



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 24th 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. FRITSCHÉ	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Constable Pct. 1 Lupe Cruz gave the invocation and Commissioner Ford led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

24208 ADOPT A PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS COURT IN SUPPORT OF SOIL AND WATER STEWARDSHIP WEEK

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation of the Hays County Commissioners Court in support of "Soil and Water Stewardship Week". All voting "Aye". MOTION PASSED

24209 ADOPT A PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS COURT IN SUPPORT OF COUNTY GOVERNMENT WEEK, APRIL 22-28, 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 County Government Week April 22-28, 2007. All voting "Aye". MOTION PASSED

PUBLIC COMMENT

Bill Breedlove, Wimberley resident, made public comment about county cemeteries and county burial policy. Andrew Backus, Board President of Hays Trinity Groundwater Conservation District, spoke about HB3039 & HB3447. Harold Tietjen spoke about the body farm proposed along SH21.

24210 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payment of county invoices in the amount of \$ 547,243.98 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24211 APPROVE BUDGET AMENDMENT 07-18

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Budget Amendment #07-18 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24212 APPROVE MINUTES OF APRIL 17, 2007

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Minutes of April 17, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24213 APPROVE PURCHASE AND MONTHLY SERVICE OF CELL PHONE FOR PERSONAL HEALTH

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve purchase and monthly service of cell phone for Personal Health. All voting "Aye". MOTION PASSED

24214 APPROVE OCTOBER 2006 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve October 2006 Treasurer's Report and Investment Report submitted by the County Treasurer. All voting "Aye". MOTION PASSED



24215 APPROVE OUT OF STATE TRAVEL FOR ASST. FIRE MARSHAL BO MONTAGUE FOR ARSON CANINE ANNUAL RE-CERTIFICATION

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve out-of-state travel for Assistant Fire Marshal Bo Montague for arson canine annual re-certification. All voting "Aye". MOTION PASSED

24216 [PCT. 2 #07-2-05, 241 LOTS] SHADOW CREEK PHASE 7 -APPROVE PRELIMINARY PLAN [T1-351]

Interim Environmental Health Director Tom Forrest gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve preliminary plan for "Shadow Creek Phase 7". All voting "Aye". MOTION PASSED

24217 [PCT. 3 #07-3-08, 8 LOTS] PINNACLE RIDGE ESTATES - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-374]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval and accept construction fiscal surety. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of "Pinnacle Ridge Estates" and accept construction fiscal surety. All voting "Aye". MOTION PASSED

24218 [PCT. 4 #06-4-029, 47 LOTS] CHAMA TRACE - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-386]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval and accept construction fiscal surety. Andrew Backus, Board President of Hays Trinity Groundwater Conservation District, spoke of shared wells. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Chama Trace" and accept construction fiscal surety. All voting "Aye". MOTION PASSED

24219 [PCT. 4 #03-4-089, 39 LOTS] RIM ROCK PHASE 3 SECTION 2 - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-430]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval and accept construction fiscal surety. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of "Rim Rock Phase 3 Section 2" and accept construction fiscal surety. All voting "Aye". MOTION PASSED

24220 ADOPT GORDON STREET AS A COUNTY ROAD [T1-443]

Road Supt/Engineer Jerry Borcharding spoke of Gordon Street being a short road that connects two county roads (Spring Road and Wren Haven Road). He recommends accepting this road for county maintenance. A motion was made by Commissioner Ford, seconded by Commissioner Barton to adopt Gordon Street as a county road. All voting "Aye". MOTION PASSED

24221 FORMALLY ADOPT GLOSSON RANCH ROAD AS A COUNTY ROAD [T1-513]

Road Supt/Engineer Jerry Borcharding spoke of this road being traditionally thought of as a county road and was maintained by the county in the past. There has been right-of-way donated and bought to widen this roadway. Staff recommends acceptance of Glosson Ranch Road as a county maintained road - this is a dirt road approx. ¼ mile long. Plans are to pave this roadway. Commissioner Barton spoke of property owners participation in bringing roads up to county standards in some instances. A motion was made by Commissioner Ford, seconded by Judge Sumter to formally adopt Glosson Ranch Road as a county roadway. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING ACCEPTANCE OF PROPERTY DONATION AT THE ENTRANCE OF RIVERBEND RANCH SUBDIVISION [T1-619]

Road Supt/Engineer Jerry Borcharding spoke of Riverbend Ranch Subdivision being developed at the end of Hilliard Road - this subdivision has private roads - the HOA is asking that the court take over the culdesac at the end of Hilliard Road and pave it. School buses do turn around in the culdesac. Commissioner Ford spoke of history of this issue. Jerry Borcharding suggested requesting Riverbend Ranch HOA to pay for materials to pave road up to their entrance. Commissioner Ingalsbe and Commissioner Conley felt like the HOA should bring it up to county standards and then donate it to the county. No action taken this date.

**24222 ADOPT ELLA LANE AS A COUNTY ROAD [T1-759]**

Commissioner Ford gave history of this road – part of the road is already county maintained. Road Supt/Engineer Jerry Borchering gave staff recommendation to adopt Ella Lane as a county roadway. **A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt Ella Lane as a county road. All voting “Aye”. MOTION PASSED**

DISCUSSION REGARDING NEW BOUNDARY LINES TO COUNTY ELECTION PRECINCTS

[T1-839] Elections Administrator Joyce Cowan spoke of creation of additional precincts and clean up of other precincts. Precinct 443 is over the maximum number allowed by law and Precinct 337 is just short of the maximum. Recommendations: (a) take Pct. 128 into Pct. 127, (b) take Pct. 121 into Pct. 120, (c) take Pct. 232 into Pct. 230 [Kyle area – desire is to create an additional precinct on the east side of IH35: Steeple Chase and Amberwood additions, (d) bring in city annexations into the precinct they boundary provided it does not cross Commissioner or JP lines or create additional problems, (e) leave Precinct 315 as is or create Precinct 314 [City of San Marcos votes within Precinct 315], (f) create a new precinct in Commissioner Pct. 3 [Wimberley/Woodcreek] [Pct. 333 new voting precinct], (g) create a new precinct in Commissioner Pct. 4 by taking some territory from Pct. 441 & 443 [Pct. 444 new voting precinct] – take in some territory to 449 from 441. Commissioner Conley suggested taking a section of Pct. 333 and put it back on the other side of Ranch Road 12 and bring Pct. 335 back down to Hugo Road. Commissioner Barton suggested some changes in Pct. 223 & 221. He prefers creating a new precinct east of Kyle (Amberwood and Steeple Chase). Changes would not take place until January 2008. This item will be brought back to the court next week for action after changes are made. Commissioner Barton spoke of Pct. 228 – 7,000 homes are being proposed in this area in the future.

24223 APPROVE SERVICES AGREEMENT BETWEEN HAYS COUNTY AND GARY PENNINGTON, R.P.L.S. FOR PROFESSIONAL SURVEYING AND MAPPING SERVICES; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAID AGREEMENT [T1-1314]

The work proposed is for Lot 14 Northwest Hills, the low water crossing at Jacobs Well Road and Cypress Creek, and a portion of Shelton Ranch Road. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve services agreement between Hays County and Gary Pennington, R.P.L.S. for professional surveying and mapping services and to authorize the County Judge to execute said agreement. All voting “Aye”. MOTION PASSED**

24224 ACTION TO BRING AREAS WITHIN THE JUSTICE CENTER UP TO NATIONAL AND STATE FIRE INSPECTION STANDARDS [T1-1349]

Maintenance Supervisor Ron Knott advised that the work is needed to bring the Justice Center into compliance with National and State Fire Standards. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve funding in the amount of \$3,850.00 out of contingencies to bring areas within the Justice Center up to national and state fire inspection standards. All voting “Aye”. MOTION PASSED**

24225 APPROVE THE TRANSFER OF VEHICLE FROM THE HAYS COUNTY SHERIFF'S OFFICE TO THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT [T1-1381]

Health Dept. Director Nick Icosipentarios spoke of need for the vehicle. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the transfer of vehicle from the Hays County Sheriff's Office to the Hays County Personal Health Department. All voting “Aye”. MOTION PASSED**

24226 AUTHORIZE THE EXPENDITURE OF UP TO \$2,500.00 TO CARTS FOR THE REPAIR OF THE VETERAN'S AFFAIRS BUS [T1-1435]

Commissioner Ingalsbe advised that there are funds in countywide operations line item #01-414-5743. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the expenditure of up to \$2,500.00 to CARTS for the repair of the Veteran's Affairs bus to be funded out of the countywide operations budget (line item #01-414-5743). All voting “Aye”. MOTION PASSED**

24227 AUTHORIZE THE REPAIR OF OUR LARGE WALK-IN COOLER AT THE HAYS COUNTY CIVIC CENTER [T1-1505]

Commissioner Ingalsbe spoke of coolers at the civic center that are not working. She recommends repairing the largest cooler. There are funds in the budget in countywide operations line item #04-414-5743 (\$1,267) and contingencies (\$1,113). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton authorize the repair of large walk-in cooler at the Hays County Civic Center. All voting “Aye”. MOTION PASSED**



HOLD A PUBLIC TO CONSIDER A PETITION FOR CREATION OF A FRESH WATER SUPPLY DISTRICT IN PRECINCT 2 OF HAYS COUNTY, PURSUANT TO THE PROVISIONS OF TEXAS WATER CODE, CHAPTERS 49 AND 53, SAID DISTRICT TO BE STYLED "HUDSON RANCH FRESH WATER SUPPLY DISTRICT NO. 1 [T1-1588]

Commissioner Barton spoke of Hudson Ranch being in the unincorporated area of Hays County near Ruby Ranch. They are interested in creating a district to provide a collective fresh water supply. Judge Sumter declared the public hearing open. Lee Weber advised that they did have discussion with previous court regarding a subdivision development agreement. He presented a diagram of the master plan limiting impervious cover to 20% - proposing 1,377 lots - will provide an elementary school site in the subdivision. Commissioner Barton spoke of developer meeting with the school district and the Ruby Ranch HOA. He spoke of water and wastewater considerations. Mr. Weber advised that they have met with GBRA and the City of Buda to provide water to other areas. David Smith, Attorney for developer, explained authority of fresh water supply districts - temporary directors would be appointed by the court to organize the initial structure of the district and hold election for permanent board - they will have property taxing authority. Mr. Weber spoke of water reuse and permits obtained from TCEQ. Special Counsel Mark Kennedy spoke of maintenance tax (must be approved by voters). Mr. Weber spoke of surface water supply from GBRA through the Buda system. Andrew Backus spoke [T1-2183]. This development is in the boundaries of the Edwards Aquifer Water Authority. Recommended directors are: [T1-2235] Delton Hudson, Elizabeth Edwards, Debra Eason, J. Brannin Prideaux, and Robert C. Alden. David Smith spoke of qualification issue. Charles O'Dell, Hays CAN, spoke [T1-2410]. Lee Weber spoke of process that is being followed. Discussion was had on need for additional time to look at resumes for temporary directors, review development agreement, legal counsel review, etc. Judge Sumter closed the public hearing. [T2-3284] Mark Kennedy advised that the public hearing has been held and this can be placed back on the agenda for action next week. Lee Weber provided resumes for three of the proposed temporary directors and will provide one other. Delton Hudson (proposed director) is the property owner. Mr. Weber spoke of creating an entity that can contract with the City of Buda for water. They want to exceed county standards. Commissioner Conley spoke in support of this district.

DISCUSSION REGARDING REVISED INDIGENT BURIAL POLICY FOR HAYS COUNTY [T1-3372]

Commissioner Ingalsbe spoke of indigent burial policy that was previously adopted by the court. She spoke of need to clear up issue regarding burying people in other cemeteries if space is available and at no cost to the county. She advised that the county cemetery has been plotted and records are being kept. Discussion was had regarding allowing headstones (flush with the ground). Special counsel to review policy, make changes, and bring back to the court for action at a later date.

24228 HOLD A SECOND PUBLIC HEARING TO ESTABLISH INTERIM SUBDIVISION RULES WITH ACTION TO ADOPT SUCH RULES [T2-272]

Tom Brown, Naismith Engineering, spoke of changes made to the rules: expanded water availability analysis for both surface water and ground water (for groundwater it will be the TCEQ chapter 230 rules), new section 3.14 dealing with waste water availability requesting developer detail where wastewater service is coming from, cleanup in section 3.11 where all reference to wastewater availability and OSSF rules was deleted and was included in 3.14 with reference to chapter 9 of existing rules detailing what has to go into an OSSF application, and notification of affected political subdivision. Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. [t2-309] **A motion was made by Commissioner Ford, seconded by Judge Sumter to establish the Interim Subdivision Rules that have been through our stakeholders review system and adopt these rules in 3.13 & 3.14. All present voting "Aye". MOTION PASSED** Commissioner Conley was not present to vote.

24229 AUTHORIZE COMMISSIONER INGALSBE TO MAKE OFFERS TO PROPERTY OWNERS ON MCCARTY LANE BASED ON APPRAISAL VALUES [T2-334]

Commissioner Ingalsbe advised that appraisals have been received and she is requesting authorization to make offers and negotiate with property owners. **A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize Commissioner Ingalsbe to make offers to property owners on McCarty Lane based on appraisal values, not to exceed the appraised value, and if rejected she be authorized to negotiate, along with staff, on behalf of the court and bring a recommendation back to the court. All voting "Aye". MOTION PASSED**

NEW ACCESS POINT IN HIGH POVERTY COUNTY/HOSPITAL DISTRICT [T2-366]

Nick IcoSSIPentarrhos spoke of federal grant for New Access Point in high poverty county/hospital district. Grants Administrator Richard Salmon spoke of grant - the poverty level is not based on income, it is based on number of providers to the population. He spoke of Texas counties that qualify but some are not even aware of the grant. Grant pays for salaries only (personnel) and not facilities or other operational costs. Richard Salmon spoke of use of funds, length of time this grant will be available, and items that must be submitted with grant application. Nick IcoSSIPentarrhos spoke of need for mental health providers needed.



Gary Jepson, President/CEO of Central Texas Medical Center, spoke of number of Texans that don't have medical insurance – at least 25% of Hays County residents do not have health insurance – all are not indigent but many are. He stated that CTMC does not have the grant writing skills needed – they do have a building that could be used for this purpose (on Thorpe Lane) and they operate a 501a to employ physicians. They are willing to partner with the county and support the concept. [T2-841] Serena Starkey, MPA with Community Care Services Dept – Community Health Center - Austin, advised that the low income population is in San Marcos and Kyle. Transportation is an issue with low income patients. It would be feasible to have the facility in San Marcos. Richard Salmon spoke in favor of getting a planning grant. Serena Starkey spoke of planning grant helping you to put together a service delivery model.

Court convened into closed executive session at 2:30 p.m. and reconvened into open meeting at 2:55 p.m. regarding the following agenda items:

EXECUTIVE SESSION UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING PENDING AND/OR CONTEMPLATED LITIGATION BETWEEN HAYS COUNTY AND THIRD PARTIES, IN CONNECTION WITH THE LA VENTANA SUBDIVISION

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

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 discussion and no action was taken on the executive sessions that were held.

WORKSHOP ON FIREARM REGULATIONS IN SMALL LOT SUBDIVISIONS [T2-1645]

Commissioner Barton spoke of a young boy who was killed while playing in his yard in Green Pastures by a stray bullet – two families have suffered from this incident. State law allows county's to regulate the discharge of firearms in subdivisions with less than 10 acre lots. Commissioner Barton spoke of not being anti-gun but he feels like we can have regulations that protect children and families and give reasonable use of guns in the county – there is no absolute protection from reckless behavior but we can give law enforcement a tool. Special Counsel Mark Kennedy advised that he was given a regulation written in 1987 from Comal County. District Attorney Sheri Tibbe spoke of importance in protecting our citizens and seeing that laws are enforced. Commissioner Conley read from a Travis County act that addresses shooting across property lines. Commissioner Barton read from the Local Government Code Section 235.022 regarding discharge of firearm. Hays County Deputy Sheriff Skip Casteel, spoke of Parks & Wildlife statute which deals with discharge of firearms across property lines and he spoke of difficulty in prosecuting those cases. Mike Cox, NRA member and firearms instructor, spoke of safety training to prevent irresponsible use of firearms and reckless endangerment. The NRA endorsed the law being considered (archery, air rifles, etc.) He spoke of property under one acre that could be safe for discharge of firearms (property with cliffs, berms, etc.). He spoke of assistance you can get to plan a public shooting range. [T2-2500] Charles Angel, concealed handgun instructor, spoke of certified shooting ranges. They advocate gun safety and instruct people that they are responsible for consequences of discharging firearms and he spoke of different types of bullets. Commissioner Conley spoke of Comal County regulation Mark Kennedy spoke of penal code regarding discharge of firearms in certain area and the Comal County regulation. He feels like LGC 235.022 is very broad – you need a clear regulation with possible room for waivers. Skip Casteel spoke of limited authority given to counties. Discussion was had to create a committee to put together proposed regulation for consideration by the court.

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 24, 2007.



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