



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 24TH DAY OF MARCH A.D., 2009, 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. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

VETERANS AFFAIRS DEPARTMENT PRESENTATION

Hays County Veterans Affairs Officer Tom Tvrdik spoke of services provided by the Veterans Affairs Department. He thanked the court for allowing him to serve Hays County. He invited the court to an event being held on March 30 at 5:30 at the American Legion Hall in San Marcos.

PRESENTATION BY SOPHIA AZOUBEL, U.S. CENSUS BUREAU PARTNERSHIP SPECIALIST ABOUT THE 2010 CENSUS AND INITIATIVES BEING TAKEN BY COUNTIES TO IMPROVE COUNT RESPONSES [T1-129]

Sophia Azoubel, Partnership Specialist for the U.S. Census Bureau, spoke of the importance of the census. There will be only 10 questions to the questionnaire. Answers to the Census questionnaire are safe, protected by law and strictly confidential. Questionnaires will be mailed out March 2010. She spoke of response to questionnaires in 2000: City of San Marcos 59% Kyle 60% Buda 70% Dripping Springs 62%. A resolution will be considered next week supporting the creation of sub-committees of the complete count committee regarding the decennial census in 2010.

PRESENTATION BY AMY MADISON, DIRECTOR, ECONOMIC DEVELOPMENT SAN MARCOS ON AN AWARD PRESENTED TO HAYS COUNTY IN CONJUNCTION WITH THE ECONOMIC DEVELOPMENT SAN MARCOS AND THE CITY OF SAN MARCOS FOR "PROJECT MUNCH" THE HEB INCENTIVE [T1-287]

Amy Madison, Director of Economic Development San Marcos, spoke of local impact analysis, recruitment, Grow One San Marcos, incentive for San Marcos companies, and the BR&E International Impact Award being presented to Hays County, City of San Marcos and the San Marcos Economic Development Corp.

26004 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog requested addition of Donald Dacy invoice NTE \$274,235 for ROW on IH35 @ Windy Hill. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of \$751,793.76 as submitted by the County Auditor with the addition of invoice not to exceed \$274,235 to Donald Dacy. All voting "Aye". MOTION PASSED

26005 APPROVE COMMISSIONER COURT MINUTES OF MARCH 10TH & 17TH, 2009

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of March 10 and 17, 2009 as presented by the County Clerk. All voting "Aye". MOTION PASSED

26006 AMEND BUDGET IN GENERAL FUND FOR LEOSE EDUCATION FUNDS FOR FIRE MARSHAL

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to amend budget in the General Fund for LEOSE Education Funds for the Fire Marshal. All voting "Aye". MOTION PASSED



26007 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN THE MEADOWS AT BUDA SUBDIVISION, PHASES 1 AND 2 [T1-669]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcharding gave staff recommendation for traffic regulations in The Meadows at Buda. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to establish traffic regulations of a 2-way STOP on Tranquility Mountain at Paradise Mountain, a STOP sign on Lone Tree Hollow at Paradise Mountain, a 2-way STOP on Willow City Valley at Paradise Mountain, a STOP sign on Snow Owl Hollow at Paradise Mountain, a STOP sign on Paradise Mountain at Hot Springs Valley, a 2-way STOP on Willow City Valley at Cold Spring, a STOP sign on Cold Spring at Tranquility Mountain, a STOP sign on Willow City Valley at Tranquility Mountain, a STOP sign on Tranquility Mountain at Hot Springs Valley, a STOP sign on Blossom Valley Stream at Hot Springs Valley, a STOP sign on Hot Springs Valley at the turn on Hot Springs Valley, a STOP sign on rosebud Spring at Hot Springs Valley, a STOP sign on the other end of rosebud Spring at Hot Springs Valley, a STOP sign on Hope Pond Valley at Hot Springs Valley, and set a speed limit of 30 MPH for all roads within the Meadows at Buda Subdivision Phases 1 & 2. All voting "Aye". MOTION PASSED**

26008 [08-4-63 – 3 LOTS] – RESUBDIVISION OF LOT 69D RIVER MOUNTAIN RANCH, SECTION ONE. APPROVE PRELIMINARY PLAN AND A VARIANCE FROM HAYS COUNTY DEVELOPMENT REGULATIONS 7.6 (C); CALL FOR A PUBLIC HEARING ON APRIL 21, 2009 [T1-702]

Variance being requested is in regards to a Shared Access Driveway. Subdivision Coordinator Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan and variance of Hays County Development Regulations 7.6 (c) as requested and call for a public hearing on April 21, 2009 for Resubdivision of Lot 69D River Mountain Ranch Section one and to furthermore add a plat note of no further subdivision of these lots. All voting "Aye". MOTION PASSED**

26009 [09-3-03 – 2 LOTS] – RESUBDIVISION OF LOT 7 BURNETT RANCH SUBDIVISION - APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON APRIL 21, 2009 [T1-749]

Subdivision Coordinator Clint Garza gave staff recommendation. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan and call for a public hearing on April 21, 2009 for Resubdivision of Lot 7 Burnett Ranch Subdivision. All voting "Aye". MOTION PASSED**

26010 [08-01-44 – 2 LOTS] – GREEN-SAUCEDO SUBDIVISION - APPROVE PRELIMINARY PLAN AND VARIANCE FROM HAYS COUNTY SUBDIVISION REGULATIONS 7.6(C) [T1-766]

Variance being requested is in regards to a Shared Access Driveway. Subdivision Coordinator Clint Garza gave staff recommendation. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve preliminary plan and variance as requested to Hays County Subdivision Regulations 7.6 (c) for Green-Saucedo Subdivision. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #13 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH HDR AS THE BOND PROGRAM MANAGER AND TO AUTHORIZE WORK ORDER #1 was PULLED.

Clerk's Note: Agenda Item #14 RE: EXECUTE A CONTRACT FOR THE COLLECTION OF DEBT AND ACCOUNTS RECEIVABLE FOR JUSTICE COURT PRECINCT 1 PLACE 2 WITH NETPLEA was PULLED

26011 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U. S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, HIRING RECOVERY PROGRAM (CHRP) FOR SUPPORT OF UP TO 12 NEW OFFICERS IN THE HAYS COUNTY SHERIFF'S OFFICE [T1-820]

Grants Administrator Jeff Hauff explained the grant. Sheriff Ratliff spoke of separate grant that is another possible funding source. Discussion was had regarding matching funds that will be needed. **A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the County Judge to submit a Grant Application to the U.S. Department of Justice, Office of Community Oriented Policing Services, Hiring Recovery Program (CHRP) for support of up to 12 new officers in the Hays County Sheriff's Office with condition that an update be provided within the next 30 days of costs that would be needed in the FY2010 budget. All voting "Aye". MOTION PASSED**



26012 CREATE A NEW SERGEANT POSITION AT THE SHERIFF'S DEPARTMENT [T1-1401]

Sheriff Ratliff spoke of need for a new Sgt. Position due to span of control issues within the investigation division. The funds will be taken from salary savings from the salary line item. A motion was made by Commissioner Ford, seconded by Commissioner Barton to create a new Sergeant position at the Sheriff's Department. All voting "Aye". MOTION PASSED

26013 PLACE CHAPTER 174 OF THE TEXAS LOCAL GOVERNMENT CODE INTO EFFECT IN HAYS COUNTY, PURSUANT TO A MAJORITY OF VOTES CAST IN FAVOR OF ADOPTION OF THAT CHAPTER IN THE NOVEMBER 2008 GENERAL ELECTION; AND TO RECOGNIZE HAYS COUNTY LAW ENFORCEMENT ASSOCIATION (HCLEA) AS THE ASSOCIATION SELECTED BY A MAJORITY OF THE POLICE OFFICERS AT THE HAYS COUNTY SHERIFF'S OFFICE TO ACT AS THE BARGAINING AGENT FOR THOSE OFFICERS UNDER CHAPTER 174 OF THE TEXAS LOCAL GOVERNMENT CODE [T1-1475]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to place Chapter 174 of the Texas Local Government Code into effect in Hays County pursuant to a majority of votes cast in favor of adoption of that Chapter in the November 2008 General Election. All voting "Aye". MOTION PASSED.

A motion was made by Commissioner Conley, seconded by Commissioner Ford to recognize Hays County Law Enforcement Association (HCLEA) as the association selected by the majority of the police officers at the Hays County Sheriff's Office to act as the bargaining agent for those officers under Chapter 174 of the Texas Local Government Code. All voting "Aye". MOTION PASSED

26014 CONTINUE THE DISASTER DECLARATION ORDERED BY THE COUNTY JUDGE ON MARCH 18, 2009 ; APPROVE THE BURN BAN RESOLUTION AND TO AUTHORIZE THE COUNTY JUDGE TO REMOVE OR TEMPORARILY REMOVE THE BURN BAN AS NECESSARY [T1-1805]

Fire Marshal Mark Chambers spoke of fires that occurred when burn ban was not on – he requested continuation of the burn ban at this time. Judge Sumter asked for authority to temporarily remove the burn ban as necessary. A motion was made by Commissioner Barton, seconded by Commissioner Ford to continue the Disaster Declaration ordered by the County Judge on March 18, 2009; and to approve the Burn Ban Resolution and to authorize the County Judge to remove or temporarily remove the Burn Ban as necessary. All voting "Aye". MOTION PASSED

26015 ACCEPT THE FY 2008 FINANCIAL AUDIT FOR HAYS COUNTY AS PREPARED BY THE ACCOUNTING FIRM OF HOLTMAN, WAGNER & COMPANY LLP [T1-1959]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to accept the FY 2008 Financial Audit for Hays County as prepared by the accounting firm of Holtman, Wagner & Company LLP. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KELLOGG, BROWN & ROOT FOR ENGINEERING SERVICES FOR FM 110 [T1-2206]

Bryan Hannah (San Marcos Veteran/student) and Gregory Foster (San Marcos Veteran/student) made public comment against KBR. Gregory Foster read a letter from Jude Prather (currently serving in Iraq) and requested postponement of action today. Marit Babin (KBR) spoke in response to allegations made in public comment. Commissioner Ingalsbe suggested postponement of action at this time. Bryan Hannah spoke of sources used for their research and personal knowledge from serving in Iraq.

DISCUSSION REGARDING A PROCESS FOR RIGHT OF WAY ACQUISITION [T1-2991]

County Auditor Bill Herzog spoke of proposed process. Documents required prior to closing: (1) Executed Purchase Agreement or Memorandum of Understanding, (2) Settlement Statement [if applicable], (3) W-9 form, (4) Deed, (5) Title Insurance Policy [if warranted], (6) Easements, (7) Tax Statement, (8) Partnership Document [if applicable], and (9) Proration of ad valorem taxes. Decisions needed: Will County Judge or Commissioners execute purchase agreements and settlement statements? Will each purchase agreement need court approval? Who will act as the County legal agent for eminent domain cases? Determine minimum land value to issue title policy? Determine minimum land value for proration of ad valorem taxes? No action taken this date.



26016 APPROVE TWO NEW SUPERVISORY POSITIONS, A REGISTERED NURSE (RN) AND AN ADMINISTRATIVE ASSISTANT II POSITION AT HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND TO POST AND HIRE AN RN AND AN ADMINISTRATIVE ASSISTANT II [T2-224]

Health Dept. Director Priscilla Hargraves provided organizational charts (current and proposed) for the Health Department. She spoke of adding a Well Child/Imm RN and an Administrative Assistant II (posted as Admin Asst 1). The Clinic Manager position is not filled and those funds would be used for new RN position, Administrative Assistant, and two promotions. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve two new supervisory positions, a Registered Nurse (RN) and an Administrative Assistant II position at Hays County Personal Health Department and to post and hire an RN and an Administrative Assistant II effective immediately. All voting "Aye". MOTION PASSED**

26017 ADOPT A RESOLUTION IN SUPPORT OF THE AMENDMENT TO HB 2441 TO PERMIT HAYS COUNTY UTILITY DISTRICTS TO ISSUE BONDS FOR PARKS AND OPEN SPACE FACILITIES [T2-443]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to adopt a Resolution in support of the Amendment to HB 2441 to permit Hays County Utility Districts to issue bonds for Parks and Open Space Facilities. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING HAYS COUNTY IDENTIFICATION BADGES AND THE PURCHASE OF THE NECESSARY SUPPLIES TO MAKE THEM [T2-468]

County Treasurer Michele Tuttle spoke of ID badges for county employees and she provided examples of the badges and explained information shown on the badge and color coding. Employees will be required to wear their county badges to work in order for the public to identify county employees for assistance, designate authority to be in secured areas and to get accustomed to carrying a badge for the second phase. Phase 2 would be after implementation of the new timekeeping system. This second card will be programmable for key entry into the new county building once it has been built. Initial cost is \$1,300 for cards, clips and ink cartridges. Human Resources Director Dee Dee Baen spoke. Court agreed to move forward with this issue. Action to be taken at a later date.

HOLD A PUBLIC HEARING ON THE PROPOSED HAYS COUNTY DEVELOPMENT REGULATIONS [T2-750]

Judge Sumter declared the public hearing open. Bill Gebhard (Wimberley resident) spoke of need to review the document so that he can consider how this will affect his family and others in his community. Mark Key (Dripping Springs resident) spoke of proposed minimum lot sizes. Jimmy Skipton (Dripping Springs resident) spoke of 6.5 acre minimum lot size – most people cannot afford to purchase a piece of property that size – there still would be no guarantee for water. Public hearing was closed.

Court convened into closed executive session at 1:55 p.m. and reconvened into open meeting at 2:35 p.m. No action was taken on these items.

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING DELIBERATION OF THE PURCHASE AND VALUE OF REAL PROPERTY RELATED TO WINTER'S MILL PARKWAY HIKE AND BIKE TRAIL. POSSIBLE ACTION TO FOLLOW IN OPEN COURT

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING REAL ESTATE ASSESSMENT FOR POSSIBLE PRESENCE OF ENDANGERED HABITAT. POSSIBLE ACTION TO FOLLOW IN OPEN COURT [T2-1000]

PRESENTATION BY GRANT JACKSON, NEI, ON THE PROPOSED DEVELOPMENT REGULATIONS. POSSIBLE ACTION TO FOLLOW [T2-1020]

Grant Jackson (Naismith Engineering) went through the revised final draft of the Hays County Development Regulations. He spoke of changes made regarding water system classifications and requirement and additional requirements for subdivision served by individual private water wells using local groundwater. [Pages 70-77] He provided members of the court with a "minimum lot size comparison table" and "estimated surface area needed to capture water demand for a single LUE at range of water useage demands & % recharge" chart. Discussion was had regarding Chapter 741 Sub-Chapter 8 regarding facility planning. Andrew Backus (Hays Trinity Groundwater Conservation District) spoke of aquifer recharge. Discussion was had regarding the 6.5 acre minimum lot size. Classification of OSSF was discussed. Commissioner Barton spoke of need to be able to explain the charts and provide drawing so the public can understand the courts intent. Grant Jackson spoke of Section 5.04(D) Design and Construction Standards



Court reconvened into executive session pursuant to 551.072 of the Texas Government Code regarding deliberation of the purchase and value of real property related to Winter's Mill Parkway Hike and Bike Trail at 5:10 pm which ended at 5:30 pm. No action was taken.

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 24, 2009.



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

