



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 13TH DAY OF MARCH A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, David Skinner, Sr Pastor of the Dripping Springs United Methodist Church gave the invocation and Commissioner Barton led the Court in the Pledge of Allegiance to the Flags.

24078 ADOPT A PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS COURT IN SUPPORT OF NATIONAL AGRICULTURAL WEEK IN TEXAS, MARCH 18 – 24, 2007

A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt a Proclamation of the Hays County Commissioners Court in support of National Agricultural Week in Texas, March 18-24, 2007. All voting "Aye". MOTION PASSED

24079 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve payment of county invoices in the amount of \$492,609.51 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24080 APPROVE BUDGET AMENDMENT 07-12

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Budget Amendment #07-12 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24081 APPROVE MINUTES OF MARCH 6, 2007

Commissioner Ford requested a correction to the minutes: the invocation was given by Mike Klumpp, not Mike Plumt. A motion was made by Commissioner Barton, seconded by Judge Sumter to approve the Minutes of March 6, 2007 as presented by the County Clerk with requested correction. All voting "Aye". MOTION PASSED

24082 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PLANNED MAINTENANCE AGREEMENT WITH CLIFFORD POWER SYSTEMS INC. TO MAINTAIN THE GENERATORS AT THE JUSTICE CENTER

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute a Planned Maintenance Agreement with Clifford Power Systems Inc. to maintain the generators at the Justice Center. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #5 RE: APPROVE CONTINUATION OF THE HAYS COUNTY BURN BAN was PULLED. No discussion and No action taken.

24083 APPROVAL TO AMEND LIST OF PRE-QUALIFIED CIVIL ENGINEERING FIRMS TO INCLUDE NAISMITH ENGINEERING, DAVID VENHUIZEN AND ERIN BANKS AND ASSOCIATES

Commissioner Barton advised that he is not opposed to this firm, only the procedure. Discussion was had regarding updating the list and redoing the process. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve amending list of pre-qualified civil engineering firms to include Naismith Engineering, David Venhuizen and Erin Banks and Associates. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton Voting "No". MOTION PASSED



24084 [PCT. 2 #03-2-87, 4 LOTS] ROLLING HILLS ESTATES RESUBDIVISION OF LOT 20 BK 2 CALL FOR A PUBLIC HEARING ON MARCH 27, 2007, AND APPROVE PRELIMINARY PLAN

[T1-197] Subdivision Coordinator Sandra Irvin gave staff recommendation for preliminary plan approval. Commissioner Barton advised that a formal variance application for the shared access driveway will be submitted at final reading. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for a public hearing on March 27, 2007 and approve preliminary plan for "Rolling Hills Estates Resubdivision of Lot 20 Block 2". All voting "Aye". MOTION PASSED**

24085 [PCT. 3 #07-3-07, 5 LOTS] BURNETT RANCH SECTION 2 RESUBDIVISION OF LOT 14 - APPROVE FINAL PLAT [T1-221]

Subdivision Coordinator Sandra Irvin gave staff recommendation for preliminary plan approval. Lon Breitenbech spoke of addressing concerns of area residents. Andy Grubbs, a licensed Geo-Scientist, spoke of a little fissure (runoff cave) on the property and grapevine cave. He spoke of voluntary compliance with a 150 feet setback. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of "Burnett Ranch Section 2 Resub of Lot 14". All voting "Aye". MOTION PASSED**

28086 [PCT. 4 #06-4-079, 5 LOTS] VINEYARD RIDGE - APPROVE FINAL PLAT [T1-390]

Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve final plat of "Vineyard Ridge". All voting "Aye". MOTION PASSED**

24087 ACCEPT BOND RECONSTRUCTION OF HILLSIDE TERRACE AND AUTHORIZE FINAL PAYMENT OF CAPITOL EXCAVATION [T1-411]

Road Supt./Engineer Jerry Borcharding gave staff recommendation to accept reconstruction and authorize final payment. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept bond reconstruction of Hillside Terrace and authorize final payment of Capitol Excavation. All voting "Aye". MOTION PASSED**

24088 CALL FOR A PUBLIC HEARING ON MARCH 27, 2007 TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF COTTONWOOD ROAD [T1-430]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on March 27, 2007 to establish traffic regulations All voting "Aye". MOTION PASSED

24089 ACCEPT ROAD CONSTRUCTION/DRAINAGE IMPROVEMENTS AND RELEASE THE CONSTRUCTION BOND FOR HIGH POINTE SUBDIVISION, PHASE 1 SECTION 1

[T1-454] Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance and release. Roads are private and no maintenance bond is required. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction/drainage improvements and release the construction bond for "High Pointe Subdivision Phase 1 Section 1". All voting "Aye". MOTION PASSED**

24090 ACCEPT ROAD CONSTRUCTION/DRAINAGE IMPROVEMENTS AND RELEASE THE CONSTRUCTION BOND FOR HIGH POINTE SUBDIVISION PHASE 2 SECTION 1 AND SECTION 2A

[T1-454] Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance and release. Roads are private and no maintenance bond is required. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction/drainage improvements and release the construction bond for "High Pointe Subdivision Phase 2 Section 1 and Section 2A. All voting "Aye". MOTION PASSED**

24091 ACCEPT ROAD CONSTRUCTION/DRAINAGE IMPROVEMENTS FOR HIGH POINTE SUBDIVISION PHASE 3 SECTION 2A

[T1-454] Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction/drainage improvements for "High Pointe Subdivision Phase 3 Section 2A". All voting "Aye". MOTION PASSED**



24092 ACCEPT ROAD CONSTRUCTION/DRAINAGE IMPROVEMENTS AND RELEASE THE CONSTRUCTION BOND, AND ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR BELTERRA SUBDIVISION, PHASE 3, SECTION 11B [T1-473]

Road Supt/Engineer Jerry Borchering gave staff recommendation for acceptance and release. A motion was made by Commissioner Ford, seconded by Judge Sumter to accept road construction/drainage improvements and release the construction bond and acceptance of the maintenance bond for two years for "Belterra Subdivision Phase 3 Section 11B". All voting "Aye". MOTION PASSED

24093 ADOPT A RESOLUTION OF SUPPORT FOR THE JACOB'S WELL NATURAL AREA PROJECT [T1-529]

Patrick Cox, President of Wimberley Valley Watershed Assoc., spoke in support of the project. David Baker and Winton Porterfield spoke in support of the parks bond election and the resolution of support being adopted. A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt a Resolution of Support for the Jacob's Well Natural Area Project. All voting "Aye". MOTION PASSED

24094 AUTHORIZE PURCHASE OF A LIEBERT 5 TON DOWNFLOW AIR CONDITIONING UNIT FOR THE COMPUTER EQUIPMENT ROOM AT THE JUSTICE CENTER [T1-710]

Maintenance Supervisor Ron Knott and IT Director Jeff Magill appeared before the court and spoke of need to replace the current unit. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve purchase of a Liebert 5 Ton Downflow Air Conditioning Unit for the computer equipment room at the Justice Center in the amount of \$19,908.00 to be paid out of contingency funds. All voting "Aye". MOTION PASSED

24095 APPROVE REQUEST FOR FUNDS TO UPGRADE EMERGENCY SYSTEMS IN THE 9-1-1 COMMUNICATIONS CENTER [T1-845]

Emergency Management Coordinator Jeff Turner spoke of need to upgrade the emergency systems in the 9-1-1 Communications Center. Deputy Sheriff Dennis Gutierrez spoke in support of upgrade. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve request for funds to upgrade emergency systems in the 9-1-1 Communications Center in the amount of \$13,963.32 to be funded out of contingencies. All voting "Aye". MOTION PASSED

24096 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$31,000 GRANT FROM TXDOT FY 2007 SECTION 5310 PROGRAM AND TO PROVIDE \$7,750 IN MATCHING FUNDS TO PURCHASE GAS FUELED ACCESSIBLE MINIVAN FOR COUNTY VA SERVICES

[T1-941] Grants Administrator Richard Salmon explained the grant. Purchase would not be until next fiscal year. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to accept \$31,000 grant from TxDot FY2007 Section 5310 Program and to provide \$7,750 in matching funds to purchase gas fueled accessible minivan for county VA services. All voting "Aye". MOTION PASSED

24097 APPROVE BUDGET CALENDAR FOR FY 2008 BUDGET [T1-998]

County Auditor Bill Herzog presented the FY2008 Budget Calendar. Budget workshops will be held between August 1 – 14th and on September 12, 2007 the court will set the tax rate and levy taxes, adopt the budget and set salaries for elected officials. A motion was made by Commissioner Barton, seconded by Judge Sumter To approve Budget Calendar for FY2008 Budget. All voting "Aye". MOTION PASSED

24098 ACTION TO HIRE AN ENGINEERING/SURVEYING FIRM FOR PROVIDING PLAN/PROFILE/CROSS-SECTION DOCUMENTS AND CONSTRUCTION STAKING FOR THE WIDENING OF BEBACK INN ROAD [T1-1083]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to hire Pro-Tech Engineering, not to exceed \$7500, for providing plan/profile/cross-section documents and construction staking for the widening of Beback Inn Road. All voting "Aye". MOTION PASSED

24099 APPROVE POSTING OF PUBLIC NOTICE OF HAYS COUNTY'S INTENTION TO AMEND FILING FEES ON ALL CIVIL SUITS [T1-1122]

Commissioner Ford spoke of new legislation. Draft language for public notice: "Hays County intends to seek legislation that would increase the filing fee on all civil suits by an amount not to exceed \$20 to be placed in a special account in the county treasury dedicated to the construction, renovation, or improvement of the facilities that house the Hays County civil courts." Discussion was had regarding \$20 amount - change to NTE \$30. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve posting of public notice of Hays County's intention to amend filing fees on all civil suits. All voting "Aye". MOTION PASSED



24100 ADOPT A RESOLUTION SUPPORTING THE CREATION OF A MUD (MUNICIPAL UTILITY DISTRICT) LOCATED OFF FISHER STORE ROAD IN WIMBERLEY [T1-1221]

Charles O'Dell, Hays CAN, spoke. A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt a resolution supporting the creation of a MUD (Municipal Utility District) located off Fisher Store Road in Wimberley. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Judge Sumter voting "Aye". Commissioner Ford voting "No". MOTION PASSED

24101 APPROVE HIRING NAISMITH ENGINEERING FOR THE SITE PLANNING SERVICES FOR THE NEW PCT. 4 OFFICE BUILDING AND AUTHORIZE COMMISSIONER FORD TO NEGOTIATE CONTRACT WHICH WILL BE BROUGHT BACK BEFORE THE COURT FOR APPROVAL [T1-1398]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve hiring Naismith Engineering for the site planning services for the new Pct. 4 office building and authorize Commissioner Ford to negotiate contract which will be brought back before the court for approval. All voting "Aye". MOTION PASSED

24102 PRESENTATION REGARDING TREASURER'S REPORT AND APPROVE SEPTEMBER 2006 TREASURER'S REPORT AND INVESTMENT REPORT [T1-1510]

Britany Richie, Treasurer's office Accountant, gave a slide show presentation giving an overview of the Treasurer's report and investment report. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve the September 2006 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

24103 APPROVE R-O-W LICENSE AGREEMENT WITH DRIPPING SPRINGS ISD [T1-1933]

Road Supt/Engineer Jerry Borcharding spoke in support of the agreement. Special Counsel Mark Kennedy recommended that Indemnification clause be "all capped". Charles O'Dell, Hays CAN, spoke. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve R-O-W License Agreement with the Dripping Springs ISD as recommended. All voting "Aye". MOTION PASSED

24104 RETAIN NAISMITH ENGINEERING, INC. TO ASSIST HAYS COUNTY COMMISSIONERS' COURT WITH THE REVIEW AND REVISION OF DEVELOPMENT STANDARDS FOR HAYS COUNTY [T1-2135]

Special Counsel Mark Kennedy spoke of need to clarify a number of terms before proceeding. A motion was made by Commissioner Ford, seconded by Judge Sumter to allow the County Judge, with support of Special Counsel, to retain Naismith Engineering Inc. to assist Hays County Commissioners' Court with the review and revision of development standards for Hays County. Motion amended to include the Environmental Health Director to the review process. To be paid from contingency funds. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #28 RE: APPOINT A SMALL CITY ELECTED OFFICIAL REPRESENTATIVE TO CAMPO was PULLED. No discussion and no action taken.

Clerk's Note: Agenda Item #29 RE: ADOPT STATE STANDARDS REGARDING SETBACK REQUIREMENTS, DRIVEWAY SPACING, AND DRIVEWAY CONSTRUCTION STANDARDS ON WINTERS MILL PARKWAY was PULLED. No discussion and no action taken.

24105 EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING THE PLACEMENT OF A HEALTH CARE FACILITY IN OR AROUND THE CITY OF KYLE, TEXAS

Court convened into closed executive session at 11:45 a.m. Re: Seton Health Care and reconvened into open meeting at 12:50 p.m. [T1-2465]

A motion was made by Commissioner Barton, seconded by Judge Sumter to appoint a committee consisting of Commissioner Ingalsbe, Commissioner Barton, Special Counsel Mark Kennedy, and Planning Director Tom Forrest, with technical support from Road Director Jerry Borcharding and County Auditor Bill Herzog, to negotiate and meet on behalf of the county with the City of Kyle and representatives from Seton Health Care to discuss possible economic incentives. All voting "Aye". MOTION PASSED

Court was adjourned.



I, LINDA C. FRITSCHER, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on MARCH 13, 2007.



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

