



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17th 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:

Rev. David Sweet (Hays Hills Baptist Church) gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

24185 ADOPT A PROCLAMATION DECLARING THE WEEK OF APRIL 21 – 28, 2007 AS "NATIONAL INFANT IMMUNIZATION WEEK" IN HAYS COUNTY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt Proclamation declaring the week of April 21-28, 2007 as "National Infant Immunization Week". All voting "Aye". MOTION PASSED

PUBLIC COMMENT

Charles O'Dell (Hays CAN) made public comment regarding urban design and planning workshop. Andrew Backus, Hays Trinity Groundwater Conservation District, made public comment regarding the Randall Arendt workshop held April 16th.

24186 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 888,606.32 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24187 APPROVE BUDGET AMENDMENT 07-17

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-17 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24188 APPROVE MINUTES OF APRIL 10, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Minutes of April 10, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24189 WAIVE REAPPLICATION FEE FOR A SEPTIC PERMIT FOR THE JESUS CHRIST IS THE ANSWER CHURCH

The Jesus Christ is the Answer Church paid for and received a septic permit, however, because of weather delays and other issues they have not been able to construct the septic in the allotted amount of time. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to waive reapplication fee for a septic permit for the Jesus Christ is the Answer Church. All voting "Aye". MOTION PASSED

24190 APPROVE PAYMENT/REIMBURSEMENT FOR HOTEL STAY IN AUSTIN (COUNTY TREASURER ASSISTANT)

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment/reimbursement for hotel stay in Austin (County Treasurer Assistant). All voting "Aye". MOTION PASSED

24191 APPROVE THE CHANGE OF THE STAFF ASSISTANT-PURCHASING, GRADE 914 TO PURCHASING SPECIALIST, GRADE 915

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the change of the Staff Assistant-Purchasing Grade 914 to Purchasing Specialist Grade 915. All voting "Aye". MOTION PASSED



24192 AUTHORIZE COUNTY JUDGE TO ACCEPT \$400,000 GRANT FROM TEXAS PARKS AND WILDLIFE DEPT. – OUTDOOR GRANT PROGRAM AND TO EXECUTE CONTRACT

Hays County, the City of San Marcos and the Nature Conservancy entered into an agreement to work together to purchase 250.7 acres adjacent to the San Marcos Springs. Grant funds are being obtained by all groups to purchase and develop the property. Only passive development is being considered, due to the sensitive environmental nature of the recharge area. Only about ½ of the \$400,000 grant can be used to purchase the property, the other ½ has to be used for construction, project management, and landscape architect. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize County Judge to accept \$400,000 grant from Texas Parks and Wildlife Dept. – Outdoor Grant Program and to execute contract. All voting “Aye”. MOTION PASSED**

24193 [PCT. 2 #07-2-12, 2 LOTS] PALOMINO PARK – APPROVE PRELIMINARY PLAN [T1-204]

Interim Environmental Health Director Tom Forrest gave staff recommendation for preliminary plan approval. Commissioner Barton suggested that staff request possibility of dedication of additional right of way on Palomino Road. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve preliminary plan for “Palomino Park” subdivision contingent on a possible request for additional r-o-w before acceptance of final plat. All voting “Aye”. MOTION PASSED**

24194 [PCT. 4 #06-4-064, 3 LOTS] SPRINGLAKE TRACT 90 (UNRECORDED) – APPROVE FINAL PLAT [T1-259]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval. Steven Harris (representing Springlake Property Owners Assn) spoke in opposition to this plat. Felicia Febles, resident of Springlake Subdivision, spoke in opposition to this plat. Letters of opposition were submitted by Melissa Brooks and Kenny & Loretta Edwards. Commissioner Ford spoke of this plat complying with county rules. Commissioner Barton spoke of laws that prohibit the court to address some of the concerns brought up. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of “Springlake Tract 90”. All voting “Aye”. MOTION PASSED**

24195 [PCT. 4 #07-4-15, 2 LOTS] SYCAMORE CREEK REPLAT LOT 11 – PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-580]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of “Sycamore Creek Replat of Lot 11”. All voting “Aye”. MOTION PASSED**

24196 [PCT. 4 #06-4-77, 3 LOTS] ROLLING OAKS SECTION 3 RESUB LOT 7 – APPROVE FINAL PLAT [T1-600]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval. Judge Sumter read a letter from Ernest Garza in opposition to the resubdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of “Rolling Oaks Section 3 Resubdivision of Lot 7”. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting “Aye”. Commissioner Ford voting “No”. MOTION PASSED**

24197 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR SILVERADO SUBDIVISION, SECTION 2 [T1-671]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance of road construction and drainage improvements and to accept maintenance bond for 2 years. **A motion was made by Commissioner Ford, seconded by Judge Sumter to accept road construction and drainage improvements and accept maintenance bond for two years for “Silverado Section 2” subdivision. All voting “Aye”. MOTION PASSED**

24198 CALL FOR A PUBLIC HEARING ON MAY 1, 2007 TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF MOUNTAIN DRIVE AND OAK HAVEN

[T1-689] Road Department recommendation is to establish a 3-Way STOP at the intersection of Mountain Drive and Oak Haven in Willow Creek Estates Subdivision. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to call for a public hearing on May 1, 2007 to establish traffic regulations at the intersection of Mountain Drive and Oak Haven. All voting “Aye”. MOTION PASSED**



24199 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN SILVERADO SECTION 2 [T2-701]

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 30 MPH speed limit. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of 30 MPH speed limit in Silverado Section 2. All voting "Aye". MOTION PASSED**

24200 APPOINT COMMISSIONER CONLEY TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS – CAPITAL AREA REGIONAL TRANSPORTATION PLANNING ORGANIZATION [T1-714]

Charles O'Dell, Hays CAN, made public comment regarding CARTPO. Judge Sumter spoke of work Commissioner Conley has done while serving on this board. Court is allowed to appoint three members. **A motion was made by Judge Sumter, seconded by Commissioner Barton to appoint Commissioner Conley and Commissioner Ingalsbe to the Capital Area Council of Governments – Capital Area Regional Transportation Planning Organization and allow them to make recommendation for third appointment. All voting "Aye". MOTION PASSED**

24201 ADOPT A RESOLUTION IN SUPPORT OF CONTEXT SENSITIVE SOLUTIONS AS DEFINED BY THE FIX290 ORGANIZATION'S PARKWAY CONCEPT AND IN SUPPORT OF THE GROUP'S EFFORTS FOR ALTERNATIVE SOLUTIONS TO THE TXDOT INTERCHANGE PLANNED BY HWY 290/71 [T1-767]

Commissioner Barton suggested changing wording in the resolution [T1-890] – in paragraph 10 change wording as follows.....eliminates the three-level flyover at the "Y", could reduce overall project costs..... Commissioner Conley spoke of funding concerns. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to adopt a resolution, with proposed amendment, in support of Context Sensitive Solutions as defined by the FIX290 Organization's Parkway Concept and in support of the group's efforts for alternative solutions to the TxDot Interchange Planned by Hwy 290/71. All voting "Aye". MOTION PASSED**

24202 ACTION TO SUPPORT TEXAS SENATE BILL 1341 [T1-946]

Commissioner Ford spoke of Senate Bill 1341 regarding future management of the Edwards aquifer. **A motion was made by Commissioner Ford, seconded by Judge Sumter to support Texas Senate Bill 1341 which would freeze actions on Edward's Aquifer pumping at its current state for two years to allow the ongoing Edward's Aquifer Recovery Implementation Program to build a consensus plan to preserve spring flows and protect the Edward's Aquifer. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #19 RE: APPROVE AN AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF BUDA, SOUTH BUDA WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 AND THE MEADOWS AT BUDA COMMERCIAL, LTD. was PULLED. No discussion - no action taken.

24203 ADOPT RESOLUTION REGARDING APPROVAL OF BONDS FOR SAN MARCOS HEALTH CARE PROPERTIES, INC. PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE [T1-1069]

Nick Meindl of Hunton & Williams (Dallas, Tx) spoke of public hearing held on April 11, 2007 and he explained that in order for these bonds to be tax-exempt, the Commissioners Court must approve the exemption after a public hearing – there is no liability to the county. Hays Nursing and Rehab Center will be receiving some of the proceeds from the bonds. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt resolution regarding approval of bonds for San Marcos Health Care Properties Inc. pursuant to Section 147(F) of the Internal Revenue Code. All voting "Aye". MOTION PASSED**

24204 AWARD "FLASH FLOOD WARNING SYSTEM" PROJECT TO WATERMARK SAFETY INC. AND TO AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT FOR \$750,000

[T1-1135] Frank Gutierrez, High Sierra Electronics, spoke of his experience and the company he works for. Grants Administrator Richard Salmon spoke of 182 low water crossings in Hays County – this will address the top 16 crossings. He spoke of demonstrations and presentations – references were checked and contract has been reviewed. Special Counsel Mark Kennedy spoke of final contract. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to award "Flash Flood Warning System" project to Watermark Safety Inc. and to authorize County Judge to execute a contract for \$750,000. All voting "Aye". MOTION PASSED**



24205 APPROVE SERVICES AGREEMENT BETWEEN HAYS COUNTY AND WATERMARK SAFETY, LTD. FOR THE MAINTENANCE OF AN EARLY WARNING SYSTEM FOR LOW-WATER CROSSINGS IN HAYS COUNTY; AND TO AUTHORIZE COUNTY JUDGE TO EXECUTE SAID AGREEMENT

[T1-1302] Grants Administrator Richard Salmon spoke of cost after the one year period. Special Counsel Mark Kennedy pointed out additions made to the contract. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve services agreement between Hays County and Watermark Safety Ltd. for the maintenance of an early warning system for low-water crossings in Hays County and to authorize the County Judge to execute said agreement. All voting "Aye". MOTION PASSED**

24206 CALL FOR A SECOND PUBLIC HEARING ON THE INTERIM SUBDIVISION RULES AT WHICH TIME THE COURT MAY ALSO TAKE ACTION TO APPROVE

[T1-1336] Commissioner Ford spoke of available locations for a public hearing. Naismith Engineering will conduct that meeting. [T2-280] **A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a second public hearing on the interim subdivision rules on April 24, 2007 and post for the earliest possible date for adoption of the Interim Subdivision Rules. All voting "Aye". MOTION PASSED**

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 12:10 p.m.

EXECUTIVE SESSION UNDER SECTION 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING THE RELOCATION OF THE HAYS COUNTY, PRECINCT 2 OFFICES

No action taken in open court on this item.

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

No action taken in open court on this item.

24207 EXECUTIVE SESSION UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING PENDING AND/OR CONTEMPLATED LITIGATION BETWEEN HAYS COUNTY AND THIRD PARTIES. DISCUSSION AND POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

[T1-1580] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to settle claims that were recently re-issued to Hays County by CTMC by paying CTMC 70% of its current claim in full satisfaction and accord of any claim that exists or may exist prior to today, April 17, 2007 and to furthermore agree and authorize the County Judge to form an agreement with CTMC that calls for Hays County to pay legitimate, invoiced claims by CTMC at a rate of 65% of that total invoiced amount beginning today, April 17, 2007 and continuing until another written agreement is in place. All voting "Aye". MOTION PASSED**

A Motion was made by Commissioner Ingalsbe, seconded by Judge Sumter To rescind and/or revoke permit #2005-416. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter Voting "Aye". Commissioner Barton and Commissioner Conley voting "No". MOTION PASSED

LIBRARY WORKSHOP – 1:00 P.M.

[T1-1627] Gary Knight, President of the Wimberley Library Board of Trustees, gave a powerpoint presentation. Others present were Directors: Stephanie Langenkamp - Director of the San Marcos Public Library, Marjorie Martinez – Director of the Buda Public Library, Bill Mears – Director of the Kyle Community Library, SuzAnne Beard – Director of the Wimberley Village Library, Cara Russell – Director of the Dripping Springs Community Library, and Tom Ballard of the Wimberley Library District was also on hand. Other representatives that were present: Dick Bloom, Susan Black, Ruth Jennings, Joan Heath and Linda Coker. Dripping Springs and Wimberley are Library Districts which are funded by sales tax. Buda, Kyle, and San Marcos are primarily funded through their respective cities. The county provides funding to all five libraries in one amount which is divided as follows: 40% to San Marcos, 15% to Buda, Dripping Springs, Kyle and Wimberley. In 2007 the county funded libraries \$153,400. They will be requesting \$300,000 this next fiscal year. All five libraries are facing the need for expanded facilities. Discussion was had regarding the various programs offered by the libraries (i.e. adult literacy, G.E.D., summer reading program, story time, etc.) and the different types of users. Discussion was had regarding possible grant funding and other ways the county may assist libraries.

**MENTAL HEALTH WORKSHOP [T2-330]**

Donna Murphee, CTMC Licensed Social Worker, spoke of the Emergency Mental Health Task Force. The task force is multi-purposed: Improves communication between agencies that have clients in common, identifies gaps in services in all agencies, advocates for persons living with mental illness, provides a forum for discussing current problems, refines and improves processes, and gives the problem of delivering mental health services in San Marcos a unified voice to decision-makers. Their purpose is to establish a center that will provide a safe, non-judgmental atmosphere for people to stay as long as 23 hours to stabilize after a personal crisis, as well as provide the basic necessities for clients during that time. A psychiatric consultation and staff trained in crisis management is available 24 hours a day, seven days a week. A Crisis Stabilization Center saves lives; improves officer safety, liability and deployment; reduce community costs; decrease the likelihood of consequences resulting from the use of deadly force during intervention with acutely mentally ill person; and decreased inappropriate use of state hospital funding. Tom Morgan, Director of Schieb Mental Health Center, spoke of State Hospital diverting patients to other facilities and transportation issues. Sheriff Allen Bridges spoke of training deputies in crisis intervention (40 hour course) and he spoke of transportation of these patients by the Sheriff's Department. He supports creation of a Crisis Stabilization Center. Ed Kuny spoke of 64% of local jail inmates were found to be in need of mental health services and should not be in jail. He spoke of what would be available through a Crisis Respite Center. Requesting that City and County get together and provide transportation – a car and off-duty officer – to save the City Police and Sheriff's Dept. money. Dr. Clay Ross, Schieb Mental Health Center, spoke of various disorders and treatment that is needed. Mr. Kuny spoke of possibility of obtaining grant funding. Donna Murphee spoke of hospital participation. Sheriff Bridges spoke in support of this crisis center and he spoke of budget request he is submitting. Commissioner Conley suggested formalizing a county task force.

COURT WAS ADJOURNED.

I, LINDA C. FRITSCHÉ, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on APRIL 17, 2007.



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

