



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27th 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. FRITSCHKE	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, Pastor Tom Brady from Hill Country Church gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

24043 ADOPT PROCLAMATION RECOGNIZING MARCH 4 - 10 , 2007 AS "SEVERE WEATHER AWARENESS WEEK" IN HAYS COUNTY

A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt Proclamation recognizing March 4-10, 2007 as "Severe Weather Awareness Week" in Hays County. All voting "Aye". MOTION PASSED.

24044 ADOPT PROCLAMATION RECOGNIZING WEEK OF FEBRUARY 26 THROUGH MARCH 1, 2007 AS "SPAY DAY USA PROCLAMATION WEEK"

A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt Proclamation recognizing week of February 26 through March 1, 2007 as "Spay Day USA Proclamation Week". All voting "Aye". MOTION PASSED.

PUBLIC COMMENTS

Public comments were made by [T1-180] Reed Carr, resident of Pct. 1 outside of San Marcos; [T1-231] Charles O'Dell, resident of Dripping Springs ETJ and president of Hays CAN; [T1-283] Andrew Backus, resident of Dripping Springs ETJ and Board President of Hays Trinity Groundwater Conservation District; and [T1-362] Maria Elena Gonzales, resident of San Marcos.

24045 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 \$484,257.17 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24046 APPROVE THE MINUTES OF FEBRUARY 20 & 21, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Minutes of February 20 & 21, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24047 APPROVE OUT OF STATE TRAVEL TO FAYETTEVILLE, ARKANSAS FOR DETECTIVE LYNN LUEDERS OF THE NARCOTICS TASK FORCE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve out of state travel to Fayetteville, Arkansas for Detective Lynn Lueders of the Narcotics Task Force. All voting "Aye". MOTION PASSED.

24048 APPROVE RFP FOR PROJECT MANAGEMENT FOR IMPLEMENTATION OF THE COUNTY'S TPWD GRANT FOR \$400,000, AS PART OF THE SAN MARCOS SPRINGS RECHARGE AREA PROJECT, AND TO AUTHORIZE COUNTY PURCHASING DEPARTMENT TO SOLICIT FOR BIDS AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve RFP for Project Management for implementation of the County's TPWD Grant for \$400,000.00 as part of the San Marcos Springs Recharge Area Project and to authorize County Purchasing Department to solicit for bids and advertise. All voting "Aye". MOTION PASSED.



24049 APPROVE RFP FOR LANDSCAPE ARCHITECT FOR IMPLEMENTATION OF THE COUNTY'S TPWD GRANT FOR \$400,000, AS PART OF THE SAN MARCOS SPRINGS RECHARGE AREA PROJECT, AND TO AUTHORIZE COUNTY PURCHASING DEPARTMENT TO SOLICIT FOR BIDS AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve RFP for Landscape Architect for implementation of the County's TPWD Grant for \$400,000.00 as part of the San Marcos Springs Recharge Area Project and to authorize County Purchasing Department to solicit for bids and advertise. All voting "Aye". MOTION PASSED.

24050 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE MCCOY, DICKSON, MOODY, J. DOUGHERTY, KLEBERG AND AUSTIN COMMUNITY FOUNDATIONS, FOR THE SAN MARCOS SPRINGS RECHARGE AREA PROJECT, USING EXISTING PROJECT FUNDS FOR MATCH

The project consist of the purchase and development of 250.7 acres of land adjacent to and behind Aquarena Springs in San Marcos. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to submit grant application to the McCoy, Dickson, Moody, J.Dougherty, Kleberg and Austin Community Foundations, for the San Marcos Springs Recharge Area Project, using existing project funds for match. All voting "Aye". MOTION PASSED.

24051 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE BURDINE JOHNSON FOUNDATION FOR THE 5-MILE DAM PARK EXPANSION PROJECT, USING EXISTING PROJECT FUNDS FOR MATCH

This is one of several attempts to obtain additional grants from private non-profit foundations to make improvements to the 5-Mile Dam Complex which consists of the 43 acres purchased with county bond funds and the existing Dudley Johnson and Randall Vetter Parks. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to submit grant application to the Burdine Johnson Foundation for the 5-Mile Dam Park Expansion Project, using existing project funds for match. All voting "Aye". MOTION PASSED.

24052 ADOPT A RESOLUTION REQUESTING SUSAN COMBS, COMPTROLLER'S OFFICE TO CONDUCT A BROAD-BASED MANAGEMENT REVIEW OF HAYS COUNTY

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to adopt a resolution requesting Susan Combs, Comptroller's office to conduct a broad-based management review of Hays County. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item# 11 RE: PCT. 2 03-2-087 ROLLING HILLS ESTATES, RESUB LT 20 BLK 2 (4 LOTS) – APPROVE PRELIMINARY PLAN was PULLED.

24053 PCT. 3 07-3-08 PINNACLE RIDGE ESTATES (8 LOTS) – APPROVE PRELIMINARY PLAN [T1-452]

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve preliminary plan for "Pinnacle Ridge Estates". All voting "Aye". MOTION PASSED.

24054 [PCT. 4 #06-4-010] THE VINEYARD PHASE 1 – GRANT A 30 DAY EXTENSION FOR PRELIMINARY PLAN [T1-464]

Charles O'Dell, Hays CAN, made public comment. Andrew Backus, Board President of Hays Trinity Groundwater Conservation District, spoke of water availability review done by Marshal Jennings. Commissioner Ford spoke of meeting with developer to discuss delays in the project and extensions already granted. A letter of credit will be posted to insure that the road and drainage improvements are completed. A motion was made by Commissioner Ford, seconded by Commissioner Conley to grant a 30 day extension for preliminary plan for "The Vineyard Phase 1" and ask that a letter of credit be submitted within that 30 days. All voting "Aye". MOTION PASSED.

24055 CALL FOR A PUBLIC HEARING ON MARCH 13, 2007 TO ESTABLISH TRAFFIC REGULATIONS AND ENFORCEMENT FOR PARKING RESTRICTIONS AT THE COURTHOUSE ANNEX EMPLOYEE PARKING LOT [T1-738]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to call for a public hearing on March 13, 2007 to establish traffic regulations and enforcement for parking restriction at the courthouse annex employee parking lot. All voting "Aye". MOTION PASSED.

**24056 CALL FOR A PUBLIC HEARING ON MARCH 13, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON PAULS VALLEY RD. [T1-747]**

The Road Department is recommending a STOP sign on Pauls Valley Road at the intersection of Fitzhugh Road (CR101). A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on March 13, 2007 to establish traffic regulations on Pauls Valley Road. All voting "Aye". MOTION PASSED.

24057 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON BELL SPRINGS RD., CR 169 BETWEEN OAK FOREST DRIVE SOUTH AND THE TRAVIS COUNTY LINE [T1-758]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of 40 MPH speed limit on two straight-aways near River Oaks Ranch subdivision to be posted on Bell Springs Road (CR169) from Oaks Forest Drive South to first 90 degree left curve and from the Travis County line to Stacey Ann Cove. All voting "Aye". MOTION PASSED.

24058 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN HILL COUNTRY RANCHES SUBDIVISION [T1-775]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Conley, seconded by Commissioner Barton to establish traffic regulations as follows in Hill Country Ranches Subdivision: STOP sign on Plainview Road at Montell Road, on Lakeside Drive at Plainview Road, on Frio Lane at Lakeside Drive, on Rabbit Road at Montell Road, on Angostura Lane at Lakeside Drive, on Angostura Lane at Montell Road, on Montell Road at Lakeside Drive, and on Buzzard High Road at Lakeside Drive. All voting "Aye". MOTION PASSED.

24059 ACCEPT THE FY 2006 FINANCIAL AUDIT FOR HAYS COUNTY AS PREPARED BY THE ACCOUNTING FIRM OF HOLTMAN, WAGNER & COMPANY L.L.P. [T1-788]

Pat Wagner of Holtman, Wagner & Company LLP appeared before the court and briefly discussed the results of the 2006 financial audit. Charles O'Dell, Hays CAN, made public comment. A motion was made by Commissioner Conley, seconded by Judge Sumter to accept the FY2006 Financial Audit for Hays County as prepared by the accounting firm of Holtman, Wagner & Company L.L.P. All voting "Aye". MOTION PASSED.

24060 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR HOMELAND SECURITY [T1-1002]

Emergency Management Coordinator Jeff Turner spoke of radios that were purchased and are to be distributed to ESD's and Fire Departments. A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to execute a Memorandum of Understanding for Homeland Security. All voting "Aye". MOTION PASSED.

24061 SET THE PRICE AND DISTRIBUTION POLICY FOR THE 2007 EDITION OF THE HAYS COUNTY ROAD ATLAS [T1-1125]

GIS/911 Addressing Manager Steve Floyd spoke of new road atlas for Hays County – the preferred method of distribution will be by CD at a cost of \$20.00. They will have a version geared to emergency services. Commissioner Barton spoke of postponing action on cost to be charged for books based on the actual cost for printing the books. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to set the price at \$20.00 for CD version of the 2007 Edition of the Hays County Road Atlas. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING OPTIONS FOR FUNDING HAYS COUNTY TXDOT PARTNERSHIP PROGRAM, PARKS AND OPEN SPACE CAPITAL PROGRAM, AND OTHER CAPITAL IMPROVEMENTS [T1-1314]

Maria Elena Gonzales, San Marcos resident and Dianne Wassenich, San Marcos resident, made public comment. Commissioner Conley spoke of possible May Election for a bond issue. Elections Administrator Joyce Cowan advised that there will be a constitutional amendment election held May 12th. Last day to order an election is March 12th. Financial Advisor Dan Wegmiller spoke of bonding amount needed to cover reimbursable and non-reimbursable funds for the TxDot Partnership Program (\$170 million) and Open Space Capital Program (\$20-20.5 million) and the amount of tax increase needed (2 cents = \$190 million). Commissioner Conley spoke in support of holding a bond election in May. Bond Counsel from Fulbright & Jaworski spoke of having a draft proposition ready for holding an election in May. [T1-2699] Mike Weaver of Prime Strategies spoke of numbers presented previously to the court regarding the state road projects. He spoke of considerations regarding RM 1826 and FM110 projects. [T2-203] Charles O'Dell, Hays CAN, made public comment.

**WORKSHOP RELATING TO AGRICULTURAL ISSUES** [T2-332]

County Extension Agent Bryan Davis spoke of meeting with several court members regarding agricultural issues, in particular regulated herbicides. The Hays County Vineyard community has concerns about damage to their crops caused by other agriculture uses. Jimmy Bush, with the Texas Dept. of Agriculture, spoke regarding regulation of pesticides in the State. He explained the different classifications of pesticides and the regulations that could be adopted by the county. [T2-720] Gary Elliott, Driftwood Vineyard, spoke of damage to his vineyard by the herbicide 24D. [T2-898] Mark Pina, Mandola Estate Winery, provided members of the court with an economic impact study from the wine industry. [T2-928] Jim Jansen, Jansen Family Farm, farms land on RM1626, RM967, and east of IH35 to Lockhart. He spoke of his cotton production and stated that he uses 24D to kill cotton stalks in the fall (Sept & Oct.) as required by law and he would not like to see regulations against this herbicide. [T2-1043] Harold Tietjen spoke of his hay production in Hays County and surrounding counties. He uses 24D primarily by commercial application and restrictions would hurt his production. [T2-1365] Dr. Buck Holmes, State Extension Weed Specialist, spoke of their being several formulations of 24D with different volatility and he spoke of alternatives which are more expensive. [T2-1606] Don Meador, Dreamcatcher Ranch, spoke of importance of getting rid of weeds for grazing livestock. He is not in favor of more regulations. [T2-1674] Jim Kamas spoke in favor of education and he spoke of commercial applicators being careful where they spray. Jimmy Bush, TDA, spoke of addressing complaints by investigation. [T2-2042] Brian Davis spoke of the job of the extension service is to educate the public.

WORKSHOP RELATING TO AGENDA GUIDELINES AND COMMISSIONERS' COURT MEETING TIMES [T2-2125]

Judge Sumter suggested having a regular meeting every other week and a workshop meeting on the weeks not having a regular meeting. Commissioner Barton spoke of previous courts having regular meetings every other week and it did not work out. Discussion was had regarding deadlines, backups, etc. Discussion was had regarding hiring a court coordinator for Commissioners' Court. Suggested deadline was 2:00 p.m. for turning in agenda request forms. Discussion was had regarding public comments.

24062 ACTION REGARDING APPOINTING A REPRESENTATIVE FROM A CITY WITHIN HAYS COUNTY TO THE CAMPO BOARD [T2-3327]

Commissioner Barton spoke of possible appointment of Buda Mayor John Trube or the Mayor of Kyle who has shown interest in the appointment. Commissioner Conley spoke of Buda, Kyle, and San Marcos being along the I35 corridor. Judge Sumter spoke of need to allow smaller cities to be notified of this appointment and provide their input. Discussion was had regarding setting a two year term to the appointment. **A motion was made by Commissioner Barton, seconded by Judge Sumter to ask the County Judge's office to contact the Mayor of all cities in the county that we are making an appointment to the CAMPO board and ask them to send in nominations no later than March 7, 2007 at 10:00 a.m. and notify them that this appointment would be for a term ending December 31, 2007. All voting "Aye". MOTION PASSED.**

24063 AUTHORIZE RESERVED PARKING SPACES FOR ELECTED OFFICIALS WHO WORK AT THE HAYS COUNTY JUSTICE CENTER IN SAN MARCOS [T3-197]

Commissioner Barton spoke of request for reserved parking spaces at the Justice Center for elected officials who work at the Justice Center. It can be difficult for them to keep to court schedules and there is an obvious security issue. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Director of Maintenance to reserve one parking space for each elected officials who work at the Hays County Justice Center in San Marcos. All voting "Aye". MOTION PASSED.**

24064 ESTABLISH A SALARY FOR THE SPECIAL COUNSEL TO THE COMMISSIONERS' COURT, EMPLOYED BY THE DISTRICT ATTORNEY, TO BE IN EXCESS OF THE MINIMUM SALARY SPECIFIED BY THE COUNTY PAY GUIDELINES [T3-288]

A motion was made by Commissioner Barton, seconded by Judge Sumter to establish a salary of \$65,000.00 for the Special Counsel to the Commissioners' Court, employed by the District Attorney, to be in excess of the minimum salary specified by the county pay guidelines. All voting "Aye". MOTION PASSED.

24065 SELECT A TRANSPORTATION WEBSITE TEMPLATE [T3-302]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to select the Transportation Website Template with the white county seal. All voting "Aye". MOTION PASSED.

24066 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 AN INTERIM PLANNER, OR AN INTERIM DESIGN REVIEW CONSULTANT, TO WORK WITHIN OR OVERSEE THE ENVIRONMENTAL HEALTH DEPARTMENT AND/OR ASSIST THE COMMISSIONERS' COURT WITH ENVIRONMENTAL HEALTH ISSUES, SUBDIVISION AND DEVELOPMENT PLANNING, AND RELATED FUNCTIONS AND ACTION IN OPEN COURT, INCLUDING ACTION TO MAKE AN APPOINTMENT, TENDER AND OFFER, SET A SALARY OR RATE OF COMPENSATION

Court convened into closed executive session at 4:30 p.m. and reconvened into open meeting at 4:55 p.m. [T3-383] Commissioner Barton spoke of qualification and experience of Thomas L. Forest. **A motion was made by Commissioner Barton, seconded by Judge Sumter to hire Thomas L. Forest as Director of Planning and Environmental Health on an interim basis not to exceed the end of this fiscal year as a temporary employee of the county - not eligible for county benefit package - and set his salary at \$7500 per month to be effective March 5, 2007. All voting "Aye". MOTION PASSED.**

DISCUSSION RELATED TO THE JOB DUTIES TO BE ASSIGNED AN INTERIM ENVIRONMENTAL HEALTH DIRECTOR, AND/OR DUTIES THAT MIGHT BE ASSIGNED TO OTHER PERSONNEL WITHIN THE ENVIRONMENTAL HEALTH DEPARTMENT - OR OTHER COUNTY DEPARTMENTS - RELATED TO SUBDIVISION REVIEW, GROWTH MANAGEMENT, AND REGIONAL PLANNING

[T3-520] Commissioner Barton spoke of need for this position to be involved in planning issues.

ADJOURNMENT

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 27, 2007.



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

