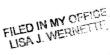
Agenda Medina County Commissioners Court

1100 16th Street, Room 102 Hondo, Texas 78861 April 23, 2007 9:00 a.m.



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COUNTY CLERK, MEDINA CO.

- 1. Meeting called to order
- 2. Discuss and consider approval of April 9, 2007 minutes
- 3. Discuss and consider approval of certain budget amendments
- 4. Discuss and consider approval of certain line item transfers
- 5. Discuss and consider approval of certain bills for payment
- 6. Discuss and consider approval of certain personnel changes
- 7. Public Comment / Visitors

10:00AM

- 8. Discuss and consider final approval to Valentine Ranch Subdivision Phase II; Located in Precinct 1 off of Park Road 37 (Charlie Rothe, Surveyor)
- 9. Discuss and consider preliminary approval to Red Bird Community Subdivision; Located in Precinct 2 off of County Road 381 (Charlie Rothe, Surveyor)
- Discuss and consider resolution supporting the pass through financing proposal for State Highway 211 (Hill Country Parkway) and FM 1957 (Western Connector)
- 11. Discuss and consider list of applicants for 2005 Non-Border Colonia fund Contract No. 725015
- 12. Discuss and consider acceptance and bid approval for soil evaluation services; Non-Border Colonia Fund Contract No. 725015
- 13. Discuss and consider contract award to Land Stewardship Service LLC; Non-Border Colonia Fund Contract No. 725015
- 14. Discuss and consider proceeding with amendment process for Non-Border Colonia Contract 725015 to expand scope to include first-time water activities, including environmental re-assessment and scheduling required public hearing

15.	Discuss and consider support of proposed legislation	converting Fr	eshwater Supply	District No. 1 to
	Water Control & Improvement District No. 1	Vol.	68	Pg. 811

- 16. Discuss and consider resolution in support of SB 2017 (Uresti) "Hill Country Rural Preservation Act"
- 17. Discuss and consider payment designation for interpreter services
- 18. Discuss and consider purchase of electronic voting equipment form Hart Intercivic
- 19. Discuss and consider service agreements:
 - A. Castroville VFD
 - B. Lytle VFD
- 20. Discuss and consider acceptance and bid award for removal and replacement of bridges in precinct 3:
 - A. CR 674 over BMA Canal
 - B. CR 674 over Chacon Creek
- 21. Discuss and consider issuance of time warrant with Hondo National Bank for the purchase of a new Volvo motor grader (Precinct 1)
- 22. Discuss and consider acceptance and bid award for the sale of precinct 1 equipment
- 23. Discuss and consider authorization to advertise bids for the purchase of fuel
- 24. Commissioners Court / Court Members Announcements
- 25. Adjourn

NOTE: Items will not necessarily be dealt with in the order that they are listed

On this 20th day of April 2007, not later than 9:00a.m., this notice was posted on a bulletin board located at the place readily accessible and convenient to the public at the Medina County Courthouse, Hondo, Texas.

Jennifer Adlong

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Ronald J. Ulbrich Commissioner Precinct No. 1 James E. Barden County Judge Arturo Barrientes Commissioner Precinct No. 3

Beverly Keller Commissioner Precinct No. 2 Kelly Carroll Commissioner Precinct No. 4

MEDINA COUNTY COMMISSIONERS' COURT APRIL 23, 2007 9:00 A.M.

ITEM #1 MEETING CALLED TO ORDER

County Judge James Barden called the meeting to order at 9:00 a.m. and noted that all members were present.

Other officials/department heads in attendance for all or part of the meeting were County Treasurer Cynthia Ivy; County Auditor Teresa Martinez, Administrative Assistant Jennifer Adlong and Environmental Health Group Pat Brawner.

ITEM #2 DISCUSS AND CONSIDER APPROVAL OF APRIL 9, 2007 MINUTES

After review of the minutes, a motion was made by Commissioner Carroll and second by Commissioner Keller to approve the minutes from April 9, 2007 with corrections on Item #3; replace "increase receipts \$50,000 in the Road & Bridge Fund" to "Court Members by County Auditor" and add "(See attached") before "Motioned carried". Item #4; add "(See attached)" before "Motion carried". Item #12; change "speeding" in first sentence to "speed limit" and "fast" to "high" in same sentence. Item #21; "Add no-action taken". Item #22; add "These bridges will be part of matching funds for the TXDOT Off-System Bridge Replacement Projects" after second sentence. Item #23; add, "thru the State Purchasing Contract" after grader in first sentence and add "Judge Barden abstained" after "Motioned carried". Item #26; add precinct numbers to bridge replacements.

ITEM #3 BUDGET AMENDMENTS

No budget amendments were presented at today's meeting.

ITEM #4 LINE-ITEM TRANSFERS

No line-item transfers were presented at today's meeting.

ITEM #5 DISCUSS AND CONSIDER APPROVAL OF CERTAIN WEEKLY BILLS

Court members reviewed the weekly bills as presented.

After review, a motion was made by Commissioner Carroll and second by Commissioner Keller to approve the payment of the weekly bills with the exception of Ulbrich's True Value invoices. The motion carried.

Mention was made that the court recognizes receipt and payment of bills from the District Attorney Forfeiture Fund on page 37, but does not exercise approval authority.

A motion was made by Commissioner Keller and second by Commissioner Carroll to approve the payment of Ulbrich's True Value invoices. Motion carried. Commissioner Ulbrich abstained.

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ITEM #6 DISCUSSION AND POSSIBLE ACTION ON GRANTING APPROVAL TO PERSONNEL CHANGES

Court members reviewed proposed personnel action forms as submitted by County Treasurer/Personnel Director Cindy Ivy. (See attachment)

After discussion, a motion was made by Commissioner Carroll and second by Commissioner Keller to grant approval to the regular personnel action forms as submitted. The motion carried unanimously.

ITEM #7 VISITORS

Mary Walpole – Quihi Tom Griebel – Pape-Dawson Engineers Larry Dratch – Valentine Ranch Sub. Charles Rothe – Surveyor Betty Collier – GrantWorks, Inc. Andy Aelvoet – Attorney Valentine Ranch Bobbie Laster – Lytle Leader News Mike Tagaras – Valentine Ranch Sub. Noreen Dratch – Valentine Ranch Sub. Hoyt Seidenstijer – Comfort, Tx. Wayne Jones – Valentine Ranch

ITEM #8

DISCUSS AND CONSIDER FINAL APPROVAL TO VALENTINE RANCH SUBDIVISION PHASE II; LOCATED IN PRECINCT 1 OFF OF PARK ROAD 37 (CHARLIE ROTHE, SURVEYOR)

Court Members were presented with a final plat to Valentine Ranch Subdivision Phase Two. Phase Two consists of 23 lots ranging from .0816 acres to 2.047 acres. Some of the lots are smaller than the required minimum of 1.50 acres because of lot averaging rule and the entire subdivision received preliminary approval before the new subdivision rules were adopted.

There were several residents that were present to speak about this subdivision:

Noreen Dratch, Lot & Homeowner; Asked the Court Members not to grant a variance on the lots sizes. She also informed the court that no fire hydrants exist within the subdivision and if the Court Members are unsure of these concerns to table the item.

Mike Tagaras – Lot & Homeowner; Mr. Tagaras is the President of Medina Lake VFD and the fire hydrants that are in place through out the subdivision are referenced as flush valves by the water company Aqua Source. But, according to Mr. Tagaras they are fire hydrants and can be used.

<u>Wayne Jones</u> – Developer; The letter from Aqua Source, the Water Supply Company, sent a letter to all fire departments in the area stating that the fire hydrants are flush valves not fire hydrants. He has three hydrants in Phase Two and they are in working order.

After a brief discussion a motion was made by Commissioner Ulbrich and Commissioner Carroll to grant final approval to Valentine Ranch Subdivision Phase Two contingent upon location of fire hydrants (flush valves) on the mylar that is to be filed. Motion carried.

ITEM #9

DISCUSS AND CONSIDER PRELIMINARY APPROVAL TO RED BIRD COMMUNITY SUBDIVISION; LOCATED IN PRECINCT 2 OFF OF CR 381(CHARLIE ROTHE, SURVEYOR)

Mr. Rothe presented Court Members with a preliminary plat of Red Bird Community. Red Bird Community will consist of 5 lots. All lots except two will be for a new church and the others will be residential. Only one has an existing water well and there is also an option to have water service with Yancey WSC. The extension of State Highway 211 will connect in the middle of the Subdivision and a road dedication has been set.

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ITEM #9 RED BIRD COMMUNITY SUBDIVISION - CONTINUED

There were a few questions about the two lots and water supply that would be used for the Church that could not be answered. This item has been tabled for the May 14, 2007 Meeting.

ITEM #10

DISCUSS AND CONSIDER RESOLUTION SUPPORTING THE PASS THROUGH FINANCING PROPOSAL FOR STATE HIGHWAY 211 (HILL COUNTRY PARKWAY) AND FM 1957 (WESTERN CONNECTOR)

Court Members reviewed the resolution supporting pass through financing for the extension of State Highway 211 and FM 1957. This resolution is supporting and commending the work of Bexar County, the City of San Antonio, the San Antonio-Bexar County Metropolitan Are Planning Organization and other local and state officials in developing the proposed pass-through financing proposal to be presented to the Texas Transportation Commission.

Bexar County will facilitate the acceleration and financing of the project which gives the Texas Department of Transportation the funds upfront to get the project started and they will have a certain amount of time to pay the project funds back. (See attached)

A motion was made by Commissioner Keller and second by Commissioner Ulbrich to pass the resolution supporting the pass through financing proposal for State Highway 211 (Hill Country Parkway and FM 1957 (Western Connector). Motion carried.

ITEM #11

DISCUSS AND CONSIDER LIST OF APPLICANTS FOR 2005 NON-BORDER COLONIA FUND CONTRACT NO. 725015

Pat Brawner, EHG and Betty Collier, GrantWorks, Inc. presented Court Members with a list of applicant who qualifies for the 2005 Non-Border Colonia Grant. (See attached)

The list includes seven homeowners that qualify to have their septic system repaired or replaced. The grant award amount is over and beyond the amount that is needed to replace these seven septic systems. Once work is started hopefully more homeowners in the colonias area will want to take part. Additional funds will be set aside so another round of application can be taken.

A motion was made by Commissioner Keller and second by Commissioner Barrientes to approve the list of applicants for the 2005 Non-Border Colonia fund. Motion carried.

ITEM #12

DISCUSS AND CONSIDER ACCEPTANCE AND BID APPROVAL FOR SOIL EVALUATION SERVICES; NON-BORDER COLONIA FUND CONTRACT NO. 725025

GrantWorks received only one bid for the soil evaluation services from Land Stewardship Service, L.L.C.

Land Stewardship Service bid \$400.00 per unit up to 25 units. Court Members questioned why only one bid was received and no one knows since about fifteen companies were informed about the bid notice.

A motion was made by Commissioner Carroll and second by Commissioner Keller to accept the soil evaluation services bid to Land Stewardship L.L.C. Motion carried.

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ITEM #13

DISCUSS AND CONSIDER CONTRACT AWARD TO LAND STEWARDSHIP SERVICE L.L.C.; NON-BORDER COLONIA FUND CONTRACT NO. 725015

The bid has been accepted for soil evaluation services from Land Stewardship Service L.L.C. and contract needs to be entered into. The contract is for \$400.00 per soil evaluation up to \$25,000. (See attachment)

The contract has been sent to the County Attorney's Office. There were a few pages missing that the County Attorney wanted to review. Those pages have been taken to him and he has not had a chance to review them before today's meeting.

A motion was made by Commissioner Carroll and second by Commissioner Keller to award the contract to Land Stewardship Service L.L.C. for soil evaluations contingent upon the County Attorney's approval. Motion carried.

ITEM #14

DISCUSS AND CONSIDER PROCEEDING WITH AMENDMENT PROCESS FOR NON-BORDER COLONIA CONTRACT 725015 TO EXPAND SCOPE TO INCLUDE FIRST-TIME WATER ACTIVITIES, INCLUDING ENVIROMENTAL RE-ASSESMENT AND SCHEDULING PUBLIC HEARING

Betty Collier with GrantWorks informed Court Members that the Non-Border Colonia Grant money would not all be spent. The turn out of homeowners during the time applications have been taken was low and another round of application are accepted there will be a large amount of money left over from this grant. If the correct steps are taken the left over grant money can be transferred to a different project.

East Medina Special Utility district has applied for a grant that has a slim chance of being funded and the left over monies from the Non-Border Colonias grant may be able to be transferred over to the East Medina SUD project. East Medina SUD is looking at twenty-three first-time water connections along SH 132-FM 463 (North Devine Colonia Area).

Court Members were concerned about the amount of money to set aside for this amendment to Contract 725015. Court Members agreed that \$80,000 should be set aside for the septic repairs and replacements and the additional \$170,000 be amended and transferred to the East Medina SUD projects.

Court Members agreed to hold the public hearing anytime after 5:00 P.M. before May 14, 2007.

A motion was made by Commissioner Carroll and second by Commissioner Keller to proceed with the amendment process for non-border colonia contract. Motion carried.

ITEM #15

DISCUSS AND CONSIDER SUPPORT OF PROPOSED LEGISLATION CONVERTING FRESHWATER SUPPLY DISTRICT NO. 1 TO WATER CONTROL & IMPROVEMENT DISTRICT NO.1

Representative King has been asked to introduce legislation converting the recently created Freshwater District to a Water Control & Improvement District to allow for drainage authority among other things. He asked for the County's approval before proceeding.

A motion was made by Commissioner Keller and second by Commissioner Carroll to support the proposed legislation converting Fresh Water Supply District No. 1 to Medina County WCID No. 1. Motion carried.

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ITEM #16 DISCUSS AND CONSIDER RESOLUTION IN SUPPORT OF SB 2017 (URESTI) "HILL COUNTRY RURAL PRESERVATION ACT"

Court Members reviewed the resolution supporting SB 2017 which will create preservation areas within the Hill Country area. This act will help in the protection of historic cultural, scenic or natural resource value. (See attachment)

Sources or water are a main concern within the Hill Country Area. With adequate development regulations within the Counties can help prolong the natural resource of the Hill Country Area.

A motion was made by Commissioner Keller and second by Commissioner Ulbrich to pass the resolution in support of SB 2017 "Hill Country Preservation Act". Motion carried.

ITEM# 17 DISCUSS AND CONSIDER PAYMENT DESIGNATION FOR INTERPRETER SERVICES

Ms. Teresa Martinez, County Auditor informed the Court that an invoice has been received by County Court at Law Judge Vivian Torres for interpreter services. Judge Torres has informed the Auditor that she is not going to pay this invoice from her budget that this invoice should be paid out of the general fund. Judge Torres would like to see a new account set up for interpreter services. (See attachment)

Court Members asked the Auditor how many times interpreter services were needed in the recent past. She could not recall, that this might be the second time this service has been required. Judge Barden suggested adding a new line in the County Court at Law budget, which is included in the General Fund, and adding the funds that are needed through a budget amendment.

No action required, a budget amendment will be sent to Commissioners Court next week and Judge Barden will inform Judge Torres.

ITEM #18 DISCUSS AND CONSIDER PURCHASE OF ELECTRONIC VOTING EQUIPMENT FROM HART INTERCIVIC

County Clerk Lisa Wernette, presented the Court with a price quote on purchasing 17 used eSlates, 3 used DAU eSlates, 20 Licenses and support and 4 Tactile Input Switches. (See attachment)

This price quote is a little higher than what has been budgeted but there has been some money coming in from different agencies that have been leasing the equipment. The County Auditor will do some research to see how much money has come in and how much is budgeted. She thinks there will be enough money to cover the used equipment.

A motion was made Commissioner Carroll and second by Commissioner Keller to purchase the equipment from Hart Intercivic in the amount of \$43, 560.33. Motion carried.

DISCUSS AND CONSIDER SERVICE AGREEMENTS

A. CASTROVILLE VFD

B. LYTLE VFD

Court Members reviewed the service agreements with Castroville VFD and Lytle VFD. Both fire departments have included their required financial statements.

A motion was made by Commissioner Keller and second by Commissioner Carroll to approve the service agreement with Castroville VFD and Lytle VFD. Motion carried.

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ITEM #20

DISCUSS AND CONSIDER ACCEPTANCE AND BID AWARD FOR REMOVAL AND **REPLACEMENT OF BRIDGES IN PRECINCT 3:**

A. CR 674 OVER BMA CANAL B. CR 674 OVER CHACON CREEK

Court Members reviewed the bid for removal and replacement of bridges on CR 674 over BMA Canal and CR 674 over Chacon Creek. There was only one bid received for each bridge from Wakefield Bridge Inc. (See attachment)

CR 674 over BMA Canal - Labor:

\$15,000.00

Materials:

\$22,500.00

CR 674 over Chacon Creek - Labor:

\$43,400.00

Materials:

\$22,500.00

A motion was made by Commission Barrientes and second by Commissioner Keller to accept and award the bridge replacement bids to Wakefield Bridge Inc. Motion carried.

Mentioned was made that advertisement for time warrant need to be on the agenda next week.

ITEM #21

DISCUSS AND CONSIDER ISSUANCE OF TIME WARRANT WITH HONDO NATIONAL BANK FOR THE PURCHASE OF A NEW VOLVO MOTOR GRADER

Court Members reviewed the proposed time warrant in the total amount not to exceed \$168,564.00 payable in five annual installments at 4.75% per annum. It is being issued for the purchase of a new Volvo Motor Grader for Precinct 1 thru the Texas Building & Procurement Commission.

The purchase price will be lower because of a trade in at the time of purchase.

A motion was made by Commissioner Ulbrich and second by Commissioner Keller to issue the time warrant to Hondo National Bank. Motion carried.

Judge Barden abstained.

ITEM#22

DISCUSS AND CONSIDER ACCEPTANCE AND BID AWARD FOR THE SALE OF PRECINCT 1 **EQUIPMENT**

Court Members reviewed the list of bidders for Precinct 1 equipment. (See attachment)

The high bidders were:

Jimmie Heligman:

\$425.00 - 1989 GMC 3500 1-Ton Diesel

Jimmie Heligman:

\$880.00 - 1995 Chevrolet 2500 Diesel

Raymundo Tapia:

\$2,850.00 - Ingram 9 Wheel Roller

Phyllis Martin:

\$375.00 - Flatbed Trailer 24 Ft.

Freddie Cuellar:

\$1,550.00 - 1986 International Dump Truck

Jimmie Heiligman:

1985 - GMC Pickup

Jimmie Heligman:

\$7,000.00 - 1991 Dresser Motor Grader - ROMCO Equipment offered \$22,000

trade in amount

A motion was made by Commissioner Ulbrich and second by Commissioner Keller to accept and award sale of equipment to the highest bidder except for the high bidder for the Dresser motor Grader. It will be used for a trade in at the amount of \$22,000 from ROMCO Equipment. Motion carried.

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ITEM# 23

DISCUSS AND CONSIDER AUTHORIZATION TO ADVERTISE BIDS FOR THE PURCHASE OF FUEL

A motion was made by Commissioner Keller and second by Commissioner Carroll to authorize the advertisement of bids for the purchase of fuel.

ITEM #24 COMMISSIONERS COURT / COURT MEMBERS ANNOUNCEMENTS

Thursday April 26, 2007 at 9AM in the Sheriff's Department Training Room there will be a mid-year review for all County Elected Officials and Department Heads.

Commissioners need to notify Holt Rentals on how they want to proceed with their long-term lease agreement by the end of today.

ITEM #20 ADJOURN

There being no further business to address, the Honorable James Barden, County Judge, declared the meeting adjourned.

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AGREEMENT

THE STATE OF TEXAS

COUNTY OF MEDINA

This agreement made and entered into by and between MEDINA COUNTY, a body corporate and politic under the laws of the STATE of Texas, hereinafter sometimes called "County", acting herein by and through its County Judge duly authorized to so act by an Order of the Medina County Commissioners' Court and the LYTLE VOLUNTEER FIRE DEPARTMENT, duly authorized and existing under the laws of the State of Texas, hereinafter sometimes called "Fire Department", acting herein by and through its President pursuant to a Resolution duly approved by the Fire Department.

WITNESSETH

WHEREAS, Medina County desires to provide fire fighting and fire protection services to certain unincorporated areas of Medina County hereinafter designated to preserve the property of the County and to preserve and protect the public health of the citizens of the County; and

WHEREAS, the Fire Department is willing to furnish fire fighting and fire protection services to said unincorporated areas of Medina County for the consideration hereinafter provided;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That in consideration of the mutual covenants, agreements and benefits to both parties, it is AGREED as follows:

I.

During the term of this agreement, the fire department agrees to furnish fire fighting and fire protection services to the unincorporated areas of Medina County in its service area.

II.

Medina County agrees to pay the sum of \$5,000.00 to the Fire Department for fire fighting and fire protection services to the unincorporated areas of Medina County designated in Paragraph 1 of this agreement. The County agrees that said sum is to be paid to the Fire Department within thirty (30) days after execution of this contract.

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The term of this agreement shall be one (1) year beginning January 1, 2007 and ending December 31, 2007.

IV.

It is hereby agreed and understood that the fire fighting and fire protection services to be furnished by the Fire Department under this agreement shall include, but not be limited to the following: An Attempt to Answer all calls for help and assistance in extinguishing fires in the area designated in Paragraph 1 of this agreement; furnishing fire fighting personnel and apparatus to protect persons and property within the said area which are endangered by fires in adjacent areas.

V.

The Fire Department shall observe and comply with all Federal, State, County and City laws, rules, ordinances and regulations in any manner effecting the conduct of the services herein provided of all obligations undertaken by this agreement.

VI.

It is expressly understood that the County has the maximum sum of \$5,000.00 specifically allocated to fully discharge its obligation under this agreement and it is expressly understood that in no event shall the County be obligated to pay the Fire Department more than the sum of \$5,000.00 under the terms and provisions of this agreement.

VII.

It is further agreed that in the performance of all obligations undertaken by this agreement, the Fire Department is an independent contractor with the right to supervise, manage, control and direct the performance of fire fighting and fire protection services; the County shall look to the Fire Department for results only and the County shall have no right at any time to direct or supervise the Fire Department or its agents or employees in the performance of such services or as to the manner, means or method in which the services are performed.

VIII.

The Fire Department agrees to furnish the County of Medina, not later than December 1, 2007 a monthly report listing the total number of runs made into the areas of Medina County designated in Paragraph 1 of this agreement for the previous month and such other information relating to fire fighting. Said report shall be signed and certified by an officer of the Fire Department.

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The Fire Department agrees to furnish Medina County a Financial statement not later than May 1, 2007.

X.

It is understood that **Lytle Volunteer Fire Department** has been classified under the Medina County Volunteer Fire Department Classification Level #3.

If the Lytle Volunteer Fire Department believes this classification has been made in error, appeal may be made by giving written notice to the Medina County Commissioners' Court.

Signed this 20 day of, Ilbnuary 2007.

Lytle Vounteer Fire Department

15018 May 15t POBOX 299 LYHE TX 78052 Address

Signed this 20 day of, 3lonuary 2007.

James E. Barden, County Judge Medina County Commissioners Court

1100 16TH Street, Room 101 Hondo, Texas 78861

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LYTLE VOLUNTEER FIRE DEPARTMENT

Monthly Financial Report

Checking Ending Balance February \$11,475.52 February Savings Ending Balance \$4,018.79

2/28/2007 B	Balance Forward	\$11,475.52
3/8/2007 H	loeheim Prarie Insurance	\$150.00
А	T&T	\$49.99
S	Steve Britt	\$75.00
c	City of Lytle	\$1,000.00
TOTAL CONTRIBUTIO	\$12,750.51	
3/7/2007 F	Felipe's Tire Shop	\$73.14
E	Exxon - Fuel for Trucks	\$794.86
V	Vitmer Assoc - Insul Felt Boot	\$67.99
L	ytle True Value	\$299.61
A	Alan Radar - Electric Work Bay doors	\$265.00
3/9/2007 L	ytle State Bank - Savings	\$1,000.00
L	ytle State Bank - Truck	\$1,085.61
A	Alamo Door - Bay Doors	\$4,716.00
S	Sams - Supplies	\$103.31
g	211 Uniforms	\$140.35
F	Palo Alto	\$846.00
E	Beeville VFD	\$1,200.00
(Cash - Hotel-Food	\$578.94
C	CPS - SW Fire Department	\$5.90
(CPS - (Station # 2)	\$25.01
C	CPS - (Station # 1)	\$224.49
A	AT&T	\$121.17
TOTAL EXPENSES	\$11,547.38	
Checking Balance as	\$1,203.13	
Saving Balance as of	\$5,018.79	

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