PASSED.

**24028 APPROVE THE MINUTES OF FEBRUARY 13, 2007**

Commissioner Ford requested a correction on Resolution #24018 in the first sentence – change "northwestern" to "northeastern". A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Minutes of February 13, 2007 as presented by the County Clerk with correction as requested by Commissioner Ford. All voting "Aye". MOTION PASSED.

**24029 ACCEPT ANNUAL RACIAL PROFILING REPORT FOR HAYS COUNTY CONSTABLE PRECINCT 3**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept Annual Racial Profiling Report of Hays County Constable Precinct 3. All voting "Aye". MOTION PASSED.



**24030 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN MARCOS AND THE COUNTY OF HAYS PERTAINING TO THE CONTINUED OPERATION OF THE HAYS COUNTY NARCOTICS TASK FORCE**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an interlocal agreement between the City of San Marcos and the County of Hays pertaining to the continued operation of the Hays County Narcotics Task Force. All voting "Aye". MOTION PASSED.

**24031 AUTHORIZE COUNTY JUDGE TO EXECUTE THE AMENDED JOINT POWERS AGREEMENT WITH THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION**

Judge Sumter spoke of minor changes on pages 2 & 3 of the agreement. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Amended Joint Powers Agreement with the Capital Area Metropolitan Planning Organization. All voting "Aye". MOTION PASSED.

**24032** [#06-3-076 PCT. 3, 2 LOTS] **SIMON ESTATES UNIT 3 - APPROVE FINAL PLAT** [T1-700]

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 approve final plat of "Simon Estates Unit 3". All voting "Aye". MOTION PASSED.

**24033** [#07-3-07 PCT. 3, 5 LOTS] **BURNETT RANCH SECTION 2 RESUBDIVISION OF LOT 14 - APPROVE PRELIMINARY PLAN** [T1-709]

Environmental Health Subdivision Coordinator 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 "Burnett Ranch Section 2 Resubdivision of Lot 14". All voting "Aye". MOTION PASSED.

**24034** [#06-4-070 PCT. 4] **LUNA VISTA SUBDIVISION AND VACATING .43 AC OUT OF LOT C TERRY SUBDIVISION - PUBLIC HEARING TO CONSIDER VACATING A PORTION OF LOT C TERRY SUBDIVISION AND ADDING TO LUNA VISTA SUBDIVISION AND APPROVE FINAL PLAT** [T1-726]

Judge Sumter declared 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 Commissioner Conley to approve vacating .43 acres out of Lot C Terry Subdivision and adding it to the Luna Vista Subdivision and approve final plat of "Luna Vista" subdivision. All voting "Aye". MOTION PASSED.

**24035 WAIVE THE SEPTIC INSPECTION FEES FOR ANTIOCH COMMUNITY CHURCH IN BUDA** [T1-744]

A motion was made by Commissioner Barton, seconded by Judge Sumter to waive the county septic inspection fees for Antioch Community Church in Buda. All voting "Aye". MOTION PASSED.

**24036 AWARD PROJECT MANAGEMENT OF THE WIMBERLEY BYPASS TRAILS PROJECT TO LANGFORD ASSOCIATES, INC. AND AUTHORIZE PURCHASING DEPARTMENT TO NEGOTIATE CONTRACT** [T1-792]

Grants Administrator Richard Salmon explained the project which consists of the development of approximately 4.4 miles of trails along the new Wimberley ByPass through the Blue Hole Regional Park and ending in downtown Wimberley. Proposals are available for review in the Purchasing Department. A motion was made by Commissioner Conley, seconded by Judge Sumter to award Project Management of the Wimberley ByPass Trails Project to Langford Associates Inc. and authorize Purchasing Department to negotiate contract. All voting "Aye". MOTION PASSED.

**24037 AWARD LANDSCAPE ARCHITECT ON THE WIMBERLEY BYPASS TRAILS PROJECT TO LAND DESIGN PARTNERS, INC. AND AUTHORIZE PURCHASING DEPARTMENT TO NEGOTIATE CONTRACT** [T1-792]

Grants Administrator Richard Salmon explained the project which consists of the development of approximately 4.4 miles of trails along the new Wimberley ByPass through the Blue Hole Regional Park and ending in downtown Wimberley. Proposals are available for review in the Purchasing Department. A motion was made by Commissioner Conley, seconded by Judge Sumter to award Landscape Architect on the Wimberley ByPass Trails Project to Land Design Partners Inc. and authorize Purchasing Department to negotiate contract. All voting "Aye". MOTION PASSED.



**24038 AUTHORIZE THE COUNTY JUDGE TO SEND A LETTER TO THE GUADALUPE-BLANCO RIVER AUTHORITY STATING THAT HAYS COUNTY IS PREPARED TO PROCEED WITH THE WATER FEASIBILITY STUDY AND THAT THE COUNTY WILL COMMIT \$3,592 TO HELP FUND THE STUDY BY HDR ENGINEERING [T1-844]**

Commissioner Conley spoke of need for alternative water sources. Study will determine amount of water needed and available sources of water and bring back a cost estimate for various options. Charles O'Dell spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to send a letter to the Guadalupe-Blanco River Authority stating that Hays County is prepared to proceed with the Water Feasibility Study and that the county will commit \$3,592 to help fund the study by HDR Engineering. All voting "Aye". MOTION PASSED.**

**24039 ADOPT A RESOLUTION IN SUPPORT OF THE MASTER AGREEMENT GOVERNING LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENTS [T1-1023]**

Grants Auditor LaMarr Peterson spoke of need for a resolution. [T1-2209] **A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a resolution in support of the Master Agreement Governing Local Transportation Project Advance Funding Agreement. All voting "Aye". MOTION PASSED.**

**24040 REPORT FROM THE HAYS COUNTY LEGISLATIVE REVIEW COMMITTEE AND ACTION TO GUIDE COMMITTEE ACTIVITY WITH THE 80<sup>TH</sup> LEGISLATURE [T1-1233]**

Commissioner Ford spoke of the 2007 Members of the Hays County Legislative Review Committee. Discussion was had regarding various bills. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to allow Commissioner Barton, Commissioner Ford and other committee members to proceed officially on behalf of the county to work with members of the House or Senate to move along county authority and rainwater harvesting program. Recommendations would be brought back to court for approval. All voting "Aye". MOTION PASSED.**

**Clerk's Note: Agenda Item #17 RE: HIRE NAISMITH ENGINEERING TO PROVIDE SITE PLANNING SERVICES FOR THE NEW PCT. 4 OFFICE was PULLED. No discussion and no action taken.**

**24041 ADOPT A RESOLUTION IN OPPOSITION TO THE HAYS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT #1'S REQUEST TO AMEND THEIR WASTEWATER PERMIT WHICH WOULD ALLOW SURFACE DISCHARGE INTO BEAR CREEK [T1-1761]**

Commissioner Ford spoke of previous court adopting a resolution in opposition and she would like the current court to also adopt a resolution in opposition. Commissioner Barton spoke of need to speak to treatment levels. **A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt a resolution in opposition to the Hays County Water Control & Improvement District #1's request to amend their wastewater permit which would allow surface discharge into Bear Creek. All voting "Aye". MOTION PASSED.**

**24042 ACTION TO PROMOTE AND FUND (WHOLE OR PART) PARTICIPATION IN CENTRAL TEXAS MEDICAL CENTER'S HEALTH CHECK 2007 [T1-2046]**

County Auditor Bill Herzog spoke of annual screenings offered by CTMC at a cost of \$25 per person. He spoke of cost savings if the county would pay for this screening. The cost for this screening would be paid out of the health insurance fund. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe for the county to participate in the Central Texas Medical Center's Health Check 2007 at the rate of \$25 to everyone on, or who have signed up and are eligible for, the county health insurance t1-2183]. All voting "Aye". MOTION PASSED.**

**PUBLIC COMMENT**

Robert DeLozier (Austin resident) spoke of new home he is building in Signal Hill subdivision located off Nutty Brown Road. He spoke of his concerns in the area.

**EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE POSSIBLE EMPLOYMENT AND/OR APPOINTMENT OF AN INTERIM DIRECTOR OF THE ENVIRONMENTAL HEALTH DEPARTMENT OR INTERIM DESIGN REVIEW CONSULTANT. DISCUSSION AND POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T1-2332]**

Court convened into closed executive session at 11:20a.m. to discuss, deliberate and interview applicant for Interim Director of the Environmental Health Dept. or Interim Design Review Consultant and reconvened into open meeting at 12:30 p.m. No action was taken.



**WORKSHOP RELATING TO SUBDIVISION RULES REVIEW [T1-2361]**

Tom Brown and Grant Jackson appeared before the court. Tom Brown, Naismith Engineering, gave a power point presentation to update the county regarding the Hays County Development Regulations. The Commissioners Court has adopted goals, objectives and policies; established core and stakeholder committees; identification and ranking of issues by the stakeholder committee; and interim development regulations have been drafted. The Interim Regulations address: WATER supply availability requirements, WASTEWATER service availability requirements, and NOTIFICATION of affected political subdivisions. The Stakeholder Committee requested separation into technical and administrative issues. Technical issues: water supply, wastewater management, floodplains, drainage, transportation, and environmental. Administrative issues: County/City agreements for overlapping areas within ETJs (HB 1445); update existing application, checklists & submission packages; update the county's internal review process; provide notification to general public & affected political subdivisions; provide method of conflict resolution; and provide method of performance review for the development regulations & a process to update the regulations. They recommended monthly stakeholder committee meetings, meetings with county staff, and timeline for final draft regulations & ordinances. Interim Rules could be presented to the court next week. [T1-3069] Winton Porterfield, Andrew Backus, Charles O'Dell, and Dianne Wassenich spoke. Discussion was had regarding what issues should be addressed at the meetings. Tom Brown suggested that they brief the court every month on issues address by the stakeholder committee. Discussion was had regarding the function of the Core Committee.

**WORKSHOP RELATING TO GOVERNMENT CENTER. [T2-545]**

Commissioner Ingalsbe gave a brief history regarding the government center beginning in 2000 up to the present. [T2-765] Scott Gregson gave a presentation of the proposed "Town Center Government Plaza" (78 total acres) located off Hunter Road. He spoke of various businesses that would also be located at this location. He spoke of existing concrete slab, parking, utilities, etc. that could be utilized. Twenty (20) acres of land is being provided to the county with county providing improvements. The county could be in the building as early as the fall of 2008. [T12-977] Chris Carson gave a presentation regarding a proposed 26 acre site on Wonderworld Drive (proposes a property exchange of county's property on Thorpe Lane and IH35 AKA old hospital property). He spoke of accessibility of this site. [T2-1277] Frank Rasco, Carter::Burgess, gave a summary of work that has been done: rate of growth, projected capacity/needs, site comparison (3 sites), and the next step. He spoke of conceptual Thorpe Lane build out in three phases, surface parking, parking garage, and underground detention. He spoke of comparison done of the three possible sites. Next step is to select and procure a site, determine financing, determine design/construction and delivery method. Commissioner Ingalsbe spoke of cost for a lease/purchase option. She also spoke of increase in cost for construction from 2002 to 2006. Commissioner Barton spoke in support of moving forward with a government center. [T2-1900] Dianne Wassenich spoke of the Hunter Road site and the recycling being done. District Clerk Cecelia Adair spoke of importance of price, speed and accessibility. Emergency Management Coordinator Jeff Turner spoke of his concern regarding safety issues. GIS/911Addressing Manager Steve Floyd voiced his concerns about traffic. Scott Gregson and Chris Carson spoke of traffic impact and turn lanes. District Attorney Sherri Tibbe spoke of traffic issues on Thorpe Lane. District Judge Gary Steele spoke of number of people coming in daily to the justice center and the advantage to having retail businesses close by. The committee will meet and bring back their recommendation to the court of the preferred site or sites.

**Court was adjourned.**

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**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 February 20, 2007.**



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

