



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 3<sup>RD</sup> DAY OF APRIL 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:

Mark Porterfield, Minister of Buda United Methodist Church gave the invocation and Commissioner Barton led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

**PUBLIC COMMENT**

Diane Wassenich gave public comment regarding flooding in Hays County.

**24145 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve payment of county invoices in the amount of \$891,706.55 as presented by the County Auditor. All voting "Aye". MOTION PASSED

**24146 APPROVE BUDGET AMENDMENT 07-15**

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Budget Amendment #07-15 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

**24147 APPROVE MINUTES OF MARCH 26 & 27, 2007**

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve the Minutes of March 26 and March 27, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**24148 WAIVE SEPTIC INSPECTION FEE FOR THE TRAINING CAMPUS OF TEXAS HEARING AND SERVICE DOGS, A 501(C)(3) NON-PROFIT ORGANIZATION**

Texas Hearing and Service Dogs [4925 Bell Springs Road, Dripping Springs] trains dogs to assist Texans living with hearing and mobility challenges and provides the dogs and training free of charge. A motion was made by Commissioner Ford, seconded by Judge Sumter to o waive septic inspection fee for the Training Campus of Texas Hearing and Service Dogs, a 501 (C) (3) Non-profit organization, located at 4925 Bell Springs Road in Dripping Springs. All voting "Aye". MOTION PASSED

**24149 WAIVE SEPTIC INSPECTION FEE FOR THE NEW ESD #5 HENLY S. FIRE STATION LOCATED AT RR 2325 AND PLAINVIEW DRIVE (IN PCT. 3, BUT SERVING PCT. 4)**

A motion was made by Commissioner Ford, seconded by Judge Sumter to waive septic inspection fee for the new ESD#5 Henly South Fire Station located at RR2325 and Plainview Drive (in Pct. 3 but serving Pct. 4). All voting "Aye". MOTION PASSED

**24150 APPROVE A R-O-W LICENSE AGREEMENT FOR KUYKENDALL SUBDIVISION<sup>[T1-105]</sup>**

Road Supt./Engineer Jerry Borcharding gave staff recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve a Right-of-Way License Agreement for Kuykendall Subdivision. All voting "Aye". MOTION PASSED



**24151** [PCT. 3 #07-3-14, 56 LOTS] **WIMBERLEY SPRINGS SECTION 1 (FKA INDIAN OAKS) -WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT** [T1-131]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval. Preliminary plan is being waived because lot sizes are increased, thereby creating fewer lots than previously platted. Winton Porterfield, representing Wimberley Springs Partners, spoke in support of this plat. Craig Calley spoke in support of this subdivision. **A motion was made by Commissioner Conley, seconded by Judge Sumter to waive preliminary plan and approve final plat of "Wimberley Springs Section 1". All voting "Aye". MOTION PASSED**

[PCT. 4 #06-4-064, 3 LOTS] **SPRINGLAKE TRACT 90 (UNRECORDED) – FINAL PLAT** [T1-251]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval. Al Blair presented a letter from the President of the Springlake Property Owners Association requesting postponement of action today. Commissioner Ford suggested postponement at this time.

**24152** [PCT. 4 #07-4-15, 2 LOTS] **SYCAMORE CREEK REPLAT LOT 11 – CALL FOR A PUBLIC HEARING ON APRIL 17, 2007 AND APPROVE PRELIMINARY PLAN** [T1-285]

Interim Environmental Health Director Tom Forrest gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on April 17, 2007 and approve preliminary plan for "Sycamore Creek Replat Lot 11". All voting "Aye". MOTION PASSED**

**24153** [PCT. 4 #07-4-03, 3 LOTS] **VISTA RANCH REPLAT TRACT A – APPROVE FINAL PLAT**

[T1-305] Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve final plat of "Vista Ranch Replat Tract A". All voting "Aye". MOTION PASSED**

**24154** [PCT. 4 #07-4-16, 2 LOTS] **SPRINGLAKE REPLAT LOTS 125 A, B, C – PUBLIC HEARING AND APPROVE FINAL PLAT** [T1-314]

Judge Sumter declared the public hearing open. Al Blair spoke in support of this resubdivision. Judge Sumter closed the public hearing. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve final plat of "Springlake Replat of Lots 125A, 125B, and 125C". All voting "Aye". MOTION PASSED**

**24155** **APPROVE VACATION OF RECORDED SUBDIVISION PLAT OF BUSH RANCH PHASE 1 IN BOOK 13 PAGES 225-232 AND APPROVE SUBDIVISION PLAT OF BUSH RANCH PHASE 1 REVISED PLAT** [T1-330]

Interim Environmental Health Director Tom Forrest gave staff recommendation for approval. Tom Darmstadter spoke of changes that were made on the revised plat. Items being altered are the degree of accuracy of the survey callouts as well as a landscape easement being better differentiated from other types of easements. Charles O'Dell, President Hays CAN, spoke. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve vacation of recorded subdivision plat of "Bush Ranch Phase 1" All voting "Aye". MOTION PASSED**

**24156** **CALL FOR A PUBLIC HEARING ON APRIL 17, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN SILVERADO SUBDIVISION SECTION 2** [T1-472]

**A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on April 17, 2007 to establish traffic regulations in Silverado Subdivision Section 2. All voting "Aye". MOTION PASSED**

**24157** **HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS AND ENFORCEMENT FOR PARKING RESTRICTIONS AT THE COURTHOUSE ANNEX PARKING LOT(S)** [T1-501]

Judge Sumter declared the public hearing open. Deputy Constable Ray Helm spoke of need for employee stickers on vehicles and legal signs to be posted. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to establish traffic regulations and enforcement for parking restrictions at the courthouse annex parking lots - 2 hour parking behind the annex and restrict "employee only" to parking lot across the street. All voting "Aye". MOTION PASSED**



**24158 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN CREEK ROAD RANCH SUBDIVISION, PHASE 3 [T1-642]**

Judge Sumter declared the public hearing open . No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for 25 MPH speed limit during construction. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of 25 MPH speed limit in the Creek Road Ranch Subdivision Phase 3 during road construction. All voting "Aye". MOTION PASSED**

**24159 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON SAWYER RANCH ROAD, CR 164 [T1-661]**

Judge Sumter declared the public hearing open . No public input was received and the public hearing was closed. Jerry Borcharding gave staff recommendation for 25 MPH speed limit during construction. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to hold a public hearing to establish traffic regulations of 25 MPH speed limit on Sawyer Ranch Road (CR164) during road construction. All voting "Aye". MOTION PASSED**

**24160 ACCEPT ROAD CONSTRUCTION, DRAINAGE IMPROVEMENTS AND RELEASE THE CONSTRUCTION BOND FOR HOWARD RANCH SUBDIVISION PHASE 2 [T1-689]**

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance and release – the roads are private and do not require a maintenance bond. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept road construction, drainage, improvements and release the construction bond for Howard Ranch Subdivision Phase 2. All voting "Aye". MOTION PASSED**

**24161 ADOPT THE EARLY VOTING SCHEDULE FOR THE MAY 12, 2007, CONSTITUTIONAL AMENDMENT ELECTION AND HAYS COUNTY BOND ELECTION**

[T1-710] Elections Administrator Joyce Cowan provided the early voting schedule for the May 12, 2007 elections. Commissioner Conley requested an early voting site at Texas State University. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to adopt the Early Voting Schedule for the May 12, 2007 Constitutional Amendment Election and Hays County Bond Election with the addition of early voting at Texas State University (2 days to be determined), and provide early voting from 10a.m.-2p.m. on Saturday May 5th in Dripping Springs and Buda. All voting "Aye". MOTION PASSED**

**24162 ADOPT THE ELECTION DAY POLLING SITES FOR THE MAY 12, 2007, CONSTITUTIONAL AMENDMENT ELECTION AND HAYS COUNTY BOND ELECTION**

[T1-965] Elections Administrator Joyce Cowan provided the election day polling sites for the May 12, 2007 elections. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to adopt the election day polling sites for the May 12, 2007 Constitutional Amendment Election and Hays County Bond Election. All voting "Aye". MOTION PASSED**

**24163 APPROVE COUNTY WEB PAGE AND HANDOUT AS IT PERTAINS TO THE HAYS COUNTY TXDOT PARTNERSHIP PROGRAM [T1-1008]**

Mike Weaver, Prime Strategies, spoke of website. He asked for additional input. Commissioner Barton suggested adding parks information and information regarding SH 290 and SH 21. Commissioner Conley spoke of website being created to inform citizens of the partnership with TxDot. Commissioner Ford spoke of her suggestions for the web page. Discussion was had regarding how to incorporate information regarding the bond issue on the website. Charles O'Dell, President of Hays CAN, made public comment. Discussion was had regarding context sensitive solutions (CSS). [T1-1892] **A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize Commissioner Ford to be the county liaison to the website and bring recommendations back to the court. All voting "Aye". MOTION PASSED**

**24164 APPROVE APPOINTMENT OF NEIL S. FOX II TO THE NORTHWEST HAYS COUNTY EMERGENCY SERVICES DISTRICT #5 [T1-2206]**

**A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve appointment of Neil S. Fox II to the Northwest Hays County Emergency Services District #5. All voting "Aye". MOTION PASSED**



**24165 ENTER INTO A CONTRACT WITH LOOMIS AUSTIN, INC TO DO A GOLDEN CHEEK WARBLER SURVEY ON THE WINTER'S MILL PARKWAY [T1-2260]**

Charles O'Dell, President Hays CAN, made public comment. This action will continue an agreement with the U.S. Army Corps of Engineers and continue the survey until we fulfill our requirements to do a 10 year bird survey. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to enter into a contract with Loomis Austin Inc. to do a golden cheek warbler survey on the Winter's Mill Parkway. All voting "Aye". MOTION PASSED**

**24166 APPROVE A SECURITY SERVICES AGREEMENT FOR DUDLEY JOHNSON AND RANDALL VETTER PARKS [T1-2459]**

Parks Manager Jerry Pinnix spoke of having obtained three quotes for security services. There are funds budgeted for this agreement. **A motion was made by Judge Sumter, seconded by Commissioner Barton to approve a Security Services Agreement for Dudley Johnson and Randall Vetter Parks. All voting "Aye". MOTION PASSED**

**24167 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF BUDA FOR LAW ENFORCEMENT SERVICES [T1-2840]**

Commissioner Barton spoke of previous consideration of this agreement and issues that have been addressed. Buda is reimbursing the county for additional cost of liability insurance. Changes made were recommended by the Texas Association of Counties. **A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute an interlocal agreement with the City of Buda for law enforcement services. All voting "Aye". MOTION PASSED**

**24168 CLARIFY AND/OR EXPAND THE COURT'S POLICY ON USE OF THE 6% LCRA FEE**

[T1-3080] Commissioner Ford asked the court to consider the following purposes for the 6% funds received on an annual basis from LCRA: (1) open space natural areas and riparian area conservation or restoration or purchase, (2) for public education or incentive programs for rain water harvesting and water/energy conservation, (3) consultation on water quality, water quantity and wastewater issues, (4) support for the Hays Trinity Groundwater Conservation Districts – for particular research projects, (5) any other project that promotes sustainable groundwater use or mitigates the environmental impacts of dense development. Commissioner Barton spoke of making #4 generic for water conservation districts. Commissioner Ford agreed to change the wording to "support for groundwater conservation districts within Hays County". Charles O'Dell, Hays CAN, made public comment. **A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt and clarify the Court's Policy on use of the 6% LCRA fee as follows: (1) open space natural areas and riparian area conservation or restoration or purchase of riparian area, (2) for public education or incentive programs for rain water harvesting and water/energy conservation, (3) consultation on water quality, water quantity and wastewater issues, (4) support for groundwater conservation districts within Hays County for particular research projects, and (5) any other project that promotes sustainable groundwater use or mitigates the environmental impacts of dense development. All voting "Aye". MOTION PASSED**

**24169 ADOPT RESOLUTION SUPPORTING HB 3347 AND HB 2645 [T1-3366]**

Commissioner Ford spoke of resolutions in support of legislation introduced by State Representative Patrick Rose. HB3447 is intended for classification of counties within the hill country groundwater management areas and HB2645 relates to scenic roadways and bans erecting of off premise signs adjacent to and visible from certain roads: FM150, FM1826, FM12, FM165, and CR170/Elder Hill Road in Hays County. Commissioner Barton suggested minor changes to the resolutions presented (take out "the Western portion of" out of first sentence in resolution for HB3447 and add "that" between the words beauty and enriches in sentence before Now Therefore in resolution for HB2645). **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to adopt resolution supporting HB 3347 and HB 2645 and send to Representative Rose. All voting "Aye". MOTION PASSED**

**Clerk's Note: Agenda Item #26 RE: AUTHORIZE THE PAYMENT OF \$144,151.80 TO CTMC FOR OUTSTANDING INVOICES AND APPROVE AN INTERIM RATE OF 70% OF CHARGES TO PROVIDE MEDICAL SERVICES TO PRISONERS UNTIL A FORMAL AGREEMENT IS NEGOTIATED was PULLED. No discussion and no action taken.**



**WORKSHOP RELATING TO THE HAYS COUNTY HEALTH DEPARTMENT AND THE CHANGING ENVIRONMENT IN HAYS COUNTY, THE POSSIBILITIES OF FORMING PARTNERSHIPS IN PROVIDING HEALTH CARE, AND OUR RELATIONSHIP WITH THE STATE** [T2-1]

Health Department Director Nick Iccosipentarhos gave a powerpoint presentation setting out their mission, philosophy, services provided, and 2007 budget. He spoke of buildings in San Marcos and Kyle and he spoke of population growth in the county. Mr. Iccosipentarhos spoke of need to open the Kyle clinic five days per week and need for specialist care. He would like to provide services – one day per week – in Dripping Springs and Wimberley.

**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 BY SETON FAMILY OF HOSPITALS IN OR AROUND THE CITY OF KYLE, TEXAS**

The Court convened into closed executive session at 2:50 p.m. and reconvened into open meeting at 6:00 p.m. [T2-1451] Commissioner Barton advised that the court met in executive session to discuss a possible economic development partnership with the City of Kyle and provide incentives for Seton Health Care and we had members of our staff in executive session along with two representatives of Seton Health Care and four representatives from the City of Kyle. No action was taken.

**COURT WAS ADJOURNED.**

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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 APRIL 3, 2007.



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

