



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10TH DAY OF MARCH A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
GINA MENDOZA	DEPUTY COUNTY CLERK

WITH COUNTY JUDGE ELIZABETH "LIZ" SUMTER ABSENT 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 Flag and Commissioner Ingalsbe called the meeting to order

PRESENTATION BY JUDY SEIMS ON THE COMPLIANCE DEPARTMENT (T1-58)

Judy Seims Director of the Compliance Department spoke of the money they've collected. Money collected in 2007 was \$1,480,492.55 and the money collected in 2008 was \$1,619,106.18 resulting in a 19% increase in collections for County and District Courts. Judy Seims also spoke of PIF's, over 562 cases "Pay in Full" and the amount of phone calls made each day or notices mailed out. She also spoke of the accomplishments: (1) Inmate Trust Fund Accounts – collects money from inmate accounts (2) Working with the Texas Department of Parole – defendants report to the collections to establish payment plan if they still owe money after release (3) Motion to Revoke – collections makes sure that new plans are in place and court ordered costs are paid (4) Omnibase – defendants are reported to Omnibase if they refuse to work out payment arrangements in a timely manner and won't let them renew their driver's license until their fines or fees are paid in full.

PRESENTATION BY MIKE WEAVER OF THE MONTHLY PROGRESS REPORT FOR THE HAYS COUNTY PASS THROUGH FINANCE PROGRAM FOR FEBRUARY 2009 (T1-229)

Mike Weaver of HNTB gave an overview of the following: 1626 Phase A (FM 2270 to FM 967); FM 1626 Phase B (FM 967 to Brodie Lane); FM 110 (IH 35 to SH 123); US 290 (Nuttly Brown Road to Trautwein Road); IH 35 Phase I (FM 2001 to FM 1626 & Kyle Crossing/CR 210 Overpass); IH 35 Phase IIA (RM 150 Realignment); IH 35 Phase IIB (FM 1626 to Yarrington); FM 2001 (Frontage Road Connector). He spoke of the Lakewood Drive Project which is one of the priority projects – directly related to the construction of the Bear Creek Bridge it's about 30% over budget of the amount put into the bond package. He spoke of doing value engineering and looking at some ways to change as to when it gets phased and when it gets built. He spoke of getting 7 parcels donated which would save the County 3 – 4 million dollars.

PUBLIC COMMENTS

Celedonio Mendoza, Kyle resident and North Hays Optimist and of the Kyle City Crusher Softball Team, gave a public comment. Mark Key Dripping Springs resident made a public comment. Dan Ekakiadis former council member of the City of Kyle spoke.

25981 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve payments of county invoices in the amount of \$2,783,164.76 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

25982 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 3, 2009

A motion was made by Commissioner Barton, second by Commissioner Ford to approve Commissioners Court Minutes of March 3, 2009 as presented by the County Clerk with changes made to 25978 to reflect approve payment out of LCRA funds, and on item 25975 to reflect that Andrew Backus spoke as an individual in support of the resolution. All voting "Aye". MOTION PASSED



25983 APPROVE RENEWAL OF BID #2008-B08 "ANNUAL ROAD STRIPING" FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

A motion was made by Commissioner Barton, seconded by Commissioner Ford, to approve the renewal of bid # 2008-B08 "ANNUAL ROAD STRIPING" for one additional year as provided for in the original bid. All voting "Aye". MOTION PASSED

25984 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT 4 OF THE GRANT AGREEMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR FIVE MILE DAM PARK, ALLOWING THE EXISTING OVERHEAD UTILITY LINE ALONG THE SOUTHERN SIDE OF THE OLD SEGMENT OF OLD STAGECOACH ROAD (NOW PARK ROAD) TO REMAIN

A motion was made by Commissioner Barton, seconded by Commissioner Ford, to authorize the County Judge to execute Amendment 4 of the Grant Agreement with the Texas Parks and Wildlife Department for Five Mile Dam Park, allowing the existing overhead utility line along the southern side of the old segment of Old Stagecoach Road (now Park Road) to remain All voting "Aye". MOTION PASSED

Clerk's Note: Agenda item #7: APPROVE THE CANCELLATION OF COMMISSIONERS COURT ON MARCH 17, 2009 - was PULLED

25985 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO JOINT ELECTION AGREEMENTS BETWEEN THE POLITICAL SUBDIVISIONS HOLDING SPECIAL AND GENERAL ELECTIONS ON MAY 9, 2009 WITH HAYS COUNTY (T1-855)

Political subdivisions holding elections on May 9, 2009 are City of Wimberley, Wimberley ISD, City of Woodcreek and Hays Trinity Groundwater District. Joyce Cowman spoke and explained that the Cities of San Marcos, Hays, and Dripping Springs will hold their elections on May 9, 2009. Bill Bradfield spoke in support for Jacobs Well and explained that they were only allowed to hold 2 elections and asked the court for help to see if there is any way to change the dates on the elections. A motion was made by Commissioner Ford, seconded by Commissioner Conley, to authorize the County Judge to enter into Joint Election Agreements between the political subdivisions holding Special and General Elections on May 9, 2009 within Hays County with the City of Wimberley, Wimberley ISD, City of Woodcreek and Hays Trinity Groundwater District. All voting "Aye". MOTION PASSED

25986 APPROVE AMENDED RESOLUTION AUTHORIZING THE DESIGNATION OF 10.2 ACRES OF THE PROPERTY AT FIVE MILE DAM PARK COMPLEX AS "OPEN SPACE" AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE RELATED AMENDMENT THREE TO THE GRANT AGREEMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT (T1-1046)

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton, to approve amended Resolution authorizing the designation of 10.2 acres of the property at Five Mile Dam Park Complex as "Open Space" and to authorize the County Judge to execute the related amendment three to the Grant Agreement with the Texas Parks and Wildlife Department. All voting "Aye". MOTION PASSED

25987 AUTHORIZE THE ROAD & BRIDGE DIVISION TO PROVIDE SERVICES FOR THE CONSTRUCTION OF PEDESTRIAN TRAILS AT FIVE MILE DAM PARK (T1-1098)

Jeff Hauff Grants Director spoke of requesting the Road and Bridge Division to assist in the construction of pedestrian trails at Five Mile Dam Park. The use of County forces can be used as an in-kind match to the grant from the Texas parks and Wildlife Department, with 50% of the staff salaries, equipment hours, and materials cost – with appropriate documentation – reimbursable under the grant. Further, the trails are an element of the grant agreement with TPWD that must be completed and are not currently covered under any contract for park construction. The use of County forces is considered to be a cost-saving measure undertake to achieve park completion. RPTP Director Jerry Borchering explained how much time it would for his staff to do the work involved and cost would be about \$26,000, he also stated that no other projects that would be affected by this. A motion was made by Commissioner Ford, seconded by Commissioner Conley, to authorize the Road & Bridge Division to provide services for the construction of pedestrian trails at Five Mile Dam Park. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #8: RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR BELTERRA SUBDIVISION PHASE 3 SECTION 11B - was PULLED



25988 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACTS WITH LAN FOR ENGINEERING AND ROW SERVICES ON DACY LANE (T1-1158)

Bill Herzog explained the money would be coming out of reserves. Eddie Etheredge (LAN) explained the project. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford, to authorize the County Judge to execute contracts with LAN for engineering and ROW services on Dacy Lane in the amount of approximately \$1.2 million dollars to be paid from the general fund and be reimbursed by debt issued at a later date. All voting "Aye". MOTION PASSED

25989 APPROVE \$376.70 REIMBURSEMENT TO JERRY PINNIX, PARKS AND TRANSFER STATION DEPARTMENT FOR TRAINING LODGING EXPENSE (T1-1475)

A motion was made by Commissioner Ford, seconded by Commissioner Barton, to approve \$376.70 reimbursement to Jerry Pinnix, Parks and Transfer Station Department for training lodging expense. All voting "Aye". MOTION PASSED

25990 [08-4-74 – 2 Lots] RYAN HILL REPLAT OF LOTS 1 & 2 BLOCK A AND LOTS 5 & 7 BLOCK B – WAIVE PRELIMINARY PLAN APPROVAL AND PUBLIC HEARING; CONSIDER VARIANCE FROM HAYS COUNTY MINIMUM LOT SIZE RULES AND ACCEPT FINAL PLAT (T1-1519)

A motion was made by Commissioner Ford, seconded by Commissioner Conley, to waive preliminary plan approval and accept final plat of Ryan Hill Replat of Lots 1 & 2 Block A and Lots 5 & 7 Block B and grant variance from Hays County minimum lot size rules. All voting "Aye". MOTION PASSED

25991 PROMOTE AND FUND HEALTH CHECK 2009 FOR HAYS COUNTY EMPLOYEES, EMPLOYEE DEPENDENTS THAT ARE ON THE COUNTY'S HEALTH INSURANCE PLAN AND AUTHORIZE PAYROLL DEDUCTION OF ADDITIONAL FEES FOR OPTIONAL SERVICES EMPLOYEES MAY ELECT (T1-1582)

Dee Dee Baen HR Director spoke of the pre-draw and funding needed. The actual day-long health fair portion of Health Check will be held on Thursday April 23 from 7 a.m. to 6 p.m. at Central Texas Medical Center. Tentative (contingent on the passing of this item) times from 7:30 am – 9:00 am on dates/locations are Wed 3/18 – Justice Center; Thur 3/19 – Road and Bridge (Yarrington); Thur 4/2/ - Sheriff's Office. Dependants are eligible for other testing done if they are 18 and older at their own expense. A motion was made by Commissioner Ford, seconded by Commissioner Conley, to promote and fund Health Check 2009 for Hays County Employees, Employees dependents that are on the County's Health Insurance Plan and authorize payroll deduction of additional fees for optional services employees or their dependants may elect. All voting "Aye". MOTION PASSED

25992 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL LICENSE AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF DRIPPING SPRINGS FOR LANDSCAPE/RAIN GARDEN WITHIN THE CITY ROW AT THE NEW PCT 4 BUILDING (T1-1710)

A motion was made by Commissioner Ford, seconded by Commissioner Conley, to authorize the County Judge to execute an Interlocal License Agreement between Hays County and the City of Dripping Springs for landscape/rain garden within the city ROW at the new Pct 4 building. All voting "Aye". MOTION PASSED

25993 EXTEND THE LOCAL DISASTER DECLARATION EXECUTED BY THE COUNTY JUDGE ON OR ABOUT THE 2ND DAY OF MARCH 2009 (T1-1770)

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to extend the Local Disaster Declaration executed by the County Judge on or about the 2nd of March, 2009. All voting "Aye". MOTION PASSED

Clerk's Note Agenda item #12: RE: DISCUSSION AND POSSIBLE ACTION TO PLACE CHAPTER 174 OF THE TEXAS LOCAL GOVERNMENT CODE IN 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 COMBINED LAW ENFORCEMENT ASSOCIATIONS OF TEXAS (CLEAT) 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 – was PULLED



DISCUSSION REGARDING A POLICY OR PROVIDING GUIDANCE TO DEFINE THE CURRENT OSSF RULES REGARDING SURFACE WATER VS GROUND WATER DETERMINATION OF A PUBLIC/PRIVATE PROVIDER AND PROVIDE GUIDANCE ON LETTERS REQUIRED FROM PUBLIC/PRIVATE WATER/WASTEWATER PROVIDERS TO DETERMINE WATER AND/OR WASTEWATER AVAILABILITY FOR SUBDIVISIONS (T1-1925)

Clint Garza Subdivision Coordinator spoke about surface water determination for the proposed development regulations. Jerry Borcharding, RPTP Director, spoke about inconsistencies in the rules. Clint Garza spoke of three contradictions in the rules; (1) primary (2) small (3) or backup only. Environmental Health Department wants clarification from the court and how to implement that policy. Commissioners spoke of inserting the percentage of 2/3. If 2/3 of source comes from surface water you'll be surface water but if less than 1/3 you could be considered surface water if a small percentage if less than 1/3 of your total water supply came from a groundwater source. City of San Marcos is at 70% surface water and 30% groundwater; City of Kyle 58% surface water; City of Buda 90% groundwater; Uhland/Niederwald is around 30% groundwater depending on the rule of the water supply; Wimberley is 100% groundwater; Dripping Springs is 75% surface water. Grant Moore spoke about water issues.

25994 CALL FOR A PUBLIC HEARING ON MARCH 24, 2009 AT 1:30 P.M. TO ADOPT DEVELOPMENT REGULATIONS (T1-3059)

A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on March 24, 2009 at 1:30 p.m. on development regulations in tandem with our workshop on these final matters on. All voting "Aye". MOTION PASSED

PRESENTATION BY HDR REGARDING THE WATER/WASTEWATER FACILITIES PLANNING PROCESS (T-3339)

Commissioner Ford explained the County received a grant from Texas Water Development Board and we put out an RFQ for an engineering firm to help us with water/wastewater facilities planning process. Brandon Neal and Herbert Grubb of HDR Engineering spoke of plan and schedule and how the process will work. Stakeholders present at the meeting were: Don Ferguson City Administrator of Wimberley; Glen Lewis of AquaTexas; Tom Haley Mayor of Wimberley; Debbie Magin Guadalupe Blanco River Authority; Bob Flocke Mayor Pro-Tem of Wimberley; David Baker of Wimberley Valley Watershed Association; Andrew Backus of Hays Trinity Groundwater Conservation District; Jon Thompson City of Dripping Springs. Commissioner Ford stated that we had a \$200,000 Grant. The Texas Water Development Board gave \$100,000 and Hays County and its Stakeholders came up with \$100,000 in matching funds. Stakeholders are LCRA, the City of Drippings Springs, Dripping Springs WSC; AquaTexas, City of Wimberley, Wimberley WSC, City of Hays, and GBRA, Barton Springs Edwards Underground Conservation District, Hays Trinity Groundwater Conservation District and Hays County.

Court convened into closed executive session at 2:35 p.m. and reconvened into open meeting at 3:15 p.m. No action was taken on this item.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THE APPLICATION FOR AN AMENDED PERMIT BY RANCHES AT HAMILTON POOL WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND PENDING LITIGATION RELATED THERETO (T2-1364)

25994 PRESENTATION BY LOOMIS PARTNERS ON THE FINAL APPLICATION DRAFT OF THE HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN - APPROVE THE APPLICATION FOR THE HAYS COUNTY RHCP FOR SUBMITTAL TO US FISH AND WILDLIFE SERVICE (T2-1390)

Cliff Ladd and Amanda Aurora of Loomis Partners gave a brief presentation of the fourth draft of the Habitat Conservation Plan. A motion was made by Commissioner Conley seconded by Commissioner Ford to approve the fourth draft plan and to approve the application for the Hays County RHCP for submittal to US Fish and Wildlife Service. 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 10, 2009.



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

