



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 10th DAY OF APRIL 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. FRITSCH</b>	<b>COUNTY CLERK</b>

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Refugio Arredondo Jr. from Powerhouse Ministries in Kyle gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

**PRESENTATION ON THE TEXAS HILL COUNTRY TRAIL REGION, PART OF THE TEXAS HISTORICAL COMMISSION, SERVING NINETEEN COUNTIES**

T. J. Higgenbotham, former Chairman and current member of the Texas Hill Country Trail Region, spoke of the Texas Hill Country Trail Region (19 county region). They will be asking for support from Hays County (\$2,000).

**24169 ADOPT A PROCLAMATION RECOGNIZING APRIL 9<sup>TH</sup> - APRIL 13<sup>TH</sup> AS WIMBERLEY EDUCATION FOUNDATION WEEK**

A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a Proclamation recognizing April 9<sup>th</sup> - 13<sup>th</sup> as "Wimberley Education Foundation Week". All voting "Aye". MOTION PASSED

**24170 ADOPT A PROCLAMATION RECOGNIZING THE MONTH OF APRIL AS CHILD ABUSE AWARENESS MONTH**

A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt a Proclamation recognizing the month of April as "Child Abuse Awareness Month". All voting "Aye". MOTION PASSED

**PUBLIC COMMENT**

[T1-285] Larry Stephenson, Sr. (Austin resident) made public comment regarding La Ventana subdivision. Ralph Davis (San Marcos resident) made public comment regarding parks bonds.

**24171 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$388,021.14 as presented by the County Auditor. All voting "Aye". MOTION PASSED

**24172 APPROVE BUDGET AMENDMENT 07-16**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Budget Amendment No. 07-16 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

**24173 APPROVE MINUTES OF APRIL 3, 2007**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Minutes of April 3, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED



**24174 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$18,150 GRANT FROM THE CAPITAL AREA PLANNING COUNCIL OF GOVT. (CAPCOG) – SOLID WASTE GRANT PROGRAM AND EXECUTE CONTRACT**

Grant funds will be used to purchase baler, electrical hookup, and two dump hoppers for the transfer station in Wimberley. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to accept \$18,150 grant from the Capital Area Planning Council of Govt. (CAPCOG) – Solid Waste Grant Program and execute contract. All voting “Aye”. MOTION PASSED**

**24175 AWARD RFP 2007-P04 LANDSCAPE ARCHITECT/SAN MARCOS SPRINGS CONSERVATION PLAN TO LAND DESIGN AND AUTHORIZE STAFF TO NEGOTIATE CONTRACT AND RETURN TO COMMISSIONERS’ COURT FOR APPROVAL**

Purchasing received four proposals and after evaluation by the committee and reference check, it is recommended that the award go to Land Design. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to award RFP 2007-P04 Landscape Architect/San Marcos Springs Conservation Plan to land design and authorize staff to negotiate contract and return to Commissioners’ Court for approval. All voting “Aye”. MOTION PASSED**

**24176 AWARD RFP 2007-P05 PROJECT MANAGEMENT CONSULTANT/SAN MARCOS SPRINGS CONSERVATION PLAN TO LANGFORD & ASSOCIATES AND AUTHORIZE STAFF TO NEGOTIATE CONTRACT AND RETURN TO COMMISSIONERS’ COURT FOR APPROVAL**

Purchasing received only one proposal. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to award RFP 2007-P05 Project Management Consultant/San Marcos Springs Conservation Plan to Langford & Associates and authorize staff to negotiate contract and return to Commissioners’ Court for approval. All voting “Aye”. MOTION PASSED**

[PCT. 4 #06-4-77, 3 LOTS] **ROLLING OAKS SECTION 3 RESUBDIVISION OF LOT 7 – PUBLIC HEARING AND FINAL PLAT CONSIDERATION** [T1-418]

Judge Sumter declared the public hearing open. Sandra Kuhns voiced her concerns and Ernest Garza spoke in opposition to the replat. Public hearing was closed. Commissioner Ford postponed action on this plat until determination is made regarding ownership.

**24177 SILVERADO ESTATES LOTS 39, 40, 42, 43 – RELEASE UTILITY EASEMENTS**

[T1-490] Interim Environmental Health Director Tom Forrest gave staff recommendation for release of utility easements on common lot lines of Lots 39, 40, 42, & 43 of Silverado Estates Subdivision. Copy of Releases were submitted from Pedernales Electric Coop and Verizon Southwest. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to release utility easements on common lot lines of Lots 39, 40, 42 & 43 Silverado Estates. All voting “Aye”. MOTION PASSED**

**24178 ACCEPT FINANCIAL REPORT AND ANNUAL REPORT FROM THE SOUTH HAYS COUNTY ESD #3** [T1-507]

Buddy Martin and Chief David Smith appeared before the court and presented the financial report and annual report from the South Hays County ESD #3. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept the financial report and annual report from the South Hays County ESD#3. All voting “Aye”. MOTION PASSED**

**DISCUSSION REGARDING SPONSORSHIP IN A RANDALL ARENDT CONSERVATION DESIGN WORKSHOP ON APRIL 16, 2007** [T1-649]

Randall A. Arendt is a nationally known planner who focuses on green building and conservation design. His early book “Rural by Design” is a standard in many college classes. He has written a number of other books and sample codes detailing innovative planning and regulatory ideas. His first trip to Texas in the mid 1990’s was to attend a Hays County Workshop. At the invitation of Commissioner Barton and Commissioner Ford, he is returning now for a follow-up. Commissioner Barton spoke of previous visit by Randall Arendt. Commissioner Ford spoke of sponsorship for this event to be held at the performing arts center in Kyle. No action needed.



**24179 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$75,000 GRANT FROM THE OFFICE OF THE GOVERNOR – DISCRETIONARY JUSTICE ASSISTANCE GRANT FOR THE COUNTY'S COPSYNCH PROJECT AND TO EXECUTE CONTRACT [T1-763]**

Postink Technology will install and interface COPsync software on mobile data terminals and desktops used by Hays County Law Enforcement Officers to provide for the seamless integration of real-time data transmission between COPsync system and the Hays County's Odyssey system. Grants Administrator Richard Salmon felt like the 10 year contract for the software should be renegotiated. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to accept \$75,000 grant from the Office of the Governor – Discretionary Justice Assistance Grant for the county's COPSYNCH Project and to execute contract. All voting "Aye". MOTION PASSED**

**24180 ACTION TO SELECT A SITE FOR A NEW HAYS COUNTY GOVERNMENT CENTER AND AUTHORIZE COMMISSIONER INGALSBE TO NEGOTIATE ANY REMAINING DETAILS [T1-810]**

Bob Galinger (President of Willow Creek Estates HOA), Ray Kotowski (Willow Creek resident), and Bob Bryant (Willow Creek resident) spoke in support of the Wonder World Drive site. Commissioner Ingalsbe spoke of this being a difficult decision – both sites are good. She went through various issues regarding both sites. Scott Gregson spoke regarding the Hunter Road site and possible flooding. Chris Carson spoke regarding the Wonder World Drive site. Commissioner Conley spoke in support of the Wonder World Drive site. Commissioner Ford spoke of Wonder World Drive site having more acreage available for less money. [T1-1570] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to select the Wonder World Drive/Carson site for a new Hays County Government Center and authorize Commissioner Ingalsbe to negotiate any remaining details. All voting "Aye". MOTION PASSED**

**Clerk's Note: Agenda Item #16 RE: ADOPT A RESOLUTION IN SUPPORT OF REAPPORTIONMENT OF THE DISTRICT COURTS FOR HAYS COUNTY was PULLED. No discussion and no action taken.**

**24181 ACTION BY COURT MEMBERS TO INDIVIDUALLY AND/OR COLLECTIVELY HELP SPONSOR THE AQUARENA EARTH DAY CELEBRATION WITH A MINIMUM CONTRIBUTION OF \$100 FOR THIS FIRST ANNUAL AQUARENA EARTH DAY FESTIVAL TO BE HELD ON APRIL 22, 2007 [T1-1664]**

Commissioner Ford spoke of celebration to be held and special project funds in each commissioner's budget – she is asking members of the court to put in a minimum of \$100 each. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to collectively help sponsor the Aquarena Earth Day celebration with a minimum contribution of \$100 for this first annual Aquarena Earth Day Festival to be held on April 22, 2007. All voting "Aye". MOTION PASSED**

**24182 ALLOW JUDGE SUMTER, SPECIAL COUNSEL MARK KENNEDY, WITH ASSISTANCE FROM BILL HERZOG, COUNTY AUDITOR, TO CRAFT AN AGREEMENT WITH THE SOUTH MADRONE TRAIL WATERLINE LLC WHEREIN THE COUNTY PROVIDES FINANCIAL ASSISTANCE THROUGH A SUSTAINABLE LOAN PROGRAM IN ORDER TO ASSIST IN BRINGING SURFACE WATER TO EXISTING HOMEOWNERS IN AN AREA WHERE GROUNDWATER WELLS ARE THREATENED OR NO LONGER PRODUCTIVE [T1-1844]**

Charles O'Dell, Hays CAN, made public comment. Commissioner Ford spoke of program that has been put together by some residents of Village of Bear Creek. The city is in support of this project. This agreement will constitute a pilot program in Hays County for areas within the LCRA CCN. It is our intention to pursue this program in order to take pressure off our groundwater resources and to provide assistance to existing homeowners (not new development) in an area where surface water is nearby and a viable alternative to unproductive groundwater wells. In return for its financial involvement, the County is requiring that all homeowners who tap on to this surface line must permanently plug their groundwater wells, except in instances where the HTGCD deems an active well can be used for their data collection and research only. Further, the County will require that any future development or density occurring along segments of this surface water ilne which has been made possible with the County's financial assistance, follow the recommendations set forth in the Regional Water Quality Protection Plan ([www.waterquality.org](http://www.waterquality.org)). **A motion was made by Commissioner Ford, seconded by Commissioner Barton to allow Judge Sumter, Special Counsel Mark Kennedy, with assistance from County Auditor Bill Herzog, to craft an agreement with the South Madrone Trail Waterline LLC wherein the county provides financial assistance through a sustainable loan program in order to assist in bringing surface water to existing homeowners in an area where groundwater wells are threatened or no longer productive. All voting "Aye". MOTION PASSED**



**24183 EXECUTIVE SESSION UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING PENDING AND/OR CONTEMPLATED LITIGATION BETWEEN HAYS COUNTY AND THIRD PARTIES. POSSIBLE DISCUSSION AND/OR ACTION TO FOLLOW IN OPEN COURT [T1-2265]**

Steve Arendt, property owner in La Ventana, asked the court to resolve this issue as quickly as possible. Bruce Wilson also requested that the court resolve this issue quickly. Special Counsel Mark Kennedy advised that there are several items that will be discussed in executive session. Court convened into closed executive session at 11:50 a.m. and reconvened into open meeting at 1:10 p.m. [T1-2530] Nick Ramus spoke of project that was started in 1997 and numerous obstacles along the way (9 revisions). Special Counsel Mark Kennedy advised that he will provide an answer through Mr. Ramus' attorney. [T1-2844] **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize outside counsel to provide notice to new owner of La Ventana Subdivision and the Surety Bond Company that they have two weeks to provide us with a plan to start immediately on the road and bridge work and a plan to complete it as quickly as possible and if not, Hays County will bring suit against both. All voting "Aye". MOTION PASSED**

**PUBLIC HEARING ON INTERIM SUBDIVISION RULES**

[T1-2890] Tom Brown, Naismith Engineering, provided a powerpoint presentation of proposed interim rule changes to the Hays County Development Regulations. Rules that would be amended include: revision of Section 3.12 to expand the information required for water availability, addition of Section 3.13 wastewater service availability requirements, and addition of Section 3.14 notification of affected political subdivisions. Sections proposed to be deleted: 3.12(1)(c), 3.12(1)(d), 3.12(1)(e), and 3.12(1)(f) currently incorporated in TCEQ Chapter 230 rules. Mr. Brown went through Chapter 230.1 – 230.10 TCEQ rules and he went over the comparison of existing and proposed changes to Section 3.12 and 3.13 and new Section 3.14 regarding notification requirements. Judge Sumter declared the public hearing open. Charles O'Dell asked about liability for well spacing and plat note requirement. [T2-373] Dianne Wassenich urged the court to adopt the interim rules. Hank Smith spoke of need to look at providing surface water to replace groundwater sources. Winton Porterfield spoke of need to consider the role of the county in storing and providing data being obtained and the necessity for that information. Andrew Hawkins, representing S.O.S. Alliance, spoke briefly. Public hearing was closed.

Court convened into closed executive session at 2:30 p.m. and reconvened into open meeting at 3:20 p.m.

**WORKSHOP REGARDING CENTRALIZED 911, CAPCOG [T2-548]**

Les Karnes, State Comptrollers Office, spoke of study done regarding combining emergency fire and police calls through one dispatch center (911 combined dispatch). He spoke of combined dispatch in Bell County which is working great. Ken Bell, San Marcos Fire Marshal, spoke possible countywide communication center – there are currently 3 PSAP centers in Hays County which CAPCOG has to provide funds. He spoke of Travis County combined emergency center and he spoke about equipment provided by CAPCOG. Mike Baker, Fire Chief for City of San Marcos, spoke of Collin County center and he spoke of how the local four centers operate at the present time. They are asking if the county is interested in them researching the possibility of creating a combined dispatch center in Hays County. Howard Williams, Chief of Police in San Marcos, spoke of duplication of infrastructure. He feels like a combined center would save money and would provide better communication between the various entities. Dave Smith, Chief of South Hays ESD#3, spoke of issues that have been talked about for years among the various emergency services – technology is a major issue. Lt. Dennis Gutierrez, Hays County Sheriffs Office dispatch, spoke of dispatching 911 for the City of Kyle and the system is already up-to-date technology. He spoke of pay being an issue for dispatchers. Mike Baker advised that Collin County has a stand alone agency with board members from the various entities. Judge Sumter voiced her support of centralized 911. Hays County EMC Jeff Turner spoke of the various emergency services districts that provide services throughout the county and they are a funding source. He spoke of need for better communications and short term issues need to be addressed. Technology is needed for the fire and ESDs. Dennis Gutierrez spoke of having a CAD and Odyssey system that does not communicate with each other. Chief Howard Williams spoke of need for a common communication platform for all entities. Jeff Turner advised that a work group needs to meet to determine what the main issues are that need to be addressed on the short term. Ken Strange, Wimberley ESD, spoke of problems reaching dispatch in the early hours of the morning in an emergency. Kevin Rawls, San Marcos/Hays County EMS, spoke of problems having to deal with various dispatch centers – technology is a big issue. Theresa York, representative of CAPCOG, advised that they are willing to work with all the entities to make things happen.



Court convened into closed executive session at 4:30 p.m. and reconvened into open meeting at 7:55 p.m.

**EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING THE PLACEMENT OF A HEALTH CARE FACILITY BY SETON FAMILY OF HOSPITALS IN OR AROUND THE CITY OF KYLE, TEXAS**

No discussion in open session and no action taken.

**24184 EXECUTIVE SESSION UNDER SECTION 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING THE RELOCATION OF THE HAYS COUNTY, PRECINCT 2 OFFICE. POSSIBLE DISCUSSION AND/OR ACTION TO FOLLOW IN OPEN COURT [T2-1701]**

Commissioner Conley was not present for action on this item. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize Commissioner Barton to negotiate an agreement with a property appraiser to appraise existing county property on FM150 and also the property on which sits the Health Department in Kyle, Texas and bring it back to the County Judge for execution. All present voting "Aye". MOTION PASSED

**COURT WAS ADJOURNED.**

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I, LINDA C. FRITSCHER, 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 APRIL 10, 2007.



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

