



STATE OF TEXAS *

COUNTY OF HAYS *

ON THIS THE 27th DAY OF MARCH 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, John Moore, Minister of the Church of Christ in Dripping Springs gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

24126 ADOPT A PROCLAMATION DECLARING THE WEEK OF APRIL 2 - 8, 2007 AS "NATIONAL PUBLIC HEALTH WEEK" IN HAYS COUNTY.

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to adopt a Proclamation declaring the week of April 2 - 8, 2007 as "National Public Health Week" in Hays County. All voting "Aye". MOTION PASSED

24127 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve payment of county invoices in the amount of \$ 942,765.76 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24128 APPROVE BUDGET AMENDMENT 07-14

County Auditor Bill Herzog advised that an addition was made to the budget amendment for Building Maintenance in the amount of \$10,000 from contingencies for A/C repairs. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve Budget Amendment #07-14 as proposed by the County Auditor with addition of \$10,000 amendment to Building Maintenance budget. All voting "Aye". MOTION PASSED

24129 APPROVE MINUTES OF MARCH 20, 2007

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve the Minutes of March 20, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24130 APPROVE UTILITY PERMITS #01913-01915

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve Utility Permit #0913 on CR170/Elder Hill Road issued to P.E.C., #0914 on CR164/Sawyer Ranch Road issued to P.E.C., and #0915 on CR170/Elder Hill Road issued to P.E.C. as submitted by the Road Department. All voting "Aye". MOTION PASSED

24131 APPROVE THE RE-DESIGNATION OF COUNTY JUDGE, ELIZABETH SUMTER, AS THE SIGNATORY AUTHORITY TO THE RURAL CAPITAL AREA WORKFORCE DEVELOPMENT BOARD

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve the re-designation of County Judge Elizabeth Sumter as the signatory authority to the Rural Capital Area Workforce Development Board. All voting "Aye". MOTION PASSED



24132 APPROVE INCREASE IN CONTRACT WITH LANGFORD ASSOCIATES BY \$10,000 ON THE 5-MILE DAM PARK PROJECT DUE TO INCREASE IN SCOPE OF WORK AND COUNTY ACQUISITION OF A \$332,670 TPWD BOAT RAMP GRANT AND TO AUTHORIZE COUNTY JUDGE TO EXECUTE AMENDED CONTRACT

The total amount for the contract will go from \$25,000 to \$35,000. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve to approve increase in contract with Langford Associates by \$10,000 on the 5-Mile Dam Park Project due to increase in scope of work and county acquisition of a \$332,670 TPWD Boat Ramp Grant and to authorize County Judge to execute amended contract. All voting "Aye". MOTION PASSED

24133 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT FOR \$38,000 WITH LANGFORD ASSOCIATES, INC. FOR PROJECT MANAGEMENT FOR FEMA/HMGP PROJECT TO INSTALL AN EARLY-WARNING SYSTEM

A grant was approved by FEMA under their Hazard Mitigation Grant Program for \$600,000, county match is \$200,000 for a project total of \$800,000. This project is to install an interactive early-warning system on low-water crossing throughout the county. Hays County will receive \$12,000 in administrative funds. A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the County Judge to execute a contract for \$38,000 with Langford Associates Inc. for Project Management for FEMA/HMGP Project to install an early-warning system. All voting "Aye". MOTION PASSED

24134 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT FOR \$40,000 WITH LANGFORD ASSOCIATES, INC. FOR PROJECT MANAGEMENT FOR THE WIMBERLEY BYPASS TRAILS PROJECT

On February 20, 2007 the Commissioner's Court awarded Project Management on this project to Langford Associates and directed Purchasing Manager to negotiate contract. The project consists of the development of 4.4 miles of trails along the new Wimberley ByPass through the Blue Hole Regional Park and ending up in downtown Wimberley. A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the County Judge to execute a contract for \$40,000 with Langford Associates Inc. for Project Management for the Wimberley ByPass Trails Project. All voting "Aye". MOTION PASSED

24135 [PCT. 2 #03-2-87, 4 LOTS] ROLLING HILLS ESTATES RESUB LOT 20 BLOCK 2 - APPROVE VARIANCE FOR SHARED ACCESS DRIVE, HOLD A PUBLIC HEARING AND APPROVE FINAL PLAT [T1-154]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval and granting of variance to SAD. Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Commissioner Barton spoke of variance to serve more lots than provided in the county subdivision regulations. The homes have already been on the ground for years and this is to clean up that division. There is a shared access driveway agreement between the property owners. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve variance to shared access driveway and approval final plat of "Rolling Hills Estates Resubdivision of Lot 20 Block 2". All voting "Aye". MOTION PASSED

24136 NORTH RIDGE PHASE 2 - APPROVE AND ISSUE DOCUMENTS PURSUANT TO THE APPROVAL OF THE FINAL PLAT [T1-224]

Public comment was made by Charles O'Dell [Hays CAN], Alex Brown [Geologist for Hays Trinity Groundwater Conservation District], Doug Cones, and Robert Wade. Special Counsel Mark Kennedy spoke of final plat consideration in December 2006 and the law that applies which approves it by "Operation of Law". There may need to be a replat because of the easement issue. Commissioner Ford advised that she spoke with the developer regarding rainwater collection systems and Developer Robert Wade advised that he will be supplying potential owners with information regarding rainwater collection systems. A motion was made by Commissioner Ford, seconded by Judge Sumter to recognize that the final plat of "North Ridge Phase 2" is approved by Operation of Law on the 61st day after it was declared complete and to issue documents reflecting that approval, and to furthermore, have staff look into the approved plat and make a determination regarding a possible replat. All voting "Aye". MOTION PASSED



24137 [PCT. 4 #06-4-77. 3 LOTS] ROLLING OAKS SECTION 3 RESUBDIVISON OF LOT 7 & PART OF LOT 8 – CALL FOR A PUBLIC HEARING ON APRIL 10 AND APPROVE PRELIMINARY PLAN [T1-1136]

A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a public hearing on April 10, 2007 and approve preliminary plan for “Rolling Oaks Section 3 Resubdivision of Lot 7 & part of Lot 8” with addition of a plat note is needed to indicate that water will be supplied by individual wells. All voting “Aye”. MOTION PASSED

24138 [PCT. 4 #07-4-16, 2 LOTS] SPRINGLAKE REPLAT OF LOT 125 – APPROVE PRELIMINARY PLAN [T1-1174]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve preliminary plan for “Springlake Replat of Lot 125”. All voting “Aye”. MOTION PASSED

PUBLIC HEARING TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS AT THE INTERSECTION OF COTTONWOOD ROAD AND OUTLOOK ROAD [T1-1221]

Judge Sumter declared the public hearing open. Public comment was made by Linda Anderson and David Jones. Judge Sumter closed the public hearing. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a STOP sign at this intersection. Commissioner Conley postponed action at this time.

DISCUSSION REGARDING AUTHORIZING COMMISSIONER INGALSBE TO NEGOTIATE WITH A PROPERTY OWNER ON THE SELECTION OF A SITE FOR THE GOVERNMENT CENTER [T1-1596]

Commissioner Ingalsbe gave a powerpoint presentation regarding the government site evaluation. The building committee is recommending the elimination of the Thorpe Lane property. The pros and cons for the Hunter Road site and the Wonder World Drive site were provided. At this point, the committee is recommending the Wonder World Drive site because of no out of pocket expense and additional acreage availability. The building committee consist of County Auditor Bill Herzog, Purchasing Agent Cindy Maiorka, District Attorney Sherri Tibbe and Commissioner Pct. 1 Debbie Ingalsbe. Public comment was made by Chris North, Amy Kirwin, Jim Green, Maria Elena Gonzales, and Charles O'Dell (Hays CAN). Laurie Anderson, City of San Marcos Engineer, spoke of drainage issues at both the Wonder World Drive and Hunter Road sites. Scott Gregson (representing the Hunter Road property) and Chris Carson (representing the Wonder World Drive property) spoke of drainage issues on their respective properties. Sheriff Allen Bridges encouraged the court to consider a site without floodplain for the emergency command center. [T1-2590] Scott Gregson made an offer to the county for a property exchange and Chris Carson spoke of additional acreage offered. Judge Sumter spoke in support of the Hunter Road property. Commissioner Ford spoke in support of the Hunter Road property concept and new offer. Commissioner Conley spoke of flexibility with Wonder World Drive site. Commissioner Barton spoke in support of Hunter Road concept – possible commuter rail site – but he will support the recommendation of the committee. Commissioner Ingalsbe advised that the committee will meet with the property owners to receive final offers, with Friday being the deadline, and bring their recommendation back to the court.

24139 APPROVE SUPPORT OF AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF BUDA FOR LAW ENFORCEMENT SERVICES AND AUTHORIZE COMMISSIONER BARTON TO NEGOTIATE FINAL CONTRACT [T2-38]

Public comment was made by Buda resident Tommy Poer. Sheriff Allen Bridges spoke in support of a cooperative agreement with the City of Buda for law enforcement services. This agreement would provide for four patrol deputies and one Captain. The City of Buda would provide funding in the amount of \$375,600 annually. Commissioner Barton spoke of previous discussion in Commissioners Court on February 6, 2007 and issues that have been addressed. Buda City Manager Robert Camareno spoke of funding - the city will upfront 7 ½ months of payments (\$230,000) to cover the equipment and vehicles for startup. County Auditor Bill Herzog spoke of figuring of soft costs. Sheriff Bridges spoke of using the substation in Buda at this time and possibly look for storefront space in the future. [T2-463] Commissioner Barton read a proposed order of support for this agreement setting out various terms [see copy in file]. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to support an interlocal agreement between Hays County and the City of Buda for law enforcement services as proposed, with a projected total of \$375,600 per year, and authorize Commissioner Barton to negotiate a final contract to be brought back to the court for final authorization and budget amendments. All voting “Aye”. MOTION PASSED**



24140 PRESENTATION OF RULE CHANGES FOR CONSIDERATION BY THE COMMISSIONERS' COURT, ENVIRONMENTAL HEALTH DEPARTMENT AND LEGAL COUNSEL. UPDATE FROM NAISMITH ENGINEERING ON SUBDIVISION RULES REVIEW & REVISION. ACTION TO CALL FOR PUBLIC HEARING ON THESE RULE CHANGES [T2-692]

Tom Brown, Naismith Engineering, spoke of stakeholders meeting that was held and proposed interim rules were reviewed. He spoke of recommended changes. Commissioner Barton voiced his concerns. Members of the court will review the proposed changes. **A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a public hearing on April 10, 2007 at 1:00 p.m. to consider subdivision rule changes. All voting "Aye". MOTION PASSED**

WORKSHOP RELATING TO ENVISION CENTRAL TEXAS [T2-1368]

A powerpoint presentation was made to the court. ECT is a non-profit organization created in 2001 by leaders representing business, environment, neighborhoods and government in the 5 county central Texas region. Presentation addressed suburban sprawl, CAMPO mobility 2030 plan, projected growth in the region, workshops held, land use and transportation modeling, and regional vision survey (12,500 responses). Most respondents favored more compact growth style paired with more open space. There are six committees: Transportation and Land Use Committee, Economic Vitality Committee, Community Design Committee, Open Space Committee, Social Equity Committee, and Community Outreach Committee. Metric Task Force is new – will put together measurements for success and set goals. Greenprinting was discussed – it is a process and a tool to help communities make decisions about land conservation. Travis county has a list of greenprint priorities and ECT is trying to raise enough money to greenprint all five counties. ECT 2007 operating budget = \$283,000 They are requesting a contribution of \$15,000 from Hays County plus an additional \$50,000 for greenprint funding (\$250,000 for greenprint growth budget). Check their website www.envisioncentraltexas.org

WORKSHOP RELATING TO UPPER SAN MARCOS WATERSHED [T2-3010]

Bill Taylor, Upper San Marcos Watershed District, introduced Jody Polk and Juel Peevy (members of the board). He explained the history of the district and spoke of flooding that has occurred in the past that required placement of the five dams (designed to contain a 100 year flood). Mr. Taylor spoke of Site 5 being located near a park that the City of San Marcos recently purchased and converted. He also spoke of controlled release rather than a wall of water that usually happens in a flood and he spoke of maintenance that is done periodically. Judge Sumter asked about a dam study and Commissioner Ingalsbe asked about possibly getting another dam and what site might they consider. Bill Taylor spoke of losing out on the Willow Creek property area and he spoke of the existing dams being in recharge areas and they provide significant recharge to the aquifer. The field trip was cancelled due to wet conditions.

24141 APPROVE THE SAFETY IMPROVEMENT STUDY FOR SH 21 AND TO FUND THE FOLLOWING ON-GOING PROJECTS FROM THE 2001 ROAD BOND FUND TO COMPLETION UNTIL THE DECISION OF THE MAY 12TH BOND ELECTION; SH 21 (APPROXIMATELY 2 MILLION), FM 110 TO FINISH ENVIRONMENTAL ASSESSMENT PROCESS (APPROXIMATELY 50,000.00) AND FINISHING THE SURVEY WORK ON FM 1626 FOR BOTH SEGMENTS A AND B (APPROXIMATELY 200,000.00). THE REMAINDER OF THE 2001 ROAD BOND FUNDS SHOULD BE SET ASIDE UNTIL AFTER THE MAY 12TH ELECTION RESULTS ARE IN [T3-150]

Former Hays County Judge Eddy Etheredge spoke of safety improvements needed on State Highway 21. Charles O'Dell of Hays CAN spoke. Discussion was had about a stakeholders meeting that will be held in a few weeks. Judge Sumter spoke of FM 1626 and survey work that hasn't been completed, but needs to be done. The court spoke of approximately \$400,000 needed for these projects. [T3-593] **A motion was made by Judge Sumter seconded by Commissioner Ford to set aside remaining funds from the 2001 Road Bond funding as follows: \$275,000 for FM1626 Sections A & B, \$50,000 for FM110, \$75,000 for Ranch Road 12 in terms of expenditures until May 12, 2007 and any other expenditures from the 2001 Road Bonds should come before the court beyond these numbers. All voting "Aye". MOTION PASSED**

24142 APPROVE THE NEW LEASE AGREEMENT WITH LYNX PROPERTY SERVICES FOR ADULT PROBATION [T3-614]

Commissioner Ingalsbe spoke of lease being up on April 1, 2007. Special Counsel Mark Kennedy spoke of different issues (ie. leakage, carpet, toilet maintenance) that need to be addresses and negotiated. County Auditor Bill Herzog spoke of \$4,000.00 that was built into that line item and \$3,200.00 that is needed. The additional money will come out of contingencies. [T3-734] **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to approve the new lease agreement with Lynx Property Services for Adult Probation subject to negotiation of certain terms and items outlined by legal counsel. All voting "Aye". MOTION PASSED**



Clerk's Note: Agenda Item #18 RE: ADOPT A RESOLUTION IN SUPPORT OF REAPPORTIONMENT OF THE DISTRICT COURTS FOR HAYS COUNTY was PULLED. No discussion and no action taken.

24143 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH THOMSON WEST ONLINE LEGAL RESEARCH [T3-775]

Special Counsel Mark Kennedy spoke of three bids received. The Criminal District Attorney's office uses the on-line service rather than using the books. County Auditor Bill Herzog advised that funding will be out of the District Attorney's budget – will require a budget amendment. **A motion was made by Commissioner Judge Sumter seconded by Commissioner Barton/Ingalsbe to authorize the County Judge to enter into a contract with Thomson West Online Legal Research. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #20 RE: DISCUSSION AND POSSIBLE ACTION TO PLACE A DIVIDER WALL IN DISTRICT JUDGE'S OFFICE was PULLED. No discussion and no action taken.

24144 AUTHORIZE THE DIRECTOR OF THE ENVIRONMENTAL HEALTH DEPARTMENT TO SPEND UP TO \$5,000.00 FOR A REVIEW AND UPDATE OF THE RULES REGARDING ON-SITE SEWAGE FACILITIES, AND THE APPLICATION OF THOSE RULES TO SPECIFIC SITES IN HAYS COUNTY [T3-910]

Interim Environmental Health Director Tom Forest spoke of needing assistance in the updating and review of OSSF rules. He also spoke of money saved in his budget in salaries line item that will enable him to hire someone with more expertise in the OSSF area. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Ford to authorize the Director of the Environmental Health Department to spend up to \$5,000.00 for a review and update of the Rules regarding on-site sewage facilities and the application of those rules to specific sites in Hays County and amend the budget next week. All voting "Aye". MOTION PASSED**

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 MARCH 27, 2007.



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

