



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 21<sup>st</sup> DAY OF AUGUST 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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Laura Merrill, Wimberley United Methodist Church gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

**PUBLIC COMMENT**

San Marcos Mayor Susan Narvaiz made public comment regarding Loop 110. Ruben Garza gave public comment regarding transportation planning.

**24533 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$427,803.85 as presented by the County Auditor. All voting "Aye". MOTION PASSED

**24534 APPROVE BUDGET AMENDMENT 07-33**

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Budget Amendment #07-33 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

**24535 APPROVE MINUTES OF AUGUST 8<sup>TH</sup> & 9<sup>TH</sup>, 2007**

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Minutes of August 8 & 9, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**24536 APPROVE THE CANCELLATION OF COMMISSIONERS COURT MEETING OF SEPTEMBER 4, 2007**

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve the cancellation of Commissioners Court meeting scheduled for September 4, 2007. All voting "Aye". MOTION PASSED

**24537 APPROVE RENEWAL OF SERVICE AGREEMENT WITH METROPLEX CONTROL SYSTEMS INC. FOR THE JUVENILE DETENTION CENTERS FIRE SPRINKLER SYSTEM IN THE AMOUNT OF \$2,140.00 FOR THE YEAR**

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve renewal of service agreement with Metroplex Control Systems Inc. for the Juvenile Detention Centers Fire Sprinkler System in the amount of \$2,140.00 for the year. All voting "Aye". MOTION PASSED

**24538 CALL FOR A PUBLIC HEARING ON SEPTEMBER 11, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN CIELO RANCH SUBDIVISION [T1-112]**

Recommended traffic regulation: STOP sign on Cielo Ranch Road at Hugo Road and a speed limit of 25 MPH. A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on September 11, 2007 to establish traffic regulations in Cielo Ranch Subdivision. All voting "Aye". MOTION PASSED

**24539 CALL FOR A PUBLIC HEARING ON SEPTEMBER 11, 2007 TO ESTABLISH A "NO PARKING" ZONE ON TIGER LANE [T1-122]**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on September 11, 2007 to establish a "No Parking" zone for Tiger Lane. All voting "Aye". MOTION PASSED



**24540 HOLD A PUBLIC HEARING REGARDING A PETITION FOR THE CREATION OF CALDWELL-HAYS COUNTY EMERGENCY SERVICE DISTRICT NO. 1, AN EMERGENCY SERVICE DISTRICT PROPOSED TO BE CREATED UNDER CHAPTER 775 OF THE TEXAS HEALTH AND SAFETY CODE. DISCUSSION AND POSSIBLE ACTION TO GRANT THE PETITION, FIX THE DISTRICTS BOUNDARIES, AND ORDER AN ELECTION MAY FOLLOW [T1-150]**

Judge Sumter declared the public hearing open. Attorney Ken Campbell spoke of Chisholm Trail VFD boundaries that will be in this district. The petition was certified by the Hays County Elections Administrator (on behalf of the County Clerk) on or about February 23, 2007. This hearing was properly called and statutory notice of the hearing was both posted and published by Hays County. Public hearing was closed. Special Counsel Mark Kennedy spoke of finding by the court that the creation of the district is feasible and will promote the public safety, welfare, health, and convenience of persons residing in the district's boundaries. Mr. Campbell will provide the necessary Order. Request that action include fixing of the boundaries. [T1-220] **A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt a finding that the creation of the Caldwell-Hays County Emergency Service District No. 1 is feasible and will promote the public safety, welfare, health, and convenience of persons residing in the district's boundaries and that the court accepts and grants the petition for the creation of the district, fix the district's boundaries, and call an election on the November 2007 ballot to confirm the district's creation and authorize the imposition of a tax not to exceed the rate allowed by Section 48e Article III Texas Constitution contingent upon the granting of the petition by the Commissioners' Court of Caldwell County. All voting "Aye". MOTION PASSED.** Mr. Campbell spoke of changes in the boundaries. Mark Kennedy suggested a new motion to address this matter. **A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize staff to work with outside counsel to determine and present back to the court any final amendments to the boundaries of the district as proposed by petitioners. All voting "Aye". MOTION PASSED.**

**DISCUSSION REGARDING HAYS COUNTY'S PREPARATIONS FOR A HURRICANE [T1-260]**

Emergency Management Coordinator Jeff Turner gave an update regarding Hurricane Dean. Sheriff Allen Bridges spoke of training and equipment needs. Nick Icosipentanhos spoke of Health Department involvement. Road Supt/Engineer Jerry Borcharding spoke of offering his personnel inoculation if they want it.

**24541 ACCEPT PROCEDURE AND POLICY FOR CERTIFICATE OF AUTHORITY FOR UNMANNED AIRCRAFT FROM THE FEDERAL AVIATION ADMINISTRATION [T1-492]**

Gene Robinson (R P Flight Systems) spoke of RPSearch Services – a 501© organization that was formed as an ancillary service of RPFlyght Systems Inc. for the purpose of providing robotic plane aerial photography and GPS aided service assistance to police and fire departments as well as privately conducted search and rescue operations by other non-profit organizations. He spoke of new requirement by the FAA to receive a certificate of authority. He spoke of use of this aircraft in Hays County for the county fire marshal and in other areas of the country. Emergency Management Coordinator Jeff Turner and Sheriff Allen Bridges spoke in support of this service. Grants Administrator Richard Salmon spoke of using this company for aerial photos for the last 3 years (parks). Special Counsel Mark Kennedy spoke of interest by District Attorney to be involved. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to accept policy and procedures for certificate of authority for unmanned aircraft from the FAA with amendment as recommended by Special Counsel (change references from ESD/Emergency Services District to EMC/Emergency Management Coordinator). All voting "Aye". MOTION PASSED**

**24542 ACCEPT THE RESIGNATION OF TONY PALERMO FROM ESD #7 AND APPOINT SCOTT BROWN TO FILL THE VACANT POSITION [T1-1030]**

**A motion was made by Commissioner Conley, seconded by Judge Sumter to accept the resignation of Tony Palermo from Hays County ESD#7 and appoint Scott Brown to fill the vacant position. All voting "Aye". MOTION PASSED**

**24543 CLARIFY THE HAYS COUNTY RULES AND POLICIES PERTAINING TO MAILBOXES ERECTED IN THE COUNTY RIGHT-OF-WAYS AND PROVIDE INSTRUCTION TO STAFF REGARDING METHODS FOR ENFORCING SAID RULES AND POLICIES [T1-1057]**

Commissioner Ford spoke of problem with mailboxes constructed in county right-of-way and liability issue. Special Counsel Mark Kennedy spoke of notice provided by Road Department regarding legal mailboxes/structures. All mailboxes installed within the county right-of-way to be made of collapsible materials. Special Counsel Mark Kennedy suggested a change in Section 6.6(d)3. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to ask the Road & Bridge Department to work with Special Counsel to draw up a policy and procedure for mailbox compliance in county r-o-w to be brought back to the court for consideration. All voting "Aye". MOTION PASSED**



**24544 APPOINT JOHN DIAZ TO THE HAYS COUNTY TRANSPORTATION ADVISORY COMMITTEE** [T1-1570]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to appoint John Diaz to the Hays County Transportation Advisory Committee to replace Jim Neuhaus. All voting "Aye". MOTION PASSED

**24545 ACTION REGARDING CONSTRUCTION IMPACTS ON SEDIMENTATION AND POLLUTION IN HAMILTON CREEK AND HAMILTON POOL** [T1-1591]

Commissioner Ford spoke of construction in precinct 4 that has allegedly affected Hamilton Creek that flows into Travis County into Hamilton Pool. Travis County has voted to hire a consultant to look into sources and remediation. Road Supt/Engineer Jerry Borcharding advised that his inspector has made sure that controls are in place, however, there is a problem with sediment. Special Counsel Mark Kennedy spoke of need for an interlocal agreement between Travis and Hays County to participate in this issue. Interim Environmental Health Director Tom Forrest spoke of need for better design standards for developers. [T1-2142] **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Special Counsel to meet with Travis County Counsel and develop a MOU (Memorandum of Understanding) and go forward with approval to offer 50% of the contract fees, not to exceed \$5,500, to partner with Travis County for hiring of Espey Consulting to look at the Hamilton Creek impact. All voting "Aye". MOTION PASSED**

**24546 FY2008 HAYS COUNTY BUDGET - DISCUSSION AND ACTION ON PARTICULAR BUDGET LINE ITEMS, ADOPTION OF A PROPOSED BUDGET, AND APPROVE BUDGET CALENDAR** [T1-2310]

Judge Sumter spoke of funding officers with a COPSMORE grant - money would have to be set aside for matching funds. Grants Administrator Richard Salmon advised that the COPSMORE grant only funds deputy positions (usually 5 to 7 officers). Discussion was had regarding Sheriff's request for 2 deputies (countywide traffic division), 4 deputies (Pct. 4 patrol division), 1 deputy (crisis intervention mental health assigned where needed), 1 detective (criminal investigations follow up on felony cases), 1 processing clerk (traffic division), and 1 Corporal (jail operations). [T2-40] Court agreed starting Crisis Intervention Officer and Processing Clerk in October 2007, Criminal Investigation Officer beginning April 2008, and pursue COPSMORE for traffic and patrol divisions at a cost of **\$171,335**. Jail contract detention/Inmates: request = \$250,000 recommended = \$175,000 - agreed to increase this amount to **\$200,000**. [T2-360] Discussed training (continuing education) and swift water training/equipment.

[T2-541] **A motion was made by Commissioner Barton, seconded by Judge Sumter to amend the proposed Sheriff's budget to provide for a processing clerk beginning October 1, 2007, Crisis Intervention Officer to begin October 1, 2007, Criminal investigation Officer to begin April 1, 2008 with all associated equipment and to request the Grants Department to pursue the COPSMORE grant for six or more deputies - to include salaries and associated equipment requested. All voting "Aye". MOTION PASSED**

[T1-578] **A motion was made by Judge Sumter, seconded by Commissioner Barton to amend the Jail budget - line item #01-419-5361 contract detention/inmate - increase to \$200,000 (recommended \$175,000). Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

Discussed Community and Social Services budget. [T2-1317] Discussed senior citizen programs. Calaboose African American Museum is requesting a \$5,000 one time funding from reserve funds. Discussed San Marcos/Hays County EMS, Hays/Trinity Groundwater Conservation District, and Libraries. Commissioner Barton suggested \$184,080 for libraries.

[T2-2008] **A motion was made by Judge Sumter, seconded by Commissioner Ford to adjust line items as follows: #01-407-5844 San Marcos/Hays County EMS increase to \$250,000; #01-407-5862 Hill Country Senior Citizens decrease to \$22,500, #01-407-5867 Kyle Area Seniors Zone increase to \$10,000, #01-407-5896 Calaboose African American Museum decrease to \$1,500 - with \$5,000 request to possibly come from contingencies or reserves, and remove (zero out) #01-407-5847 Hays/Trinity Groundwater Conservation District from social services and budget \$75,000 out of LCRA 6% dedicated funds to the Hays/Trinity Groundwater Conservation District. All voting "Aye". MOTION PASSED.**

[T2-2220] **A motion was made by Commissioner Barton, seconded by Commissioner to increase total library funding by 20% (\$184,080) to be divided using the formula they already have established. All voting "Aye". MOTION PASSED.**

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Britney Richey requested clarification for allocating merit increase. Discussion was had regarding 2% COLA and 3% merit – could save money by deferring merit increases to November instead of October.

**A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Justice of the Peace's travel allowance at \$2,640. All voting "Aye". MOTION PASSED.**

The court went through the list presented by the Auditor's office based on previous meetings and selected the following items for action in one motion:

J.P. 4 – ½ time position to 28 hrs per week with no benefits	\$ 5,938
J.P. 5 – travel line item	\$ 100
Co Crt at Law 1 & 2 – longevity and fringe for judges	\$ 2,738
Revenue from state	(\$65,000)
Retiree Benefits Committee Review = 3% COLA for retirees	(\$47,500) <i>2% cola aprvd</i>
Constable Pct. 1 – uniform allowance	\$ 360
Constable Pct. 1 – HP printer	\$ 500
District Court – postage increase	\$ 250
Personal Health – staff assistant w/benefits	\$37,070
Personal Health – LVN to RN	\$11,754
EMC – dissolve 1/1/08 Admin Coord. Position	(\$31,277)
EMC – equipment rent/lease	\$ 800
EMC – telephone	\$ 2,000
Sheriff – transfer \$2K from telephone to EMC	(\$2,000)
Extension Office – dental insurance	\$ 852 <i>(final yr offered)</i>
Constable Pct. 5 – Deputy	\$ 24,913 <i>(fill 4/1/08)</i>
Constable Pct. 5 – continuing education	\$ 400
Constable Pct. 5 – uniform allowance (new deputy)	\$ 180
Constable Pct. 5 – hand held radio (new deputy)	\$ 1,500
Constable Pct. 5 – increase JP revenue	(\$25,000)
Historical Commission – jail restoration fund	(\$35,000) <i>\$65,000 reserves</i>
Constable Pct. 2 – office supplies	\$ 200
Constable Pct. 2 – PC w/software	\$ 1,799
Environmental Health – continuing education	\$ 1,000
Environmental Health – phone allowance	\$ 1,860 <i>\$50/dept head + \$35X3</i>
Environmental Health – postage increase	\$ 1,000
District Attorney – expert witness	\$ 4,000
District Attorney – transcription/appeals	\$ 2,000
District Attorney – equipment rent/lease	\$ 2,065
Building Maintenance – ¾ position to fulltime + fringe (aprvd in FY07)	\$ 6,319
Building Maintenance – additional funds for long bed vehicle	\$ 2,000
Building Maintenance – safety equipment	\$ 500
Constable Pct. 3 – fuel	\$ 200
Constable Pct. 3 – additional expense for vehicle	\$ 700
Constable Pct. 3 – membership fees & bonds	\$ 175
Constable Pct. 3 – continuing education	\$ 50
Family Court – Associate Judge salary restored to initial request	\$32,498
District Clerk – travel line item	\$ 100
Personal Health – BT grant	(\$89,402)
Treasurer – travel allowance	\$ 600
Countywide – committee expenses for comprehensive plans	(\$275,000) <i>reserves</i>
Countywide – decrease general debt tax rate to 6.17	(\$104,000) <i>increase gen fund</i>
Tax Assessor- check processing system – not funding in FY08	(\$25,943)
Commissioners' Court – COLA @ 2% for Commissioners & Judge	(\$8,650)
Commissioners' Court – increase travel allowance by 5%	\$ 2,050 <i>\$450/Judge \$400/Comm</i>
Commissioners' Court – regrade secretaries (HR recommended)	\$ 5,329 <i>regrade + fringe</i>
Commissioners' Court – travel allowance for secretaries	\$ 1,850

[#1=\$250 #2=\$500 #3=\$500 #4=\$600]

[T3-48] **A motion was made by Commissioner Barton, seconded by Judge Sumter to approve various line item adjustments as presented by the County Auditor. [see listing above] All voting "Aye". MOTION PASSED.**

**District Clerk** – travel allowance requested = \$3,600 – recommendation was for \$2,400. **A motion was made by Judge Sumter to increase the District Clerk's travel to \$3,600. MOTION DIED FOR LACK OF A SECOND**

**Constable Pct. 3** – law enforcement equipment for vehicle - requested \$5,850. **A motion was made by Judge Sumter, seconded by Commissioner Conley to approve \$5,000 for Constable Pct. 3 law enforcement equipment for vehicle. All voting "Aye". MOTION PASSED**

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**District Attorney** - legal publication request = \$3,180. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve \$2,500 for District Attorney legal publications. All voting "Aye". MOTION PASSED

**Personal Health** - Requested one additional ADA table & Doppler = \$4,044. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Doppler for Personal Health Department in the amount of \$631. All voting "Aye". MOTION PASSED.

**Fire Marshal**

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve \$815 savings to retain part-time Fire Marshal and Assistant Fire Marshal and add \$500 to increase uniform expense (\$315). Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED.

[T3-605] A motion was made by Commissioner Conley to put Commissioners' Court phone allowance into the travel allowance. MOTION DIED FOR LACK OF A SECOND Commissioner Conley requested that he not receive a phone allowance. \$600 removed from budget for Commissioner Pct. 3 phone allowance.

**ADOPT PROPOSED FY2008 HAYS COUNTY BUDGET**

[T1-662] A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt budget as proposed with amendments made this date and approve request by Commissioner Conley to delete his \$600 phone allowance from the budget. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No".

**APPROVE FY2008 BUDGET CALENDAR**

[T3-890] A motion was made by Judge Sumter, seconded by Commissioner Conley to approve the FY2008 budget calendar as presented by the County Auditor with following changes: public hearing on tax rate at 9:00 a.m. on Wednesday September 5<sup>th</sup>, second public hearing on tax rate at 5:30 p.m. on Tuesday September 11<sup>th</sup>, and public hearing on the budget, adopt the budget, and set salaries of elected officials at 9:00 a.m. on Wednesday September 19<sup>th</sup>. All voting "Aye".

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 AUGUST 21, 2007.



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

