

**Commissioners Court -March 31, 2009
NOTICE OF A MEETING OF THE
COMMISSIONERS COURT OF HAYS COUNTY, TEXAS**



This Notice is posted pursuant to the Texas Open Meetings Act. (VERNONS TEXAS CODES ANN. GOV. CODE CH.551). The Hays County Commissioners Court will hold a meeting at **9:00 A.M.** on the **31ST day of March, 2009**, in the Hays County Courthouse, Room 301, San Marcos, Texas. An Open Meeting will be held concerning the following subjects:

INVOCATION:

**PLEDGE OF ALLEGIANCE - Pledge of Allegiance to the American Flag & Pledge of Allegiance to the Texas Flag
CALL TO ORDER /ROLL CALL**

PRESENTATIONS & PROCLAMATIONS

1	1	Presentation by Rhoda Gersch, Executive Director, Combined Community Action, Inc. on the Weatherization Program which has received funds from the American Recovery and Reinvestment Act. SUMTER
2	2-3	Proclamation declaring April 6 – 12, 2009 Public Health Week. SUMTER/HARGRAVES
3	4-5	Proclamation recognizing April as Child Abuse Awareness Month. CONLEY/CORBIN

PUBLIC COMMENTS

At this time **3-MINUTE** comments will be taken from the audience on Non-Agenda related topics. To address the Court, please submit a Public Participation/ Witness Form to the County Clerk. Please Complete the Public Participation/ Witness Form in its Entirety.
NO ACTION MAY BE TAKEN BY THE COURT DURING PUBLIC COMMENTS.

CONSENT ITEMS

The following may be acted upon in one motion. A Commissioner, the County Judge, or a Citizen
May request items be pulled for separate discussion and/or action

4	6	Approve payments of county invoices. HERZOG
5	7-12	Approve Commissioner Court Minutes of March 24, 2009. SUMTER/FRITSCH
6	13-25	Approve the December 2008 and January 2009 Treasurer's Reports. SUMTER/TUTTLE
7	26-29	Approve Utility permit. SUMTER
8	30-31	Authorize the County Judge to execute a Contract Amendment with the Texas Parks and Wildlife Department to extend the grant period for the Regional Habitat Conservation Plan to April 30, 2010. CONLEY/FORD/HAUFF

ACTION ITEMS

MISCELLANEOUS

9	32-35	Discussion and possible action to authorize the County Judge to execute an Interlocal Agreement with the City of San Marcos to jointly apply for a grant made available through the U.S. Department of Justice, Bureau of Justice Assistance for Recovery Act - Justice Assistance Grant (JAG) formula funding. SUMTER/RATLIFF/HAUFF
10	36-53	Discussion and possible action to authorize the County Judge to execute a Development Agreement between Hays County, the City of Niederwald, and Studio Estates, LLC regarding the Studio Estates subdivision. BARTON
11	54	Discussion and possible action to approve funding for Hays County identification badges and to authorize purchase of necessary supplies. BARTON/TUTTLE/BAEN/TURNER
13		Discussion and possible action to extend fiscal surety for the construction of roads and drainage at the Ranches at Hamilton Pool Subdivision. FORD

WORKSHOP

12	55	10am - Envision Central Texas Greenprinting Update. SUMTER
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EXECUTIVE SESSIONS

The Commissioners Court will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda. The Commissioners' Court may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

ADJOURNMENT

Posted by 5:00 o'clock P.M. on the 27TH day of March, 2009.

COMMISSIONERS COURT, HAYS COUNTY, TEXAS

CLERK OF THE COURT

Hays County encourages compliance with the Americans with Disabilities Act (ADA) in the conduct of all public meetings. To that end, persons with disabilities who plan to attend this meeting and who may need auxiliary aids such as an interpreter for a person who is hearing impaired are requested to contact the Hays County Judge's Office at (512) 393-2205 as soon as the meeting is posted (72 hours before the meeting) or as soon as practical so that appropriate arrangements can be made. While it would be helpful to receive as much advance notice as possible, Hays County will make every reasonable effort to accommodate any valid request regardless of when it is received. Braille is not available.

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Presentation by Rhoda Gersch, Executive Director, Combined Community Action, Inc. on the Weatherization Program which has received funds from the American Recovery and Reinvestment Act.

CHECK ONE: ☐ **CONSENT** ☐ **ACTION** ☐ **EXECUTIVE SESSION**
☐ **WORKSHOP** ☐ **PROCLAMATION** ☒ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: March 31, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY:

SPONSORED BY: SUMTER

SUMMARY:

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Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM:

Proclamation declaring April 6 – 12, 2009 Public Health Week.

CHECK ONE:

CONSENT

☐

ACTION

☐

EXECUTIVE SESSION

☐

WORKSHOP

☒

PROCLAMATION

☐

PRESENTATION

PREFERRED MEETING DATE REQUESTED: March 31, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Priscilla Hargraves

SPONSORED BY: Sumter/Hargraves

SUMMARY:



111 E. San Antonio Street
San Marcos, Texas 78666

PUBLIC HEALTH WEEK PROCLAMATION

WHEREAS, in the County of Hays the San Marcos-Hays Health Unit began in 1961, with 3 employees;

WHEREAS, today the people of the County of Hays benefit each day from the efforts of our public health workforce when eating at restaurants, drinking tap water, learning about prevention of deadly diseases or receiving vaccinations; and

WHEREAS, the efforts of public health workers to protect the public are of even greater significance in light of the threat of terrorism; and

WHEREAS, the public health workers' experience managing natural disease outbreaks combined with effective planning and partnership between federal, state and local authorities is beneficial for any future crisis; and

WHEREAS, public health efforts alone cannot accomplish the goal of a healthier County of Hays without cooperation and partnership with communities and individuals; and

WHEREAS, the theme of National Public Health Week 2009 is "Building the Foundation for a Healthy America;" and

WHEREAS, there can be no successful health reform without the support of a strong public health infrastructure; and

WHEREAS, by supporting our nation's public health system, we can build on the successes of the past and establish the solid foundation needed for a healthy nation; and

NOW, THEREFORE, be it further resolved that the Hays County Commissioners' Court does hereby proclaim April 6 through April 12, 2009, as Public Health Week in the County of Hays.

Hays County Judge Liz Sumter

Debbie Ingalsbie
Commissioner Precinct 1

Jeff Barton
Commissioner Precinct 2

Will Conley
Commissioner Precinct 3

Karen Ford
Commissioner Precinct 4

Linda Fritsche, County Clerk

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Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Proclamation recognizing April as Child Abuse Awareness Month.

CHECK ONE: **CONSENT** ☐ **ACTION** ☐ **EXECUTIVE SESSION**

 ☐ **WORKSHOP** ☒ **PROCLAMATION** ☐ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: April 7, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Craig Corbin

SPONSORED BY: Commissioner Will Conley

SUMMARY:

See attached proclamation recognizing April as Child Abuse Awareness Month.



111 E. San Antonio St., Suite 300
San Marcos, Texas 78666

April 7, 2009

**PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS' COURT
PROCLAIMING CHILD ABUSE AWARENESS FOR THE MONTH OF
APRIL**

WHEREAS, There were more than 249,850 cases of suspected child abuse and neglect reported in Texas in 2008. In 2008, 220 Texas children died because of abuse and neglect; and,

WHEREAS, Parents were the alleged perpetrators in 78.7% of the confirmed cases; and,

WHEREAS, Texas is historically ranked 47th in the nation for dollars spent per child by the State Child Abuse and Neglect Agency; and,

WHEREAS, more than 330 children in Hays County were confirmed victims of child abuse and neglect in 2008; and

WHEREAS, child abuse prevention is a community responsibility and finding solutions depends on involvement among all people; and

WHEREAS, communities must make every effort to promote programs that benefit children and their families; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships among agencies, schools, religious organizations, law enforcement agencies and the business community; and

WHEREAS, locally, representatives from Hays County Child Welfare Board, Hays County District Attorney's Office, Roxanne's House the Child Abuse Program of the Hays-Caldwell Women's Center, Texas Department of Family and Protective Services, Hays County Sheriff's Office, San Marcos and Kyle Police Departments, Greater San Marcos Youth Council, CTMC, and Court Appointed Special Advocates (CASA) have joined forces to provide a united effort to offer prevention and supportive services to child victims and their families; and

WHEREAS, everyone in the community should become more aware of child abuse prevention and consider helping parents raise their children in a safe, nurturing environment.

NOW THEREFORE BE IT RESOLVED that the Commissioners' Court of Hays County, duly convened and acting in its capacity as the governing body of Hays County, does hereby proclaim the month of April as "Child Abuse Prevention Month in Hays County" and urges all citizens to work together to help reduce child abuse and neglect significantly in the years to come.

AND BE IT FURTHER RESOLVED that the Commissioner's Court of Hays County supports the collaborative efforts of the community agencies in their endeavors to serve Hays County's abused or neglected children and their families.

PROCLAIMED THIS THE 7th DAY OF April, 2009

Elizabeth Sumter
Hays County Judge

Debbie Ingalsbe
Commissioner Precinct 1

Jefferson Barton
Commissioner Precinct 2

Will Conley
Commissioner Precinct 3

Karen Ford
Commissioner Precinct 4

Linda Fritsche
County Clerk

Agenda Item Request Form

Hays County Commissioners' Court

2:00 p.m. Every Wednesday

Request forms are due in the County Judge's Office

no later than **2:00 p.m. on WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Approve payment of county invoices.

CHECK ONE: ☒ **CONSENT** ☐ **ACTION** ☐ **EXECUTIVE SESSION**
 ☐ **WORKSHOP** ☐ **PROCLAMATION** ☐ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: 3/31/09

AMOUNT REQUIRED: None

LINE ITEM NUMBER OF FUNDS REQUIRED: As attached.

REQUESTED BY: Auditor's Office

SPONSORED BY: Bill Herzog 

SUMMARY:

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Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: APPROVE COMMISSIONERS COURT MINUTES OF MARCH 24, 2009

CHECK ONE: **X CONSENT** ☐ **ACTION** ☐ **EXECUTIVE SESSION**
☐ **WORKSHOP** ☐ **PROCLAMATION** ☐ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: MARCH 31, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: FRITSCH

SPONSORED BY: SUMTER

SUMMARY:



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
DEBBIE GONZALES INGALSBE
JEFFERSON W. BARTON
WILL CONLEY
KAREN FORD
LINDA C. FRITSCHKE

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
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



MARCH 24, 2009

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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 [T1-2208]

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.



MARCH 24, 2009

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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. FRITSCHKE, 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. FRITSCHKE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS

A decorative flourish consisting of a series of loops and swirls, extending horizontally across the page.

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Approve the December 2008 and January 2009 Treasurer's Reports

TYPE OF ITEM: CONSENT-ACTION-PROCLAMATION-EXECUTIVE SESSION-WORKSHOP

PREFERRED MEETING DATE REQUESTED: 3/31/09

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Michele Tuttle, Hays County Treasurer



SPONSORED BY: Liz Sumter, Hays County Judge

SUMMARY:

Approve the December 2008 and January 2009 Treasurer's Reports and Investment Reports

HAYS COUNTY TREASURER'S REPORT FOR THE MONTH OF JANUARY 2009

CHECKING

OPERATING FUNDS:	BEGINNING BALANCE		Interest	Revenues	Deposits From Investment		Disbursements	Transfer to Investments	ENDING BALANCE		Total Investments	TOTAL FUND
General	\$ 8,556.64	\$ 37.99	\$ 2,021,233.56	\$ 3,032,800.30	\$ 4,952,361.60	\$ -	\$ -	\$ 110,266.89	\$ 34,920,204.85	\$ 35,030,471.74		
Road and Bridge General	\$ 1,407.66	\$ 13.44	\$ 567,102.20	\$ 184,960.46	\$ 626,157.93	\$ -	\$ -	\$ 127,325.83	\$ 7,956,323.03	\$ 8,083,648.86		
Medical and Dental Fund	\$ 200,009.75	\$ 9.46	\$ 109,279.56	\$ 526,076.36	\$ 835,364.67	\$ -	\$ -	\$ 10.46	\$ 301,351.82	\$ 301,362.28		
Sheriff's Drug Forfeiture	\$ 1.00	\$ -	\$ -	\$ 2,902.22	\$ 2,902.22	\$ -	\$ -	\$ 1.00	\$ 53,128.23	\$ 53,129.23		
District Attorney Drug Forfeiture	\$ 1.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1.00	\$ 342.20	\$ 343.20		
Health Services Grants	\$ 328.12	\$ 0.58	\$ 50,342.89	\$ -	\$ 50,670.05	\$ -	\$ -	\$ 1.54	\$ 6,086.54	\$ 6,088.08		
Family Health Services	\$ 3,343.32	\$ 0.39	\$ 67,443.12	\$ -	\$ 70,503.22	\$ -	\$ -	\$ 283.61	\$ 12,416.80	\$ 12,700.41		
Juvenile Detention Center	\$ 212,809.90	\$ 14.98	\$ 351,976.09	\$ 90,916.39	\$ 330,834.66	\$ -	\$ -	\$ 324,884.70	\$ 527,241.24	\$ 852,125.94		
Tobacco Settlement Fund	\$ 1.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1.00	\$ 428,491.07	\$ 428,492.07		
Historical Commission Trust Fund	\$ 1.00	\$ -	\$ 200.00	\$ -	\$ -	\$ 200.00	\$ -	\$ 1.00	\$ 20,241.22	\$ 20,242.22		
CONSTRUCTION FUNDS:												
Certificates of Obligation 1997	\$ 0.01	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.01	\$ -	\$ 0.01		
Parks Bond 2003	\$ 1.00	\$ -	\$ -	\$ 36,664.00	\$ 36,664.00	\$ -	\$ -	\$ 1.00	\$ 100,764.82	\$ 100,765.82		
Road Construction Bond 2004	\$ 1.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1.00	\$ 802.09	\$ 803.09		
Certificates of Obligation 2005	\$ 1.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1.00	\$ 7,830.84	\$ 7,831.84		
Road Construction Bond 2006	\$ 1.00	\$ -	\$ -	\$ 447,136.24	\$ 447,136.24	\$ -	\$ -	\$ 1.00	\$ 4,929,639.73	\$ 4,929,640.73		
Parks Bond 2007	\$ 1.00	\$ -	\$ -	\$ 612,980.80	\$ 612,980.80	\$ -	\$ -	\$ 1.00	\$ 5,105,003.03	\$ 5,105,004.03		
Parks Bond 2008	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,917,439.00	\$ 9,917,439.00		
TCDP Disaster Relief Blanco	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
LCRA Service Fee Fund	\$ 1.00	\$ -	\$ 211,362.26	\$ 30,871.83	\$ 30,871.83	\$ 211,362.26	\$ -	\$ 1.00	\$ 491,399.88	\$ 491,399.88		
Cedar Oaks Mesa	\$ -	\$ -	\$ 25,000.00	\$ -	\$ -	\$ -	\$ -	\$ 25,000.00	\$ -	\$ 25,000.00		
INTEREST AND SINKING FUNDS:												
Hays County I & S	\$ 29,003.83	\$ 3.00	\$ 29,088.47	\$ -	\$ 300.00	\$ 57,791.30	\$ 4.00	\$ 8,236,316.76	\$ 8,236,320.76			
GRAND TOTALS:	\$ 455,469.23	\$ 79.84	\$ 3,433,030.15	\$ 4,964,308.60	\$ 7,995,747.22	\$ 269,353.56	\$ 587,787.04	\$ 73,015,013.15	\$ 73,602,800.19			
Transfers Outstanding:												

Hays County Treasurer's Investment Report For January 2009

PAGE 1

AMERICAN NATIONAL BANK CHECKING

Description	12/31/08 Balance	Interest	Deposits	Debits	1/31/09 Balance
All Funds (see Page 1)	\$ 455,469.23	79.64	8,397,336.75	8,265,100.78	587,787.04

TEXPOOL 0.9529% 1.000630

Description	12/31/08 Balance	Interest	Deposits	Debits	1/31/09 Balance
General	\$ 8,809,941.68	11,892.82	12,511,933.74	2,832,800.30	18,500,967.94
Road and Bridge General	\$ 3,143,686.29	3,819.58	3,252,805.54	184,960.46	6,215,349.95
Medical and Dental Fund	\$ 825,488.21	560.39	-	526,076.36	299,972.24
Sheriff's Drug Forfeiture	\$ 55,985.86	44.59	-	2,902.22	53,128.23
D.A. Drug Forfeiture	\$ 279.87	0.27	-	-	280.14
Health Services Grants	\$ 6,045.38	4.86	-	-	6,050.24
Juvenile Center	\$ 617,661.50	496.13	-	90,916.39	527,241.24
Tobacco Settlement Fund	\$ 428,144.56	346.51	-	-	428,491.07
Historical Commission Trust	\$ 12,862.82	10.42	200.00	-	13,073.24
Parks Bond 2003	\$ 136,341.42	87.40	-	35,664.00	100,764.82
Road Construction 2004	\$ 41.38	-	-	-	41.38
Certificates of Obligation '05	\$ 7,824.50	6.34	-	-	7,830.84
Road Construction 2006	\$ 5,372,561.34	4,214.63	-	447,136.24	4,929,639.73
Parks Bond 2007	\$ 5,713,724.14	4,259.69	-	612,980.80	5,105,003.03
Parks Bond 2008	\$ 9,909,419.40	8,019.60	-	-	9,917,439.00
LCRA Service Fee Fund	\$ 310,647.13	252.32	211,362.26	30,871.83	491,389.88
Hays County I & S	\$ 3,196,815.63	3,720.46	2,865,609.82	-	6,066,145.91
All Funds	38,547,470.11	37,736.01	18,841,911.36	4,764,308.60	52,662,808.88

ICT Funds Management	0.7900%				
Description	12/31/08 Balance	Interest	Deposits	Debits	1/31/09 Balance
General	\$ 11,216,599.01	8,224.21	-	-	11,224,823.22

CLASS - MBIA	0.9600%	NAV 1.00			
Description	12/31/08 Balance	Interest	Deposits	Debits	1/31/09 Balance
General	\$ 3,721,504.63	3,037.50	-	-	3,724,542.13
Road Construction 2004	\$ 760.08	0.63	-	-	760.71
All Funds	3,722,264.71	3,038.13	-	-	3,725,302.84

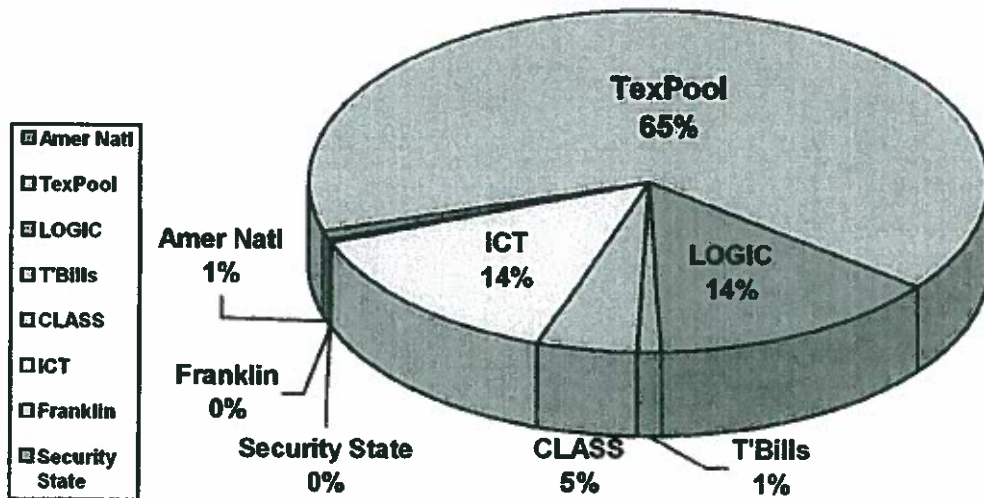
PAGE 2

LOGIC	1.2949%	1.00055																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			</
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LINKED DEPOSIT PROGRAM CERTIFICATES OF DEPOSITS

Description	Fund	Yield/ Maturity	Balances 12/31/08			Transactions		Balances 1/31/09		
			Par Value	Book Value	Market Value	Purchases	Maturities	Par Value	Book Value	Market Value
Security State Bank	General	2.72% 11/7/09	4,022.27	4,022.27	4,022.27			4,022.27	4,022.27	4,022.27
Security State Bank	General	3.06% 6/14/10	13,686.22	13,686.22	13,686.22			13,686.22	13,686.22	13,686.22
Security State Bank	General	3.14% 6/14/12	21,030.03	21,030.03	21,030.03			21,030.03	21,030.03	21,030.03
Security State Bank	General	2.94% 7/10/10	16,721.09	16,721.09	16,721.09			16,721.09	16,721.09	16,721.09
Security State Bank	General	2.99% 7/10/12	12,628.08	12,628.08	12,628.08			12,628.08	12,628.08	12,628.08
Security State Bank	General	2.56% 1/4/13	14,000.00	14,000.00	14,000.00			14,000.00	14,000.00	14,000.00
Security State Bank	General	2.99% 1/4/13	20,000.00	20,000.00	20,000.00			20,000.00	20,000.00	20,000.00
Security State Bank	General	2.99% 1/4/13	15,000.00	15,000.00	15,000.00			15,000.00	15,000.00	15,000.00
Security State Bank	General	2.99% 1/4/13	18,000.00	18,000.00	18,000.00			18,000.00	18,000.00	18,000.00
Franklin Bank	General	2.64% 8/8/12	31,006.38	31,006.38	31,006.38			31,006.38	31,006.38	31,006.38
Franklin Bank	General	1.91% 10/19/11	7,891.35	7,891.35	7,891.35	38.36		7,929.71	7,929.71	7,929.71
TOTAL			173,985.42	173,985.42	173,985.42	38.36	-	174,023.78	174,023.78	174,023.78
TOTAL Fund Balances			59,537,350.44				73,602,800.19			
BENCHMARK										
CURRENT 90 DAY TREASURY BILL YIELDING .265%										

INVESTMENT ALLOCATION TOTALS JANUARY 2009



All maturity dates are less than 180 days. The Treasurer's Office invests with prudence to keep security and liquidity as the primary goals. The strategy used for each fund is based on the terms described in the Hays County Investment Policy. The Treasurer's Office strictly adheres to all laws and statutes concerning the investment of public funds.

Maikel Teel and Herzog

Bill Herzog, Hays County Auditor

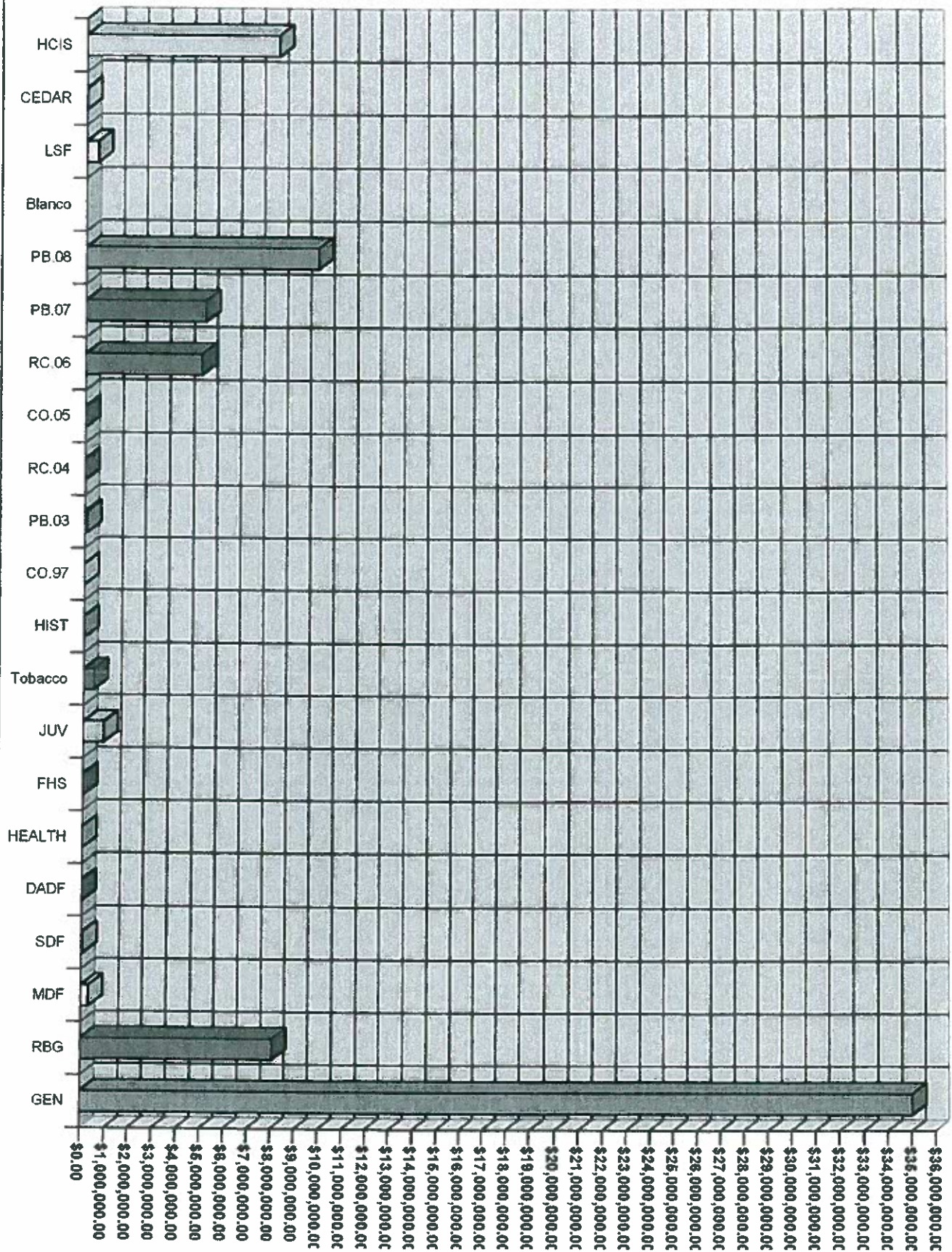
Michele Tuttle

Michele Tuttle, Hays County Treasurer

Britney B. Richey

Britney Richey, Accountant, Hays County

Fund balances for 1/31/09



HAYS COUNTY TREASURER'S REPORT FOR THE MONTH OF DECEMBER 2008

CHECKING

OPERATING FUNDS:		BEGINNING BALANCE	Interest	Revenues	Deposits From Investments	Disbursements	Transfer to Investments	ENDING BALANCE	Total Investments	TOTAL FUND								
General	\$	416,554.26	\$	110.11	\$	1,969,841.99	\$	3,122,182.85	\$	5,182,314.57	\$	317,818.00	\$	8,556.64	\$	25,416,132.81	\$	25,424,689.45
Road and Bridge General	\$	18,296.65	\$	14.06	\$	145,903.83	\$	404,875.35	\$	505,428.41	\$	62,253.82	\$	1,407.66	\$	4,882,745.75	\$	4,884,153.41
Medical and Dental Fund	\$	610.45	\$	9.75	\$	2,143,330.04	\$	693,183.65	\$	1,137,707.15	\$	1,499,416.99	\$	200,009.75	\$	826,866.27	\$	1,026,876.02
Sheriff's Drug Forfeiture	\$	6,895.47	\$	-	\$	-	\$	-	\$	-	\$	6,894.47	\$	1.00	\$	55,985.86	\$	55,986.86
District Attorney Drug Forfeiture	\$	1.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1.00	\$	341.86	\$	342.86
Health Services Grants	\$	15,187.10	\$	5.52	\$	88,771.68	\$	-	\$	97,634.75	\$	6,001.43	\$	328.12	\$	6,081.64	\$	6,409.76
Family Health Services	\$	1,268.54	\$	4.29	\$	84,199.79	\$	-	\$	69,934.61	\$	12,194.69	\$	3,343.32	\$	12,403.20	\$	15,746.52
Juvenile Detention Center	\$	42,657.87	\$	31.10	\$	617,098.30	\$	180,075.96	\$	447,162.68	\$	179,890.65	\$	212,809.90	\$	617,661.50	\$	830,471.40
Tobacco Settlement Fund	\$	1.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1.00	\$	428,144.56	\$	428,145.56
Historical Commission Trust Fund	\$	736.00	\$	-	\$	1,065.00	\$	-	\$	169.31	\$	1,530.69	\$	1.00	\$	20,022.93	\$	20,023.93
CONSTRUCTION FUNDS:																		
Certificates of Obligation 1997	\$	0.01	\$	-	\$	-	\$	-	\$	-	\$	-	\$	0.01	\$	-	\$	0.01
Parks Bond 2003	\$	1.00	\$	-	\$	-	\$	16,864.87	\$	16,864.87	\$	-	\$	1.00	\$	136,341.42	\$	136,342.42
Road Construction Bond 2004	\$	1.00	\$	-	\$	-	\$	622,666.66	\$	622,666.66	\$	-	\$	1.00	\$	801.46	\$	802.46
Certificates of Obligation 2005	\$	1.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1.00	\$	7,824.50	\$	7,825.50
Road Construction Bond 2006	\$	1.00	\$	-	\$	-	\$	95,046.80	\$	95,046.80	\$	-	\$	1.00	\$	5,372,561.34	\$	5,372,562.34
Parks Bond 2007	\$	1.00	\$	-	\$	-	\$	65,327.27	\$	65,327.27	\$	-	\$	1.00	\$	5,713,724.14	\$	5,713,725.14
Parks Bond 2008	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	9,909,419.40	\$	9,909,419.40
TCDP Disaster Relief Blanco	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
LCRA Service Fee Fund	\$	20,001.00	\$	-	\$	10,000.00	\$	-	\$	-	\$	30,000.00	\$	1.00	\$	310,647.13	\$	310,648.13
INTEREST AND SINKING FUNDS:																		
Hays County I & S	\$	58,911.03	\$	2.83	\$	58,000.00	\$	-	\$	-	\$	87,910.03	\$	29,003.83	\$	5,364,175.44	\$	5,393,179.27
GRAND TOTALS:	\$	581,125.38	\$	177.66	\$	5,118,210.63	\$	5,200,223.41	\$	8,240,257.08	\$	2,204,010.77	\$	455,469.23	\$	59,081,881.21	\$	59,537,350.44
Transfers Outstanding:																		

Hayes County Treasurer's Investment Report For December 2008

PAGE 1

AMERICAN NATIONAL BANK CHECKING

<u>Description</u>	<u>11/30/08 Balance</u>	<u>Interest</u>	<u>Deposits</u>	<u>Debits</u>	<u>12/31/08 Balance</u>
All Funds (see Page 1)	\$ 581,125.38	177.66	10,318,434.04	10,444,267.85	455,469.23

TEXPOOL 1.4855% 1.001190

<u>Description</u>	<u>11/30/08 Balance</u>	<u>Interest</u>	<u>Deposits</u>	<u>Debits</u>	<u>12/31/08 Balance</u>
General	\$ 575,390.89	2,808.02	11,413,925.62	3,122,182.85	8,809,941.68
Road and Bridge General	\$ 610,675.25	1,469.35	2,936,416.04	404,875.35	3,143,685.29
Medical and Dental Fund	\$ 18,671.98	582.88	1,499,416.99	693,183.65	825,488.21
Sheriff's Drug Forfeiture	\$ 49,021.49	69.90	6,894.47	-	55,985.86
D.A. Drug Forfeiture	\$ 279.55	0.32	-	-	279.87
Health Services Grants	\$ 43.54	0.41	6,001.43	-	6,045.38
Juvenile Center	\$ 617,072.24	774.57	179,890.65	180,075.96	617,661.50
Tobacco Settlement Fund	\$ 427,605.08	539.48	-	-	428,144.56
Historical Commission Trust	\$ 11,217.06	15.07	1,530.69	-	12,862.82
Parks Bond 2003	\$ 163,020.83	185.46	-	16,864.87	136,341.42
Road Construction 2004	\$ 45,350.57	40.38	-	45,349.57	41.38
Certificates of Obligation '05	\$ 7,814.63	9.87	-	-	7,824.50
Road Construction 2006	\$ 5,460,785.17	6,822.97	-	95,046.80	5,372,561.34
Parks Bond 2007	\$ 5,771,830.69	7,220.72	-	65,327.27	5,713,724.14
Parks Bond 2008	\$ 280,264.13	685.40	9,908,734.00	-	9,909,419.40
LCRA Service Fee Fund	\$ 599,315.80	383.00	30,000.00	-	310,647.13
Hayes County I & S	\$ 1,602.75	1,602.75	2,595,897.08	-	3,196,815.63
All Funds	14,568,368.91	23,210.55	28,578,806.97	4,622,906.32	38,547,470.11

ICT Funds Management 0.9400%

<u>Description</u>	<u>11/30/08 Balance</u>	<u>Interest</u>	<u>Deposits</u>	<u>Debits</u>	<u>12/31/08 Balance</u>
General	\$ 11,206,123.48	10,475.53	-	-	11,216,599.01

CLASS - MBIA 1.4800% NAV 1.00

<u>Description</u>	<u>11/30/08 Balance</u>	<u>Interest</u>	<u>Deposits</u>	<u>Debits</u>	<u>12/31/08 Balance</u>
General	\$ 3,716,828.13	4,676.50	-	-	3,721,504.63
Road Construction 2004	\$ 577,560.68	516.49	-	577,317.09	760.08
All Funds	4,294,388.81	5,192.99	-	577,317.09	3,722,264.71

TREASURY BILLS AND NOTES

TREASURY BILLS AND NOTES

22

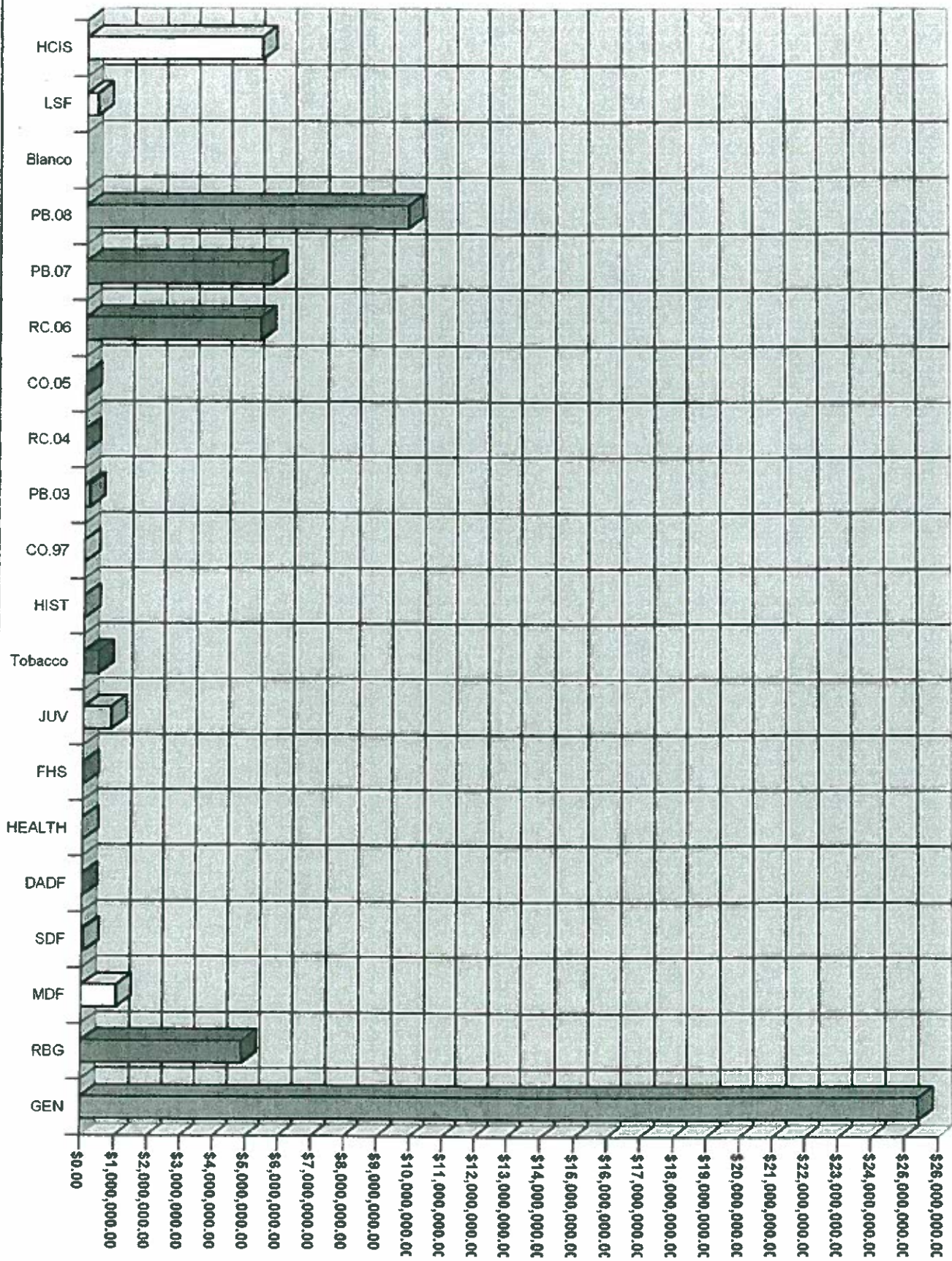
LINKED DEPOSIT PROGRAM CERTIFICATES OF DEPOSITS

Description	Fund	Yield	Maturity	Balances 11/30/08			Transactions		Balances 12/31/08		
				Par Value	Book Value	Market Value	Purchases	Maturities	Par Value	Book Value	Market Value
Security State Bank	General	2.72%	11/7/09	7,788.00	7,788.00	7,788.00		3,765.73	4,022.27	4,022.27	4,022.27
Security State Bank	General	3.06%	6/14/10	13,686.22	13,686.22	13,686.22			13,686.22	13,686.22	13,686.22
Security State Bank	General	3.14%	6/14/12	21,030.03	21,030.03	21,030.03			21,030.03	21,030.03	21,030.03
Security State Bank	General	2.94%	7/10/10	16,721.09	16,721.09	16,721.09			16,721.09	16,721.09	16,721.09
Security State Bank	General	2.99%	7/10/12	12,628.08	12,628.08	12,628.08			12,628.08	12,628.08	12,628.08
Security State Bank	General	2.56%	1/4/13	14,000.00	14,000.00	14,000.00			14,000.00	14,000.00	14,000.00
Security State Bank	General	2.99%	1/4/13	20,000.00	20,000.00	20,000.00			20,000.00	20,000.00	20,000.00
Security State Bank	General	2.99%	1/4/13	15,000.00	15,000.00	15,000.00			15,000.00	15,000.00	15,000.00
Security State Bank	General	2.99%	1/4/13	18,000.00	18,000.00	18,000.00			18,000.00	18,000.00	18,000.00
Security State Bank	General	2.64%	8/8/12	31,006.38	31,006.38	31,006.38			31,006.38	31,006.38	31,006.38
Franklin Bank	General	1.91%	10/19/11	7,891.35	7,891.35	7,891.35			7,891.35	7,891.35	7,891.35
TOTAL				177,751.15	177,751.15	177,751.15	-	3,765.73	173,985.42	173,985.42	173,985.42
TOTAL Fund Balances											
					36,229,412.77			59,537,350.44			

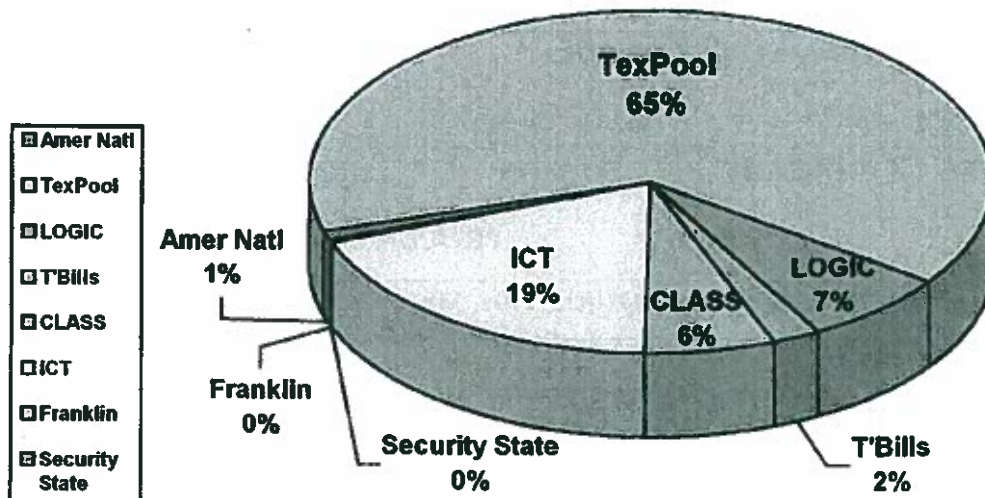
BENCHMARK

CURRENT 90 DAY TREASURY BILL YIELDING .005%

Fund balances for 12/31/08



INVESTMENT ALLOCATION TOTALS DECEMBER 2008



All maturity dates are less than 180 days. The Treasurer's Office invests with prudence to keep security and liquidity as the primary goals. The strategy used for each fund is based on the terms described in the Hays County Investment Policy. The Treasurer's Office strictly adheres to all laws and statutes concerning the investment of public funds.

Bill Herzog
Bill Herzog, Hays County Auditor

Michele Tuttle
Michele Tuttle, Hays County Treasurer

Britney Richey
Britney Richey, Accountant, Hays County

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Approve Utility Permit.

CHECK ONE: ☒ **CONSENT** ☐ **ACTION** ☐ **EXECUTIVE SESSION**

☐ **WORKSHOP** ☐ **PROCLAMATION** ☐ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: March 31, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

SPONSORED BY: SUMTER

SUMMARY:

Permit # 02011 Deer Creek Circle (Water)

PERMIT NO. : 02011 APPLICATION DATE : 3/19/2009 APPROVED DATE : 3/31/2009

CO. CODE : DCRW Company Name: DEER CREEK RANCH Type of Utility: WATER

City: DRIPPING SPRING Department: ENGINEERING

ROAD NO. : CR200 ROAD NAME : Deer Creek Circle NAME Chris Aaron

SUBDIVISION : Deer Creek Ranch SEGMENT : 4

TYPE LINE : Water line service

DESCRIPTION : Water line service to be bored under Deer
Creek Circle . . .

SPECIAL PROVISIONS : bored and cased; bore pits to be compacted
to county specifications; erosion controls
may be needed; notify Hays County 24 hrs
prior to construction



Road and Bridge Department
2171 Yarrington Road
P O Box 906
San Marcos, TX 78667-0906
(512) 393-7385

Application for Installation

Utility Line on Hays County Right of Way

Date: March 19-2009

Notice is hereby given that
Company proposes to place a
line within the right-of-way of
as follows: (give location, length, general design, etc.)

Deer Creek Water Co.
3/4" steel pipe supply & tap
for Deer Creek City Park

Bore

If the proposed installation is a parallel installation, then the installation shall be located two feet within the edge of right-of-way unless otherwise approved by the County.

The line will be constructed and maintained on the road right-of-way as directed by the Hays County Road Department (HCRD), an agency of the Commissioners Court of Hays County, in accordance with governing laws, including but not limited to the "Federal Clean Water Act," the "Federal Endangered Species Act," and the "Federal Historic Preservation Act." Upon request by the HCRD, proof of compliance with all governing laws, rules, and regulations will be submitted to HCRD before commencement of construction.

Our firm will use Best Management Practices to minimize erosion and sedimentation resulting from the proposed installation, and we will revegetate the project area as indicated under "General Special Provisions."

Our firm will insure that traffic control measures complying with applicable portions of the Texas Manual of Uniform Traffic Control Devices will be installed and maintained during this installation.

The location and description of the proposed line and appurtenances is more fully shown by _____ complete sets of drawings attached to this notice.

It is expressly understood that Hays County does not purport, hereby, to grant any right, claim, title, or easement in or upon this road; and it is further understood that Hays County may require the owner to relocate this line, subject to provisions of governing laws, by giving thirty (30) days' written notice.

It is understood and agreed that any damages sustained to the appurtenances installed under this proposal as a result of road construction and/or maintenance, including but not limited to mowing, ditch cleaning, culvert repair or replacement, roadway excavation and base work shall be the sole burden and expense of the owner.

Applicant agrees to notify HCRD prior to commencement of any routine or periodic maintenance which requires pruning of trees within the road right-of-way, so that the County may provide specifications for the extent and methods to govern in trimming, topping, tree balance, type of cuts, painting cuts and clean up.

The installation shall not damage any part of the road and adequate provisions must be made to cause minimum inconveniences to traffic and adjacent property owners. In the event the Applicant fails to comply with any or all of the requirements as set forth herein, Hays County may take such action as it deems appropriate to compel compliance.

Construction of this line will begin on or after the ASAP day of March, 2009.

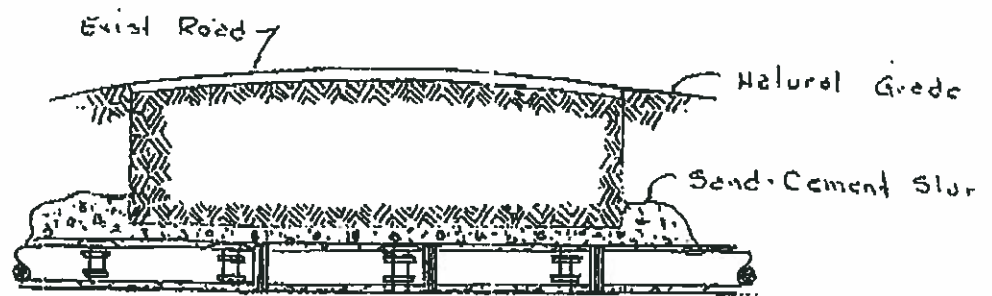
General Special Provisions:

By signing below, I certify that I am authorized to represent the Firm listed below, and that the Firm agrees to the conditions/provisions included in this permit.

Firm Deer Creek Water Co
By (Print) Chris Aaron
Signature [Signature]

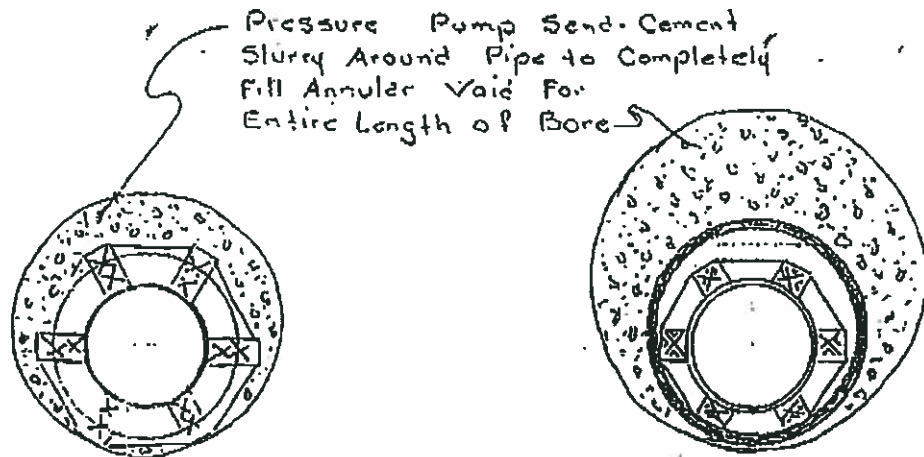
Title Operator
Address P.O. Box 436
D.S. Tr. 78620
Phone 512-415-1220

Approved by Hays County Road & Bridge Department
Signature [Signature] Title Inspector Date 3/25/09



BORE

3/4 poly
inside 2" sch. 40



Section Through
Pipe in Bore

Section Through
Pipe in Conduit

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Authorize the County Judge to execute a Contract Amendment with the Texas Parks and Wildlife Department to extend the grant period for the Regional Habitat Conservation Plan to April 30, 2010.

CHECK ONE: ☒ **CONSENT** ☐ **ACTION** ☐ **EXECUTIVE SESSION**
 ☐ **WORKSHOP** ☐ **PROCLAMATION** ☐ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: March 31, 2009

AMOUNT REQUIRED: NA – only a time extension

LINE ITEM NUMBER OF FUNDS REQUIRED: NA

REQUESTED BY: Hauff

SPONSORED BY: Conley/Ford

SUMMARY:

The County entered into an Interlocal Agreement (#157923) with the Texas Parks and Wildlife Department on May 9, 2006 for grant funds to prepare a Regional Habitat Conservation Plan (RHCP) for Hays County. On July 23, 2007 an Amendment (#1) to this Agreement was authorized, extending the termination date to April 30, 2009.

Work has been ongoing to complete the RHCP, including action by the Commissioners Court on March 10, 2009 to approve submission of the final draft RHCP to the U.S. Fish and Wildlife Service for review and acceptance. Submission of this, as well as the Preliminary Draft Environmental Impact Statement and incidental take permit application, is expected in the near future.

The attached Contract Amendment (#2) will extend the Interlocal Agreement termination date to April 30, 2010 to allow for the completion of the RHCP project.

Agenda Item Routing Form

DESCRIPTION OF Item: Authorize the County Judge to execute a Contract Amendment with the Texas Parks and Wildlife Department to extend the grant period for the Regional Habitat Conservation Plan to April 30, 2010.

PREFERRED MEETING DATE REQUESTED: March 31, 2009

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT AND FUND LINE ITEM NUMBER _____

COUNTY PURCHASING GUIDELINES FOLLOWED: _____

PAYMENT TERMS ACCEPTABLE: _____

COMMENTS:

SPECIAL COUNSEL

Typically Requires 9 Business Day Review

CONTRACT TERMS ACCEPTABLE: _____ **MDK** _____

COMMENTS:

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Discussion and possible action to authorize the County Judge to execute an Interlocal Agreement with the City of San Marcos to jointly apply for a grant made available through the U.S. Department of Justice, Bureau of Justice Assistance for Recovery Act - Justice Assistance Grant (JAG) formula funding.

CHECK ONE: ☐ CONSENT ☒ ACTION ☐ EXECUTIVE SESSION
 ☐ WORKSHOP ☐ PROCLAMATION ☐ PRESENTATION

PREFERRED MEETING DATE REQUESTED: March 31, 2009

AMOUNT REQUIRED: NA – no match required

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Ratliff/Hauff

SPONSORED BY: Sumter

SUMMARY:

As authorized by the American Recovery and Reinvestment Act, funding has been made available through the U.S Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the Edward Byrne Memorial Justice Assistance Grant Program to support criminal justice activities by local governmental jurisdictions. This is a formula grant program, for which the City of San Marcos and Hays County are jointly eligible to receive an allocation of \$121,363 in funding. Under program requirements, the City and County must jointly apply for the grant, and have agreed to split the funding equally (\$60,681 each) for their respective use. However, it is necessary that one of the entities serve as the applicant/fiscal agent for the program.

The City of San Marcos has agreed to serve as the applicant/fiscal agent for this program. The interlocal agreement is required to be filed with the grant application to specify both the responsible applicant/fiscal agent and the allocation of funding to each party. The City is currently preparing the grant application with County assistance, and must make the grant application available for review by its governing body not fewer than 30 days prior to the submission date of May 18, 2009. Funds may be expended over a four year period from the date of award. It is anticipated that the completed grant application will be presented to the Commissioners Court in the near future.

This agreement is an element of the overall grant application process. The Sheriff's Office will list possible use of the funds during discussion of this item. This grant program does not require matching funds.

AGREEMENT:

NOW THEREFORE, in consideration of the foregoing and the mutual benefits and promises herein, the CITY and the COUNTY agree as follows:

Section 1. Submission of Grant Application

CITY and COUNTY agree that the CITY shall submit the joint grant application and be the fiscal agent for the grant.

Section 2. Disbursement of Grant Funds

CITY agrees to pay COUNTY a total of \$60,681.00 of the total \$121,363.00 or 50% of the total JAG funds awarded.

Section 3. Use of Grant Funds

CITY and COUNTY agree to use \$60,681.00 or 50% each for their respective eligible Law Enforcement Programs from the date of the award of funds until December 31, 2011. The CITY and COUNTY each agree to comply with the terms and conditions of the JAG and to maintain such books and records as may be required to ensure compliance therewith.

Section 4. Term

The term of this Interlocal Agreement will commence on the Effective Date, and will end on December 31, 2011.

Section 5. Miscellaneous

A. **Interlocal Cooperation:** The Parties agree to cooperate with each other in good faith at all times during the term of this Interlocal Agreement in order to achieve the purposes and intent of this Interlocal Agreement.

B. **Authority:** Each Party to this Interlocal Agreement acknowledges and represents that this Interlocal Agreement has been executed by its duly authorized representative.

C. **Funding:** The CITY and COUNTY, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from lawfully available current revenues during each fiscal year.

D. **Liability:** Each party to this Interlocal Agreement will be responsible for its own actions in providing services under this Interlocal Agreement and shall not be liable for any claims, losses, expenses, demands, judgments, lawsuits or damages that may arise from the furnishing of the services by the other party. Nothing in the performance of this Interlocal Agreement shall impose any liability for claims against CITY or COUNTY other than claims for which liability may be imposed by the Texas Tort Claims Act.

E. **Third Parties:** The Parties to this Interlocal Agreement do not intend for any third party to obtain a right by virtue of this Interlocal Agreement and this Interlocal Agreement shall not create any rights in any third party.

F. **Entire Agreement:** This Interlocal Agreement contains the entire agreement between the Parties and supersedes all prior understandings and agreements between the Parties regarding such matters. This Agreement may not be modified or amended except by written agreement executed by all three Parties. None of the Parties may assign this Interlocal Agreement without the written consent of the other two Parties.

G. **Interpretation:** The Parties acknowledge and confirm that this Interlocal Agreement has been entered into pursuant to the authority granted under the Act. All terms and conditions are to be construed and interpreted consistently with the Act.

H. **Invalid Provisions:** Should any provision in this Interlocal Agreement be found or deemed to be invalid, this Interlocal Agreement will be construed as not containing the

provision, and all other provisions which are otherwise lawful will remain in full force and effect, and to this end the provisions of this Interlocal Agreement are declared to be severable.

I. **Applicable Law**: This Agreement is governed by the law of the State of Texas. Exclusive venue for any dispute arising under this Interlocal Agreement is in Hays County, Texas.

J. **Binding Effect**. This Agreement shall take effect immediately upon execution by the Parties hereof and shall inure to the benefit and be binding upon the administrators, successors and a

EXECUTED by the Parties in duplicate originals to be effective as of the Effective Date.

CITY OF SAN MARCOS, TEXAS

COUNTY OF HAYS, TEXAS

Susan Narvaiz, Mayor

Elizabeth 'Liz' Sumter, County Judge

ATTEST:

ATTEST:

Sherry Mashburn, City Clerk

Linda Fritsche, County Clerk

APPROVED AS TO FORM BY:

APPROVED AS TO FORM BY:

Michael Cosentino, City Attorney

Mark Kennedy, County Attorney

Agenda Item Request Form

Hays County Commissioners Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM:

Discussion and possible action to authorize the County Judge to execute a Development Agreement between Hays County, the City of Niederwald, and Studio Estates, LLC regarding the Studio Estates subdivision.

CHECK ONE:	CONSENT	X ACTION	EXECUTIVE SESSION
	WORKSHOP	PROCLAMATION	PRESENTATION

PREFERRED MEETING DATE REQUESTED: March 31, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: BARTON

SPONSORED BY: BARTON

SUMMARY:

See attached Development Agreement as approved by the Niederwald City Council on March 2, 2009.

Agenda Item Routing Form

DESCRIPTION OF Item: Authorize the County Judge to execute a Development Agreement between Hays County, the City of Niederwald, and Studio Estates, LLC regarding the Studio Estates subdivision.

PREFERRED MEETING DATE REQUESTED: March 31, 2009

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT AND FUND LINE ITEM NUMBER _____

COUNTY PURCHASING GUIDELINES FOLLOWED: _____

PAYMENT TERMS ACCEPTABLE: _____

COMMENTS:

SPECIAL COUNSEL

Typically Requires 9 Business Day Review

CONTRACT TERMS ACCEPTABLE: _____ **MDK** _____

COMMENTS:

STUDIO ESTATES SUBDIVISION AGREEMENT

This Subdivision Agreement for the Studio Estates Subdivision (Agreement), is made and entered into effective as of the ____ day of _____, 2009 (Effective Date) by and between the Hays County, a political subdivision of the State of Texas ("County"), the City of Niederwald, Texas, a Type A general law municipality ("City") and Studio Estates, LLC, a Texas limited liability company ("Developer"). The County, City and Developer are sometimes referred to herein as the "Parties". The Parties agree as follows:

1. Purposes, Term and Consideration

- 1.01. Developer is the Owner of that certain 257.85 acre tract of land out of the Z. Hinton Survey No. 4, Abstract 219, the Neal McLean Survey and the J.M.W. Hall Survey of Hays County Texas (Property), and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.
- 1.02. Developer desires to subdivide the Property as a mixed-use single-family residential and commercial subdivision in accordance with the Preliminary Plan as more particularly described in the Map Exhibit "B" attached hereto and incorporated herein by reference ("Project").
- 1.03. The County is authorized to make and enter into the Subdivision Agreement with Developer in accordance with Chapter 232, Local Government Code to accomplish the following purposes:
 - A. Establish the minimum right-of-way and street pavement widths for all collector streets and local streets within the Subdivision and to adopt the specifications related to the construction of each street within the Subdivision.
 - B. Establish the specifications for the provision of adequate drainage for each street or road in the Subdivision in accordance with standard engineering practices and to allow for the establishment of detention facilities.
 - C. Establish the layout for the streets, lot configurations, open space, and drainage facilities.
 - D. Allow for the provision of adequate water and wastewater services to serve each platted lot within the Subdivision.
 - E. Establish enhanced water quality provisions for the subdivision.
 - F. All other purposes associated with the regulation of subdivisions or property for which the County has specific or implied powers under the laws of the State of Texas.
- 1.04. The City is authorized to make and enter into the Subdivision Agreement with Developer in accordance with Chapter 212, Subchapter G, Texas Local Government Code.
- 1.05. The benefit to the Parties set forth in this Agreement which exceed the minimum requirements of State law and Hays County and City of Niederwald Subdivision and Development Regulations are good and valuable consideration for this Agreement, the sufficiency of which is hereby acknowledged by the Parties.

2. The Project

- 2.01. The Project, as that term is described in Chapter 245, Local Government Code, is the subdivision platting of the Property and development into approximately 213 single family

residential homesites; two commercial lots; the laying out of streets, parks, open space, drainage facilities, water quality ponds, rainwater collection facilities, recharge features, cedar eradication and other improvements; the installation of underground electric, telephone, cable communication facilities; and the construction of water lines and related facilities.

- 2.02. Developer, County and City agree that Hays County and the City of Niederwald will accept for recording a final subdivision plat or plats of all or any portion of the Property that comply with the terms of this Agreement and the preliminary plan, a copy of which is attached hereto and incorporated herein by reference as Exhibit "B", which preliminary plan will be presented to the governing bodies of the City and County for approval contemporaneous with the approval of this Subdivision Agreement. Thereafter, a final plat or plats of the Property will be approved if said final plat or plats comply with the terms of this Agreement and with said preliminary plan, and provided Developer:
- A. Pays all Subdivision Fees to each entity as described herein and in the Exhibit "C", "C-1" and "C-2" attached hereto and incorporated herein by reference, at such time as proscribed therein.
 - B. Builds the Project in accordance with the construction plans on file in the offices of Hays County and the City of Niederwald and which have been approved by both the City and the County except as otherwise provided in any County or City approved preliminary plan or construction plan amendments. Developer shall comply with the standards established by the City of Niederwald Engineering Design Standards and Subdivision and Development Regulations.
 - C. Provides documentation to the City and the County that the Developer has obtained a permit from the United States Army Corps of Engineers for work to be performed, and already performed, related to the Project in waters subject to Section 404 federal statutory requirements.
 - D. Provides documentation that the Developer has obtained a conditional letter of map revision from FEMA for changes to the floodplain in the Project prior to completion of construction of subdivision improvements in accordance with the construction plans on file with both the City and the County. As required by FEMA, after the improvements are constructed, an as-built survey of the improvements in the floodplain or adjacent to the floodplain will be performed by a licensed surveyor in order to confirm that the improvements were built according to the plans conditionally approved by FEMA.
- 2.03 Developer will file final plat applications and construction plans with the City and County consistent with the preliminary subdivision plan in Exhibit "B". Except as may be modified by the mutual consent of the Parties in one or more County and City approved plan amendments, the Project shall be developed in accordance with the Exhibit "B" preliminary plan and the terms of this Agreement.
- A. The Project shall be designed, developed, installed and constructed in proposed multiple phases that may vary from the Preliminary Plan as necessary to improve the overall design of the Project. The Phasing Plan, Exhibit "D" attached hereto and incorporated herein by reference may be amended from time to time with approval of the Hays County Commissioners Court and the City of Niederwald City Council. The proposed number of homesites in each phase may vary from the proposed phasing and may differ

from the original Preliminary Plan, but the total number of homesites in the Project may not exceed 230.

- B. No lots that are contiguous to any designated floodplain that currently exists on the Property shall be sold or built upon until a Letter of Map Revision is approved and issued by the Federal Emergency Management Agency ("FEMA").
- C. Developer agrees to pay Subdivision Review and Construction Fees to Hays County and City of Niederwald as more fully described in Exhibit "C", "C-1" and "C-2" attached hereto and incorporated herein by reference. A credit against the total amount of said fees due and payable shall be given for application fees already paid on said application, if any.
- D. Developer may receive from the County a fee reimbursement of 50% of the \$300 per lot fee for successful participation in the Hays County Subdivision Fee Incentives Program by designing, constructing and securing final inspection approval of the Environmental Subdivision Enhancement Facilities described in Article 5 below and as further identified in Exhibit C-1, attached hereto.
- E. The Parties agree that Developer shall pay the City preliminary plan review fees contemporaneous with the approval of the Preliminary Plan and this Subdivision Agreement by the City of Niederwald. The fee due and payable at that time shall be: \$395 submittal fee, plus \$30 per lot in the approved Preliminary Plan, plus one percent (01.0%) of the total estimated construction costs for the Project as a whole. The Parties agree that Developer shall pay the City additional review fees at the time of submittal to the City of Final Plat for all or any particular phase of the Project in the amount of \$395 submittal fee, plus \$30 per lot in the particular Final Plat phase, plus five percent (5.0%) of the total estimated construction costs for each phase of the Project. The City additional plan review fees shall be based upon construction cost estimates related to the proposed site improvements (with the exception of street paving and street-related drainage improvements and Goforth Special Utility District waterline improvements) and shall be prepared by the Developer's engineer, said estimates being subject to review and approval by the City's engineer. The City shall inspect the drainage in the Drainage Pipes, Channels & Ponds on the site but situated outside of the street rights-of-way. The City will inspect said drainage features for compliance with the City subdivision regulations regarding the floodplain and water quality control.
- F. The City hereby agrees to grant Developer a variance to the City's current floodplain setback requirements. Such variance shall be consistent with and remain in compliance with the floodplain setback requirements issued by the United States Army Corps of Engineers.

3. County and City Water, Wastewater and Other Utility Requirements

- 3.01 Developer shall develop or secure contract commitments from a State approved public water supply in sufficient capacity to serve the final plat portion of the Property in accordance with all applicable County, City and/or State standards and regulations.
- 3.02 Developer shall demonstrate to the County's and City's reasonable satisfaction that it has secured a public wastewater system disposal or non-discharge permit from the Texas

Commission on Environmental Quality (TCEQ) in accordance with Chapter 26 of the Texas Water Code with sufficient capacity to serve each final plat portion of the Property or has demonstrated that each lot may be approved for an on-site sewage facility (OSSF) meeting the minimum requirements of the Hays County Environmental Health & Planning Department. Developer shall not seek a permit to discharge into creeks or waterways.

- 3.03 Developer may average lot sizes using the portion of the 4.1 acres in the community facility as long as the community facility is reserved for the benefit of lot owners within the Subdivision and the recorded plat has a note limiting the allowed impervious cover on the 4.1 acre community facility to not exceed 20%.
- 3.04 Developer shall construct all water, electric and communication facilities necessary to serve the platted portion of the Property in accordance with all applicable County, City and/or State standards and regulations.

4. County Street and Drainage Standards

- 4.01 Developer and County agree that all internal streets and driveways within the Property shall be built in accordance with Hays County Street and Drainage Construction Standards as provided in Table 7.3 Summary or Hays C74RD.S7DS. Those Standards shall include, but not be limited to, the following:
 - A. All collector streets shall be in not less than 60-feet of dedicated right-of-way with minimum pavement widths of 24-feet.
 - B. All local streets shall be in not less than 60-feet of dedicated rights-of-way with minimum pavement widths of 24-feet.
- 4.02 All roads within Section 1 that were not properly inspected when construction began, including portions of Fantasy Road, Kathy's Place and Director's Road, shall have a three year maintenance agreement rather than the two year maintenance agreement required for roads inspected in accordance with the Hays County Street and Drainage Construction Standards. Maintenance periods shall not commence until all roads in a particular phase are accepted, and all roads within a phase shall be accepted, when complete, at the same time.
- 4.03 All internal street improvements shall be initially built at Developer's sole and exclusive costs and expense.
- 4.04 The County and City hereby agree to approve the preliminary subdivision plan attached hereto as Exhibit "B", which is currently on file with Hays County and City of Niederwald.
- 4.05 Developer shall dedicate to the County or City, as applicable, with each final plat of a portion of the Property all streets and drainage easements within said final plat and dedicate to the appropriate utility service provider all electric, water, sewer and communication utility easements as necessary to serve the final plat.
- 4.06 Developer agrees to dedicate all drainage detention ponds within each final plat section of the Property to an incorporated homeowner association for ownership and maintenance. The drainage and detention facilities shall be built in accordance with County and City standards and shall be designed to serve the Property assuming fully developed conditions, but shall not be required to assume developed conditions of any off-site properties. The Project shall adopt the Federal Emergency Management Agency (FEMA) approved 24-hour duration storm

model, assuming fully developed storm conditions. FEMA permitting will follow applicable NFIP regulations.

- 4.07 The parties agree that the County will perform all street and street-related drainage inspections for compliance with the Design Standards and approved construction plans and the City will perform all erosion control and revegetation inspections, as well as, detention/water quality pond inspections and stormwater management plan inspections and shall review and approve all CLOMAR flood map revision applications. The floodplain elevation certificates for construction of permanent improvements on platted lots where required shall be issued by the County following completion and acceptance of all detention and water quality improvements, flood plain map revisions and stormwater management plans approved by the City of Niederwald.

5. Subdivision Fee Incentives

- 5.01 Developer agrees to implement water quality design features into the development, which are not required under Hays County Subdivision Regulations, nor are required under City of Niederwald Ordinance Requirements. Such enhanced water quality features will be reviewed and approved by TCEQ and shall be provided by the following methods:
- A. The detention ponds as shown on Exhibit "B", which are located within the 100-year flood plain of Brushy Creek shall be enhanced by construction of an earthen bench embankment on which will be planted wetland plants to filter pollutants and promote settlement of suspended solids.
 - B. A windmill pump shall be installed in the upper detention ponds built in the 100-year flood plain of the tributary to Brushy Creek and storm water runoff shall be lifted from this pond to the existing pond within the proposed park as shown on Exhibit "B". This existing pond will be used for irrigation of common area parkland. The Amenity Center Lot shall utilize spray irrigation on the athletic fields on the site for effective reuse of treated effluent.
 - C. Temporary and permanent erosion and sedimentation controls shall be implemented in all subdivision construction related activities as promulgated by TCEQ. Developer's construction of a spillway in the downstream portion of the Project's floodplain may continue as part of Developers attempt to mitigate storm water runoff from the Project. Developer recognizes and understands that FEMA must approve the specifications of the as-built spillway improvement. In the event that FEMA approves a spillway or retention design different than the specifications of the as-built spillway improvement, then Developer shall modify the spillway improvements to comply with the specifications approved by FEMA.

6. Assignment of Commitments and Obligations

- 6.01 Developer's right and obligation under this Agreement may be assigned by Developer to one or more purchasers of all or any portion of the Property.
- 6.02 This Agreement shall be binding upon the Parties, their successors and assigns and shall be effective for a term of five (5) years ("Initial Term") unless sooner terminated under this agreement. The Agreement may be renewed and extended by mutual agreement of the Parties for an additional five (5) years ("Extended Term"). After the Initial Term and the Extended

Term, this agreement will have no further force or effect, except that termination will not affect any right or obligation arising from approvals previously granted.

7. Default

- 7.01 Notwithstanding anything herein to the contrary, no Party shall be deemed to be in default hereunder until the passage of thirty (30) business days after receipt by such party of notice of default from the other party. Upon the passage of thirty (30) business days without cure of the default, such party shall be deemed to have defaulted for purposes of this Agreement.

8. Notices

- 8.01 Any notice to be given hereunder by any party shall be in writing and may be effected by personal delivery or by sending said notice by registered or certified mail, return receipt requested, to the addresses set forth below. Notice shall be deemed given when deposited with the United States Postal Service with sufficient postage affixed.

Any notice mailed to Hays County shall be addressed to:

Mr. Jerry Borcharding, P.E.
P.O. Box 906
San Marcos, Texas 78667
(512) 393-7385, ext. 33

Any notice mailed to the City of Niederwald shall be addressed to:

Hon. Reynell Smith, Mayor (or her successor in office)
City of Niederwald
13851 Camino Real
Niederwald, Texas 78640

Any notice mailed to Developer shall be addressed to:

Mr. David Cuddy
310 Martin Church Road
Kyle, TX 78640
(512) 668-4346

Any Party may change the address for notice to it by giving notice of such change in accordance with the provisions of this section.

9. Entire Agreement

- 9.01 This Agreement, together with any exhibits attached hereto, constitutes the entire agreement between Parties hereto, and may not be amended except in writing signed by all Parties and dated subsequent to the date hereof.

10. Reservation of Rights

- 10.01. To the extent not inconsistent with this Agreement, each Party reserves all rights, privileges, and immunities under applicable laws. However, notwithstanding any other provision herein, Developer hereby voluntarily elects to waive any and all rights granted

to Developer under the Private Real Property Rights Preservation Act, Texas Government Code, Chapter 2007, as amended.

11. Attorneys Fees

- 11.01 A prevailing Party, or Parties, in any dispute under this Agreement will be entitled to recover from the non-prevailing Party, or Parties, its reasonable attorney's fees, expenses and court costs in connection with any original action, any appeals, and any post-judgment proceedings to collect or enforce a judgment, in accordance with Section 271.159 of the Texas Local Government Code, as applicable.

12. Waiver

- 12.01. Any failure by a Party to insist upon strict performance by the other Party of any provision of this Agreement will not, regardless of the length of time during which that failure continues, be deemed a waiver of that Party's right insist upon strict compliance with all terms of this Agreement. In order to be effective as to a Party, any waiver of default under this Agreement must be in writing, and a written waiver will only be effective as to the specific default and as to the specific period of time set forth in the written waiver. A written waiver will not constitute a waiver of any subsequent default, or of the right to require performance of the same or any other provision of this Agreement in the future.

13. Severability

- 13.01. If any provision of this Agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the Parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid, and enforceable and is as similar in terms to the illegal, invalid or enforceable provision as is possible.

14. Applicable Law and Venue

- 14.01. The interpretation, performance, enforcement and validity of this Agreement is governed by the laws of the State of Texas. Exclusive venue will be in a court of appropriate jurisdiction in Hays County, Texas

15. Obligations Not a Debt

- 15.01. The Parties acknowledge and agree that the obligations created by this Agreement shall not constitute "debt" of the County or City and shall be paid out of current revenues of the County and City; or in the alternative, shall be paid out of a specified fund, said fund being in the immediate control of the County or City, respectively, and being in an amount sufficient to satisfy the County's and City's obligations created herein; or further in the alternative, that sufficient provision and tax levy has been made by the party to create an interest and sinking fund adequate to pay at least 2% of the principle and any interest due each year.

EXECUTED in multiple originals to be effective as of the ____ day of _____, 2009.

STUDIO ESTATES, LLC

By: _____
David Cuddy, Its Manager

Date: _____

HAYS COUNTY TEXAS

By: _____
Name: _____
Title: _____

Date: _____

CITY OF NIEDERWALD, TEXAS

By: _____
Hon. Reynell Smith, Mayor

Date: _____

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

This instrument was acknowledged before me on the ____ day of _____, 2009, by David Cuddy, Manager of Studio Estates, LLC, a limited liability company, on behalf of said company.

NOTARY PUBLIC, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

This instrument was acknowledged before me on the ____ day of _____, 2009, by _____, _____ of Hays County, Texas, on behalf of said county.

NOTARY PUBLIC, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

 This instrument was acknowledged before me on the _____ day of _____,
2009, by Reynell Smith, Mayor of Niederwald, Texas, on behalf of said municipality.

NOTARY PUBLIC, State of Texas

EXHIBIT "A"
LEGAL DESCRIPTION

FIELD NOTES DESCRIBING 257.85 ACRES OF LAND, OUT OF Z. HINTON SURVEY NUMBER 4, ABSTRACT NUMBER 219, THE NEAL MCLEAN SURVEY AND THE J. M. W. HALL SURVEY, SAME BEING ALL OF THOSE CERTAIN 127.86 ACRE TRACT DESCRIBED BY INSTRUMENT RECORDED IN VOLUME 2495, PAGE 623, 50.64 ACRES DESCRIBED BY INSTRUMENT RECORDED IN VOLUMES 353, PAGE 547 AND VOLUME 2495, PAGE 629 AND 81.34 ACRES DESCRIBED BY INSTRUMENT RECORDED IN VOLUME 2495, PAGE 630, ALL OF DEED RECORDS HAYS COUNTY, TEXAS, SAID 257.85 ACRES OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete monument found at the intersection of the southerly right-of-way line of County Road Number 121 and the easterly right-of-way line of County Road Number 157, at the northwest corner of said 127.86 acre tract, for the northwest corner hereof;

THENCE along the southerly right-of-way line of County Road Number 121, the following 9 courses,

1. South 45 degrees 01 minutes 01 seconds East, 342.63 feet to a fence corner post found,
2. South 45 degrees 52 minutes 16 seconds West, 220.60 feet to an iron rod set,
3. South 45 degrees 02 minutes 50 seconds East, 199.01 feet to an iron rod set,
4. North 46 degrees 57 minutes 58 seconds East, 220.60 feet to a fence corner post found,
5. South 45 degrees 01 minutes 01 seconds East, 851.19 feet to an iron rod set,
6. North 84 degrees 33 minutes 42 seconds East, 31.29 feet to an iron rod set,
7. North 30 degrees 48 minutes 42 seconds East, 61.92 feet to an iron pipe found,
8. North 46 degrees 44 minutes 42 seconds East, 130.61 feet to an iron rod set
9. North 44 degrees 48 minutes 42 seconds East, 700.83 feet to an iron rod set at the intersection of the southerly right-of-way line of F M 2001 and the easterly right-of-way line of County Road Number 121, for an angle corner in the northerly line hereof;

THENCE along the southerly right-of-way line of F M 2001, the following 3 courses,

1. North 84 degrees 11 minutes 42 seconds East, 98.98 feet to a concrete monument found,
2. North 83 degrees 18 minutes 54 seconds East, 1,309.73 feet to a concrete monument found;
3. South 88 degrees 22 minutes 24 seconds East, 268.24 feet to an iron rod found at the northwest corner of that certain Robert Slaughter 66.25 acre tract described by instrument recorded in Volume 988, Page 511, Deed Records, Hays County, same being the northeast corner of said 81.34 acre tract, for the northeast corner hereof;

THENCE along the westerly line of said Slaughter tract and the easterly line of said 81.34 acre tract, the following 3 courses,

1. South 44 degrees 47 minutes 54 seconds West, 877.21 feet to an iron rod found,
2. South 44 degrees 53 minutes 04 seconds East, 1,009.07 feet fence corner post found,
3. South 45 degrees 06 minutes 23 seconds West, 1,551.32 feet to a fence corner post found in the northerly line of that certain Hopkins 47.30 acre tract described as tract R16667 and R15283, of the Hays County Appraisal District, at the southwest corner of said Slaughter tract, same being the southeast corner of said 81.34 acre tract, for an angle corner in the easterly line hereof;

THENCE North 45 degrees 25 minutes 06 seconds West, along the northerly line of said Hopkins tract and the southerly line of said 81.34 acre tract, 724.36 feet to an iron rod set at the northwest corner of said Hopkins tract, same being the northeast corner of said 50.64 acre tract, for an angle corner in the easterly line hereof;

THENCE South 44 degrees 51 minutes 43 seconds West, along the common line of said Hopkins tract and said 50.64 acre tract, 2,758.24 feet to an iron rod found in the northerly right-of-way line of Rohde Road, at the southwest corner of said Hopkins tract, same being the southeast corner of said 50.64 acre tract, for the southeast corner hereof;

THENCE along said right-of-way line and the southerly line of said 127.86 acre tract and said 50.64 acre tract, the following 3 courses,

1. North 44 degrees 56 minutes 00 seconds West, 398.50 feet to an iron rod set,
2. North 28 degrees 01 minutes 00 seconds West, 273.25 feet to an iron rod set,
3. North 45 degrees 00 minutes 00 seconds West, 2,104.76 feet to an iron rod set at the intersection of the easterly right-of-way line of County Road Number 157 and the northerly right-of-way line of Rolide Road, at the southwest corner of said 127.86 acre tract, for the southwest corner hereof;

THENCE North 45 degrees 00 minutes 00 seconds East, along the easterly right-of-way line of County Road Number 157 and the westerly line of said 127.86 acre tract, 2,909.28 feet to the POINT OF BEGINNING and containing 257.83 acres of land, more or less.

THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ATTACHED SURVEY PLAT (BY SEPARATE INSTRUMENT), ONLY.

Edward Rimsey
TX REP. # 5729
Job # 48102704



12-8-01
Date

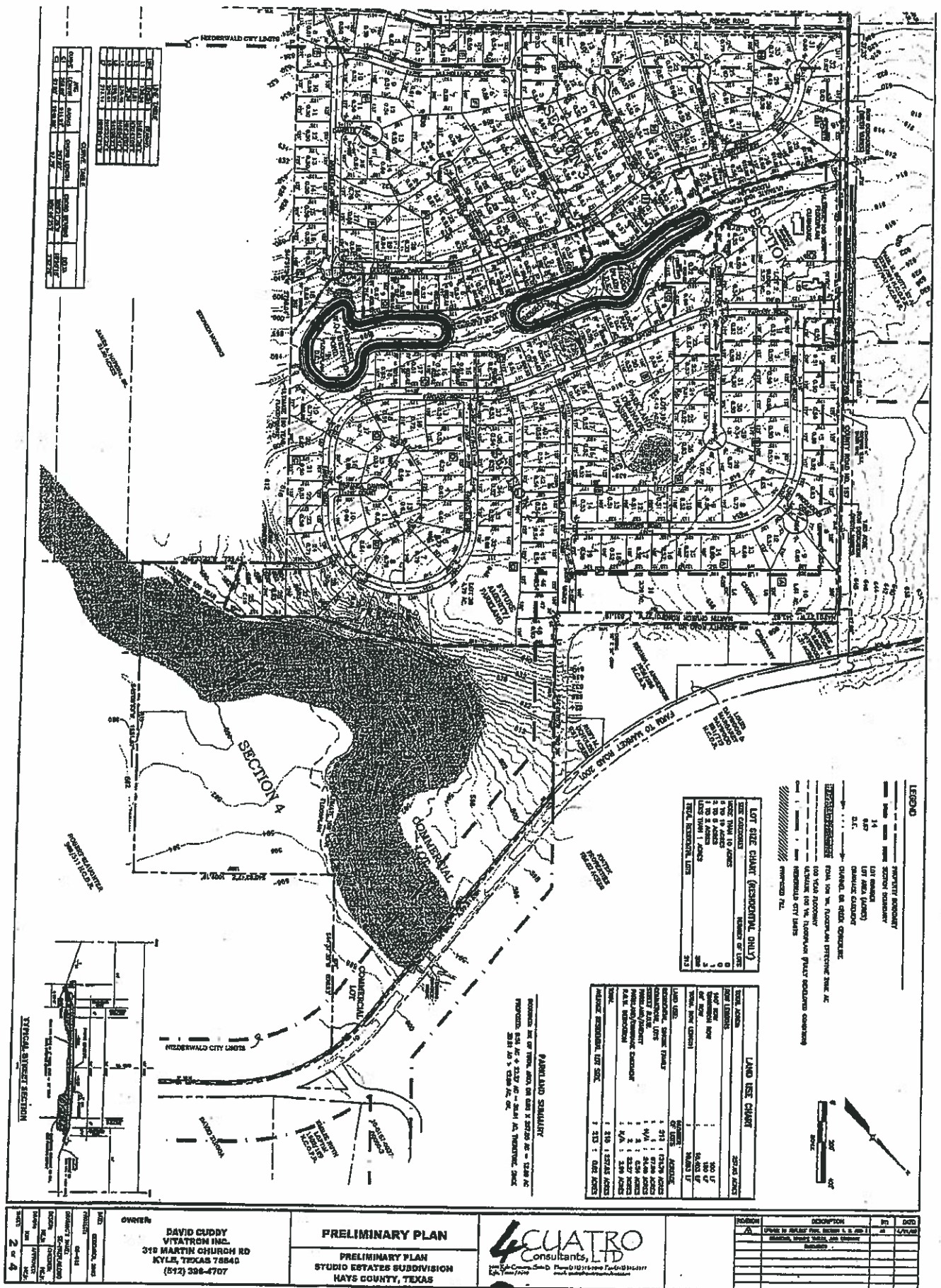


EXHIBIT C
FEE SCHEDULE

County Review Fees shall be paid as follows:

At time of Preliminary Plan approval, Applicant shall pay a \$500 submittal fee, plus \$300 for each lot shown on the Preliminary Plan. This fee shall be subject to a reimbursement at the rate of \$150 per lot if the Subdivision has been designed, constructed and received final inspection approval of the Environmental Subdivision Enhancement Facilities as more particularly described in Article 5 of this Agreement.

CITY OF NIEDERWALD
SUBDIVISION REVIEW AND INSPECTION FEES

Developer shall pay Preliminary Plan Review Fees in the amount of \$395 submittal fee, plus \$30 per lot shown on the Preliminary Plan, plus 1% inspection fee on the estimated total construction cost of the Project at time of Preliminary Plan approval.

At time of Final Plat Submittal of all or any portion of the approved Preliminary Plan, whether in one or more phases, Developer shall pay a \$395 submittal fee, plus \$30 per lot in said Final Plat phase, plus 5% of estimated construction costs for said phase which will be conducted by the City of Niederwald and which specifically will not include the construction cost for waterline improvements review and inspection by GOFORTH Water Utility, nor the street and street-related drainage system improvements review and inspection by Hays County. All fees based upon construction estimates payable to the City shall have such construction costs estimates subject to review and approval by the City Engineer.

See Studio Estates Subdivision
City/County Fee Schedule
By Section
Exhibit C-2

Subdivision Fee Incentives Program

Qualifying Activities:

1. Construction of water quality ponds (must remove at least 80% nutrient and sedimentation load)
2. Rainwater collection facilities on amenities structures
3. Construction of recharge structures
4. Cedar eradication (joint County & USF&WS plan approval required)
5. Boundary street improvements (no more than 50% of total rebate)
6. Wastewater reuse plumbing to individual lots
7. 50% of rebate may go to a dedicated fund for open space preservation and development mitigation.
8. \$100 of the County's per lot portion will go the same dedicated fund

Rebate Application Process:

1. At the time of platting, the applicant must identify all proposed projects for which a rebate will be requested
2. An engineer's design and cost estimate is required for all proposed structural improvements
3. All rebate requests, except donations to the Open Space Preservation Fund, must be accompanied by an invoice certifying actual expenditures
4. The applicant must contact the County Engineer for inspection of all improvements for which a rebate is requested

EXHIBIT C-2
STUDIO ESTATES SUBDIVISION
CITY/COUNTY
FEE SCHEDULE BY SECTION
 (Based on OPC dated October 2008)

February 16, 2009

STUDIO ESTATES SUBDIVISION	SECTION 1 - 11 Lots	SECTION 2 - 105 Lots	SECTION 3 - 98 Lots	TOTAL CONSTRUCTION COST
A. EROSION/SEDIMENTATION				
	\$ 9,121.00	\$ 21,077.00	\$ 9,256.00	\$ 39,454.00
B1. STREET AND DRAINAGE				
(Less Drainage Pipes and Channels)	\$ 103,500.00	\$ 521,512.00	\$ 514,001.00	\$ 1,139,013.00
B2. STREET AND DRAINAGE				
(Drainage Pipes/Channels Only)	\$ 47,130.00	\$ 79,820.00	\$ 127,600.00	\$ 254,550.00
C. WATER IMPROVEMENTS	\$ 103,465.00	\$ 266,238.00	\$ 203,312.00	\$ 573,015.00
D. WATER QUALITY/DETENTION				
		\$ 235,000.00		\$ 235,000.00
TOTALS:	\$ 263,216.00	\$ 1,123,647.00	\$ 854,169.00	\$ 2,241,032.00

CITY FEES:

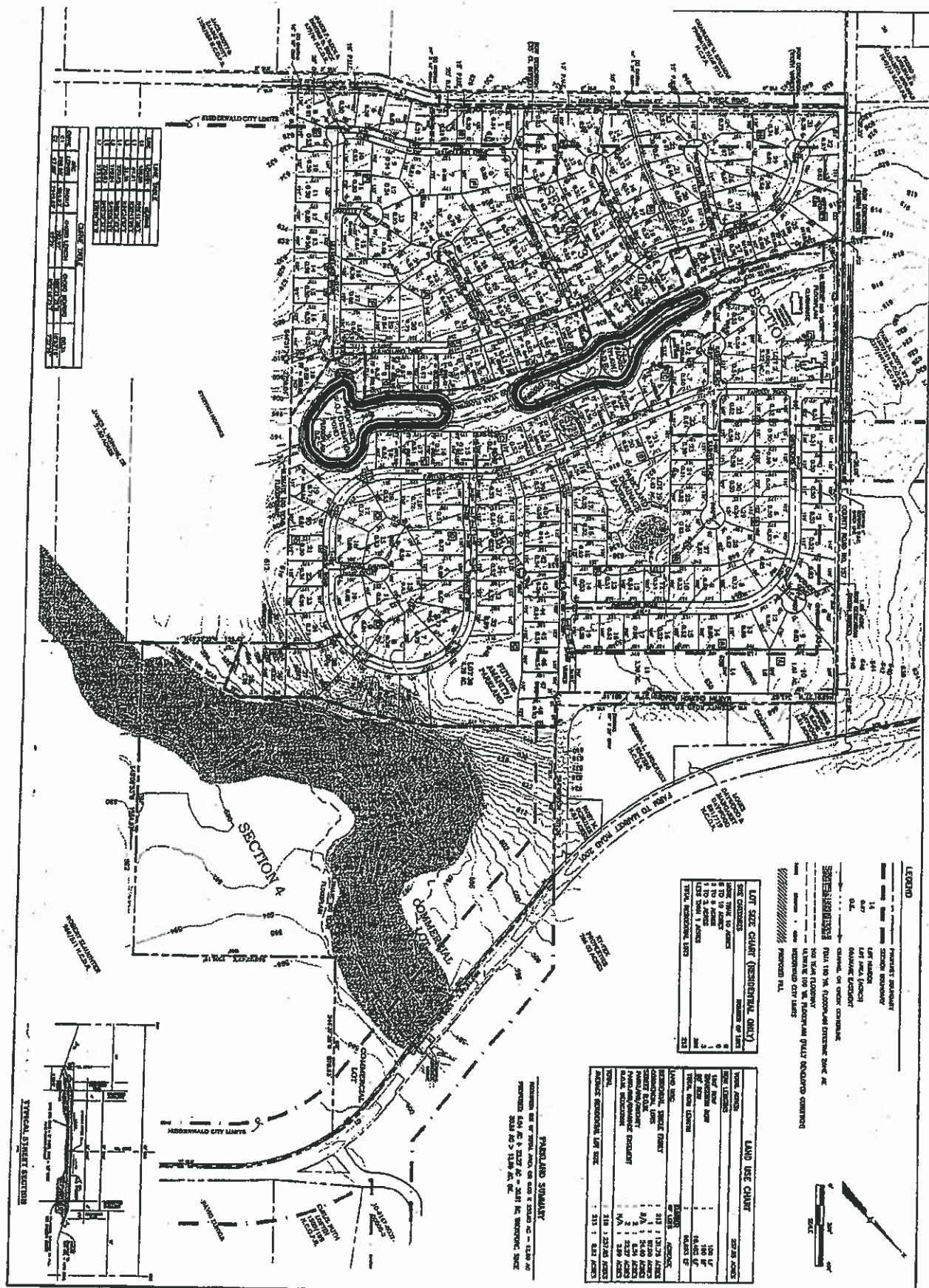
PRELIMINARY PLAN FEES:				
1. Application Fee, \$395.00 plus \$30.00/Lot	\$725.00	\$3,545.00	\$3,335.00	\$7,605.00
2. Inspection Fee, 1 %	\$ 2,632.16	\$ 11,236.47	\$ 8,541.69	\$ 22,410.32
FINAL PLAT FEES:				
3. Application Fee, \$395.00 plus \$30.00/Lot	\$725.00	\$3,545.00	\$3,335.00	\$7,605.00
4. Inspection Fee, 5 % (A,B2, and D only)	\$2,812.55	\$16,794.85	\$6,842.80	\$26,450.20
TOTAL:	\$6,894.71	\$35,121.32	\$22,054.49	\$64,070.52

COUNTY FEES:

PLATTING FEES:				
1. Application Fee, \$500.00 plus \$300.00/Lot	\$3,800.00	\$32,000.00	\$29,900.00	\$65,700.00
TOTAL:				\$65,700.00
TOTAL:	\$10,694.71	\$67,121.32	\$51,954.49	\$129,770.52

Notes:

- County fees for Section 1 and 2 are due at time of approval of Preliminary Plan. Notwithstanding any other provision to the contrary, County platting fees for Section 3 shall be deferred to time of Final Plat approval.



LOT	ACRES	OWNER
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LEGEND	
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3	LOT BOUNDARY
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5	LOT AREA (SQUARE FEET)
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OWNER:

DAVID CUDDY
VITATRON INC.
316 MARTIN CHURCH RD
KYLE, TEXAS 78640
(512) 398-4707

PHASING PLAN

PRELIMINARY PLAN
STUDIO ESTATES SUBDIVISION
HAYS COUNTY, TEXAS

4 CUATRO
consultants

2001 East Camp Street, Suite 100, Austin, TX 78702
512-476-1111

REVISION

NO.	DESCRIPTION
1	INITIAL

EXHIBIT D

DATE

1-1-1

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Discussion and possible action to approve funding for Hays County identification badges and to authorization purchase of necessary supplies.

CHECK ONE: ☐ CONSENT ☐ ~~xxx~~**ACTION** ☐ EXECUTIVE SESSION
 ☐ WORKSHOP ☐ PROCLAMATION ☐ PRESENTATION

PREFERRED MEETING DATE REQUESTED: March 31, 2009

AMOUNT REQUIRED: @ \$800.00 to be paid out of current emergency management budget

LINE ITEM NUMBER OF FUNDS REQUIRED: 01-602-5219

REQUESTED BY: MICHELE TUTTLE, DEEDEE BAEN, JEFF TURNER

SPONSORED BY: JEFF BARTON

SUMMARY: This past week Commissioners Court heard recommendations from the committee and agreed to a proposed "trial" badge system that will get the County ready for a more far-reaching badge system in the future. This agenda item will allocate necessary funds -- \$800 -- to pay for supplies to implement the program. Jeff Turner reports that funds are available in his department to pay for the expense. The routing form with the auditor's office is attached.

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Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Envision Central Texas Greenprinting Update – 1pm

CHECK ONE: ☐ **CONSENT** ☐ **ACTION** ☐ **EXECUTIVE SESSION**

☒ **WORKSHOP** ☐ **PROCLAMATION** ☐ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: March 31, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY:

SPONSORED BY: SUMTER

SUMMARY: Sally Campbell and Diane Miller will be updating the Court on the Greenprinting Project in preparation for the April 1st public meeting in Wimberley and the April 2nd CPAT meeting.

