



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 23<sup>rd</sup> DAY OF OCTOBER 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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Jimmie Robinson gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

**PUBLIC COMMENT**

Tax Assessor Collector Luanne Caraway advised that her office will be closed tomorrow for TxDot training.

**24681 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payment of county invoices as presented by the County Auditor. All voting "Aye". MOTION PASSED.

**24682 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 16, 2007**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Commissioners Court Minutes of October 16 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

**24683 ACCEPT \$1,000.00 AWARD FROM ABITIBI-CONSOLIDATED CORPORATION, RECYCLING DIVISION TO THE HAYS COUNTY CITIZENS COLLECTION STATION**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to accept \$1,000.00 award from Abitibi Consolidated Corporation Recycling Division to the Hays County Citizens Collection Station. All voting "Aye". MOTION PASSED.

**24684 APPROVE SHERIFF'S COMBINED AUTO THEFT FORCE VEHICLE USE AGREEMENT BETWEEN HAYS COUNTY AND TRAVIS COUNTY**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Sheriff's Combined Auto Theft Force Vehicle Use Agreement between Hays County and Travis County. All voting "Aye". MOTION PASSED.

**24685 AUTHORIZE A VEHICLE (VIN #1FTEF15NOSLB92679 - 1995 FORD PICKUP TRUCK, WHITE IN COLOR) TRANSFER FROM EMERGENCY MANAGEMENT TO CONSTABLE, PRECINCT 3 INVENTORY**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize a vehicle (VIN #1FTEF15NOSLB92679 - 1995 Ford Pickup Truck - White in color) transfer from Emergency Management to Constable Precinct 3 inventory. All voting "Aye". MOTION PASSED.

**24686 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$87,766.12 SUB AWARD GRANT FROM THE DEPARTMENT OF JUSTICE PROGRAMS FOR THE COUNTY'S PARTICIPATION IN THE ALERRT PROGRAM WITH TEXAS STATE UNIVERSITY**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to accept \$87,766.12 sub award grant from the Department of Justice Programs for the County's participation in the ALERRT Program with Texas State University. All voting "Aye". MOTION PASSED.



**24687 APPROVE SPECIFICATIONS FOR RFP #2008-B02 "SCANNING AND INDEXING SERVICES FOR THE HAYS COUNTY CLERK" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve specifications for RFP#2008-B02 "Scanning and Indexing Services for the Hays County Clerk" and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED.

**24688 APPROVE RENEWAL OF BID #2006-B04 "ANNUAL PLUMBING REPAIRS FOR HAYS COUNTY BUILDINGS" TO TEXAS STATE PLUMBING FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL BID**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve renewal of Bid #2006-B04 "Annual Plumbing Repairs for Hays County Building" to Texas State Plumbing for one (1) additional year as provided in the original bid. All voting "Aye". MOTION PASSED.

**24689 ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR THE NORTHRIDGE SUBDIVISION PHASE II [T1-56]**

Director of Resource Protection, Transportation and Planning Jerry Borcharding gave staff recommendation for acceptance and release. A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept road construction and drainage improvements, release construction bond and accept maintenance bond for two years for the "Northridge Subdivision Phase II". All voting "Aye". MOTION PASSED.

**24690 ACTION REGARDING THE COUNTY'S PASS-THROUGH FINANCING AGREEMENT WITH TXDOT [T1-72]**

T. J. Higginbotham (Buda resident), Denise San Luis (Buda resident), Warren Kettelman (Buda Economic Dev. Director), Robert Kidnew (President of Texas Lehigh Cement Co - Buda), David Sweet (Buda resident), Brad Hagen, Sam Cooper (Buda resident), and Carl Urban (Buda resident) made public comment. Commissioner Barton presented his findings concerning FM1626 and Hays County and gave a powerpoint presentation regarding contact sensitive design solutions. *[Clerk's note: The following is not the complete wording for the Findings – see original document for full text]* Findings indicate that (1) FM1626 is an integral and critical part of the county road network, (2) the traffic and safety conditions on large parts of FM1626 are unacceptable, (3) it appears certain that populations along the FM1626 corridor and traffic will increase dramatically, (4) substantial improvements are needed, (5) Travis county is undertaking efforts to improve its part of FM1626, (6) basic improvements have been identified, (7) more work is needed to prepare and design the road, (8) there is a contract (Minute Order)with TxDot to make the needed improvements, (9) appropriate and timely action is needed to preserve and fulfill its partnership with the state, (10) and action is needed to complete environmental assessments, detailed context sensitive design, complete engineering design, proceed with right-of-way studies and acquisition, and continue to explore options for financing and constructing the road. Discussion was had regarding item #10 and it was amended to delete "including possible public private partnerships, revenue bonds, and/or a general bond election". A motion was made by Commissioner Barton, seconded by Judge Sumter to endorse the findings concerning FM1626 presented by Commissioner Precinct 2 with change made to item #10 to delete "including possible public private partnerships, revenue bonds, and/or a general bond election". All voting "Aye". MOTION PASSED. [T1-1206] Commissioner Conley spoke of meetings he has had regarding the Ranch Road 12 improvement project. Commissioner Ingalsbe will sponsor an agenda item next week regarding the FM110 project.

**24691 ADOPT A RESOLUTION IN SUPPORT OF THE HOME-DELIVERED MEAL GRANT PROGRAM [T1-1395]**

Ella Hurst, Meal on Wheels Program, appeared before the court. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a resolution in support of the Home-delivered Meal Grant Program. All voting "Aye". MOTION PASSED.

**DISCUSSION REGARDING CHANGE ORDERS FOR ADDITIONAL WORK BEING ADDED TO THE CONTRACT WITH BYRN AND ASSOCIATES FOR THE JUVENILE DETENTION CENTER DRAINAGE IMPROVEMENTS AND CONCRETE PROJECT THAT WAS APPROVED BY COMMISSIONERS COURT ON MAY 8, 2007 [T1-1449]**

John Dipollino (Byrn & Associates) explained the change order. Chief Juvenile Probation Officer Ed Cooper was present. No action was taken on this item at this time.



**24692 ACTION TO RETURN TO FULL-FUNDING OF HAYS COUNTY PREDATOR CONTROL PROGRAM [T1-1638]**

Public comment was made by Jimmie Steidinben, Henry Brooks, John Calentine (USDA Wildlife Services), Douglas Steen (USDA Wildlife Services), Bryan Davis (Hays County Extension Agent), and John Jones. Dan Conway (Ranch foreman) spoke of predator problems. George Fry spoke of procedure and methods used. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to return full funding of the Hays County Predator Control Program to \$26,400 by adding \$11,500 from contingency line item #01-414-5455 to the budgeted amount of \$15,000. All voting "Aye". MOTION PASSED.**

**24693 ESTABLISH A POLICY WHEREIN HAYS COUNTY WATER AVAILABILITY STUDIES ARE SHARED, REVIEWED AND OPINIONS ARE PROVIDED BY EACH OF THE FOLLOWING ORGANIZATIONS FOR WELLS WITHIN THEIR JURISDICTIONS: HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT (HTGCD), BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT (BSEACD), AND EDWARDS AQUIFER AUTHORITY (EAA) [T1-3136]**

Commissioner Ford spoke of Statutes that address additional requirements: use of groundwater [*Local Government Code §232.0032*], and water availability [*Texas Water Code §35.019*]. Grant Jackson (county consultant) spoke of workshops held by the court and the stakeholders meetings. Public comment was made by Hank Smith (an Engineer and member of the stakeholder committee), and John Dupnik (Barton Springs Edwards Aquifer Conservation District). Jack Hollon spoke briefly. Commissioner Barton suggested postponing action at this time. Jerry Borcharding spoke of details lacking in the process at this time. [T2-222] A motion was made by Commissioner Ford, seconded by Judge Sumter to establish a policy wherein Hays County Water Availability Studies are shared, reviewed and opinions are provided by each of the following organizations for wells within their jurisdictions: HTGCD, BSEACD, & EAA. Motion was amended as follows: [T2-377] A motion was made by Commissioner Ford to begin, from this point forward, allowing the County Judge, Jerry Borcharding, county consultants, and legal counsel to work in conjunction with the three groundwater districts to develop an MOU (Memorandum of Understanding) to begin process of sharing technical data regarding water availability studies. All voting "Aye". MOTION PASSED. MOTIONS WERE WITHDRAWN.

[T2-915] **A motion was made by Commissioner Ford, seconded by Commissioner Barton to allow staff (Jerry Borcharding, legal counsel Mark Kennedy, and the County Judge) to explore with the districts what an MOU might be and work with them to provide opinions, based on their expertise and modeling of the aquifer under their jurisdiction, and to provide input to staff and/or the court for decision making in the future. All Voting "Aye". MOTION PASSED.**

**WORKSHOP REGARDING HAYS COUNTY LINKED DEPOSIT LOAN PROGRAM [T2-965]**

Grants Administrator Richard Salmon spoke of loans already made and available grants. Robert Kennedy gave a powerpoint presentation regarding the Linked Deposit Loan Program process. Discussion was had regarding the program.

**Clerk's Note: Agenda Item #10 RE: ACTION TO FORM A HAYS COUNTY 2010 REDISTRICTING COMMITTEE was pulled. No discussion and no action taken.**

**24694 ACTION TO HIRE ED MCCARTHY OR ANY OTHER LEGAL AUTHORITY ON WATER AND WASTEWATER ISSUES TO PREPARE A WORKSHOP FOR THE COURT REGARDING THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY [T2-2715]**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to hire Ed McCarthy or any other legal authority on water and wastewater issues to prepare a workshop for the court regarding the Hays County Water and Wastewater Authority, including purpose, intent and the implications and possibilities of this authority; not to exceed \$1,500.00. All voting "Aye". MOTION PASSED.

**24695 AUTHORIZE THE DIRECTOR OF RESOURCE PROTECTION, TRANSPORTATION AND PLANNING TO, FROM TIME TO TIME, EXECUTE HAYS COUNTY'S PORTION OF ANTIQUITIES PERMIT APPLICATION FORMS; AND TO RATIFY ANY SUCH ACTION PREVIOUSLY MADE BY THE DIRECTOR OF RESOURCE PROTECTION, TRANSPORTATION AND PLANNING OR THE DIRECTOR OF ROAD AND BRIDGE**

[T2-2783] A motion was made by Commissioner Barton, seconded by County Judge to authorize the Director of Resource Protection, Transportation and Planning to, from time to time, execute Hays County's portion of antiquities permit application forms; and to ratify any such action previously made by the Director of Resource Protection, Transportation and Planning or the Director of Road & Bridge. All voting "Aye". MOTION PASSED.



**24696 APPROVE AND SIGN AN INTERLOCAL AGREEMENT BETWEEN THE HAYS COUNTY SWAT TEAM AND THE CITY OF SAN MARCOS [T2-2903]**

Special Counsel Mark Kennedy recommended several changes on page 3 of the agreement (Item #9 Indemnity was misspelled, item #10b change effective date from July to October and change 90 day notice to 30 days). A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve and sign an interlocal agreement between the Hays County SWAT Team and the City of San Marcos. All voting "Aye". MOTION PASSED.

**EXECUTIVE SESSION PURSUANT TO TGC 551.071 PENDING LITIGATION REGARDING RANCHES AT HAMILTON POOL AND DAMAGE TO HAMILTON CREEK AS WELL AS THE CONTESTED CASE HEARING ON 11/27/07 REGARDING WASTEWATER TREATMENT AND DISCHARGE PERMIT REQUESTED BY HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT #1**

The court convened into closed executive session at 4:15 p.m. and reconvened into open meeting at 5:00 p.m. [T2-2990] Judge Sumter advised that a discussion was had regarding Ranches at Hamilton Pool and damage to Hamilton Creek. There was no discussion regarding Hays County Water Control and Improvement District #1 hearing. No action was taken.

**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 OCTOBER 23, 2007.



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

