



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 1<sup>ST</sup> DAY OF MAY 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:

Pastor Mark Newton from the First Baptist Church in San Marcos 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

Robert Daigh, Austin Engineer for TxDot, spoke of large reduction in federal allocation of state funding. He advised that no new pass through financing applications are being accepted. Charles O'Dell, Citizens for Responsible Roads, gave public comment regarding statement made by Mr. Daigh

#### 24230 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$ 463,825.24 As presented by the County Auditor. All voting "Aye". MOTION PASSED

#### 24231 APPROVE MINUTES OF APRIL 24, 2007

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Minutes of April 24, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

#### 24232 APPROVE BUDGET AMENDMENT 07-19

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Budget Amendment #07-19 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

#### 24233 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Utility Permit # 01916 on Appaloosa Way issued to Time Warner Cable, #01917 on CR133/Hillside Terrace issued to Reliant Energy, #01918 on Reunion Blvd. issued to Hays Reunion Ranch LP, #01919 on Crystal Hills Drive issued to Hays Reunion Ranch LP, #01920 on Bear Creek Pass issued to Hays Reunion Ranch LP, #01921 on CR188/Martin Road issued to P.E.C. Inc., and #01922 on CR140/Post Road issued to CenterPoint Energy as submitted by the Road Department. All voting "Aye". MOTION PASSED

#### 24234 APPROVE AWARD OF BID #2007-B02 REMOVAL & INSTALLATION OF NEW ROOF FOR HAYS COUNTY CIVIC CENTER TO VINCENT'S ROOFING

Five bids were received with Vincent's Roofing being the lowest bid and best value for the county. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve award of Bid#2007-B02 Removal & Installation of new roof for Hays County Civic Center to Vincent's Roofing in the amount of \$262,560.00. All voting "Aye". MOTION PASSED

#### 24235 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION FOR UP TO \$30,417 FOR FY 07-08

The Safe and Drug Free Schools & Communities Act (SDFSC) grant request for \$30,417 will be used to fund the 3<sup>rd</sup> year of operation for the Wimberley School Resource Officer. The portion not paid by the grant is paid 75% by the local school district and 25% by the County - county portion is \$5,070. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to submit grant application to the Office of the Governor - Criminal Justice Division for up to \$30,417 for FY 07-08. All voting "Aye". MOTION PASSED



**24236 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS PRESERVATION TRUST FUND FOR UP TO \$25,000, TO STABILIZE THE OLD HAYS COUNTY JAIL**

This is a grant application to the Texas Preservation Trust Fund for up to \$25,000. The Burdine Foundation is providing the \$50,000 match for this project. No county funds included/needed. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to submit a grant application to the Texas Preservation Trust Fund for up to \$25,000 to stabilize the old Hays County Jail. All voting "Aye". MOTION PASSED**

**24237 AUTHORIZE THE COUNTY JUDGE TO SUBMIT \$10,512 GRANT TO THE OFFICE OF GOVERNOR - CJD - JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM**

A large number (80%) of juveniles in the Juvenile Center are either in need of mental health evaluations or continued mental health services. The purpose of this grant, and county funds, is to provide mental health services to incarcerated juveniles who are not covered by private insurance or MHMR. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to submit \$10,512 grant to the Office of Governor - CJD - Juvenile Justice and Delinquency Prevention Program. All voting "Aye". MOTION PASSED**

**24238 APPROVE RESOLUTION AUTHORIZING THE DESIGNATION OF 3.5 ACRES LOCATED ON THE EAST END OF THE 43-ACRE COUNTY PARK PROPERTY AS "OPEN SPACE", AS PER REQUIREMENTS OF THE TPWD GRANT**

The Commissioners' Court designated 3.5 acres as "open space" on July 23, 2003 and Texas Parks & Wildlife Department is requesting a resolution before processing future invoices. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve resolution authorizing the designation of 3.5 acres located on the east end of the 43 acre county park property as "open space" as per requirements of the TPWD Grant. All voting "Aye". MOTION PASSED**

**24239 APPROVE NOVEMBER 2006 TREASURER'S REPORT AND INVESTMENT REPORT**

**A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve November 2006 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED**

**24240 APPROVE COMMISSIONERS' COURT ADOPTION OF INTERIM HAYS COUNTY SUBDIVISION AND DEVELOPMENT RULES AND REGULATIONS ON APRIL 24, 2007 AND DECLARE SAID INTERIM RULES EFFECTIVE AS OF MAY 1, 2007**

Special Counsel Mark Kennedy spoke of posting these rules on the county website. No effective date was declared last week, therefore, this action declares the rules effective May 1, 2007. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Commissioners' Court adoption of interim Hays County Subdivision and Development Rules and Regulations on April 24, 2007 and declare said Interim Rules effective as of May 1, 2007. All voting "Aye". MOTION PASSED**

**24241 APPROVE REVISED OPERATING RULES FOR THE HAYS COUNTY LINKED DEPOSIT LOAN PROGRAM FOR WATER AND ENERGY RELATED PROJECTS FOR COUNTY RESIDENTS**

Grants Administrator Richard Salmon explained that this is an interest buy down program only and the county will not be making, guaranteeing or servicing loans. A correction was made in Subsection B Interest Rebate Program under 110.01 Procedures #6: The total amount of the interest rebate to an approved applicant cannot exceed the maximum of ~~\$3,000.00~~ \$2,500.00 per applicant. Commissioner Ford spoke of projects that can utilize this program. Charles O'Dell, Hays CAN, made public comment. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve revised operating rules for the Hays County Linked Deposit Loan Program for water and energy related projects for county residents. All voting "Aye". MOTION PASSED**



**24242 [PCT. 2 #07-2-12, 2 LOTS] PALOMINO PARK SUBDIVISION – APPROVE FINAL PLAT**

[T1-247] Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval. Discussion was had to recommend a shared access driveway. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve final plat of “Palomino Park Subdivision”. All voting “Aye”. MOTION PASSED**

**24243 [PCT. 4 #07-4-24] DEERFIELD ESTATES LOT 18 – RELEASE SANITARY EASEMENT**

[T1-307] CSME Development is requesting that the existing sanitary easement be abandoned and relocated to a different location on the property. Interim Environmental Health Director Tom Forrest gave staff recommendation for release of sanitary easement as requested. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to release sanitary easement on Deerfield Estates Lot 18. All voting “Aye”. MOTION PASSED**

**24244 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR THE OAKS AT GATLIN CREEK SUBDIVISION [T1-331]**

Road Supt/Engineer Jerry Borcharding gave staff recommendation to accept road construction and drainage improvements, release of construction bond and acceptance of maintenance bond for Oaks at Gatlin Creek subdivision. *Clerk's Note: Original Letter of Credit #NZS569104 was amended to reduce it from a construction amount of \$47,187 to a maintenance amount of \$4,718.70 with an expiration date of March 3, 2009.* **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction and drainage improvements, release of construction bond, and acceptance of maintenance bond for two years for the Oaks at Gatlin Creek Subdivision. All voting “Aye”. MOTION PASSED**

**24245 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR KUYKENDALL SUBDIVISION [T1-356]**

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

**24246 CALL FOR A PUBLIC HEARING ON MAY 15, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN GOLDENWOOD SUBDIVISION**

Andrew Backus, representing the Goldenwood Property Owners Assoc., made public comment. Road Department is recommending a speed limit of 25 MPH throughout the subdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on May 15, 2007 to establish traffic regulations in Goldenwood Subdivision. All voting “Aye”. MOTION PASSED**

**24247 CALL FOR A PUBLIC HEARING ON MAY 15, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN KUYKENDALL SUBDIVISION [T1-406]**

Road Dept. is recommending a speed limit of 25 MPH. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on May 15, 2007 to establish traffic regulations in the Kuykendall Subdivision. All voting “Aye”. MOTION PASSED**

**24248 CALL FOR A PUBLIC HEARING ON MAY 15, 2007 TO ESTABLISH SPEED LIMIT AND ANY OTHER TRAFFIC SAFETY SIGNAGE NEEDED ON NUTTY BROWN ROAD**

[T1-416] Road Dept. is recommending a speed limit of 45MPH and to establish “no passing” zones. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on May 15, 2007 to establish speed limit and any other traffic safety signage needed on Nutty Brown Road. All voting “Aye”. MOTION PASSED**

**24249 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF MOUNTAIN DRIVE AND OAK HAVEN [T1-427]**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Jerry Borcharding gave staff recommendation. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to establish traffic regulations of a 3-Way STOP at the intersection of Mountain Drive and Oak Haven in Willow Creek Estates Subd. All voting “Aye”. MOTION PASSED**

**24250 ROAD NAME DESIGNATION - NAME A PRIVATE ROAD TUSCANY VILLA PATH LOCATED IN TUSCANY VILLA SUBDIVISION [T1-437]**

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve road name designation of "Tuscany Villa Path" to a private road located in Tuscany Villa Subdivision. All voting "Aye". MOTION PASSED

**24251 ADOPT NEW BOUNDARY LINES TO COUNTY ELECTION PRECINCTS [T1-501]**

Elections Administrator Joyce Cowan presented the adjusted boundary lines to county election precincts. A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt new boundary lines for the County Election Precincts as presented. All voting "Aye". MOTION PASSED

**24252 AUTHORIZE COMMISSIONER JEFF BARTON TO FORM A COMMITTEE TO ANALYZE AND DRAFT PROPOSED REGULATIONS FOR THE DISCHARGE OF FIREARMS IN HAYS COUNTY [T1-540]**

Gary Connor (Peaceable Texans for Firearm Rights - PTFR) requested a 30 day delay in appointment of a committee and he made public comment regarding recent shooting incident. Commissioner Barton spoke of workshop that was held and public comment that was made at that workshop. A regulation would provide a tool for law enforcement. He presented a list of recommended appointees for the committee. Mr. Connor recommended that Paul Velte (Attorney and member of PTFR) be appointed to the committee. Special Counsel Mark Kennedy spoke of Local Government Code wording which allows prohibition or regulation of discharge of firearms. Commissioner Conley spoke in support of the committee. Judge Sumter spoke of importance to post notice of committee meetings on the county website for public input. A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Commissioner Barton to form a committee to assist in preparing a draft proposed regulation for the discharge of firearms on small lots in Hays County – committee to consist of Commissioner Barton, Special Counsel Mark Kennedy, Charles Angel, Delton Hudson, Mike Cox, appointee to be determined by the Hays County Sheriff, Constable James Kohler, Constable Darrell Ayres, Ann Ybarbo, an additional representative of a property owners association to be named by Commissioner Barton, Paul Velte, and each member of the Court be authorized to designate a representative, if they wish. All voting "Aye". MOTION PASSED

**24253 AUTHORIZE THE COUNTY JUDGE TO SUBMIT \$80,000 GRANT REQUEST TO THE U.S. DEPT. OF HEALTH AND HUMAN SERVICES FOR A PLANNING GRANT UNDER CFDA NO. 93.224 TO PLAN FOR THE POSSIBLE DEVELOPMENT OF A NEW COMPREHENSIVE PRIMARY CARE HEALTH CENTER [T1-1057]**

Grants Administrator Richard Salmon advised that this is the planning grant to make the assessment for a possible development of a new comprehensive primary care health center. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to submit \$80,000 grant request to the U.S. Dept. of Health and Human Services for a planning grant under CFDA No. 93.224 to plan for the possible development of a new comprehensive primary care health care. All voting "Aye". MOTION PASSED

**24254 INCREASE CONTRACT SERVICES LINE-ITEM IN GRANTS DEPARTMENT BY \$5,000 [T1-1131]**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to increase the contract services line item in Grants Department not to exceed \$5,000 to be funded out of contingencies. All voting "Aye". MOTION PASSED

**24255 ACTION TO PROVIDE COUNTY COMMUNICATIONS TO THE PUBLIC THROUGH RSS FEEDS AND/OR A BROADCAST LISTSERV**

[T1-1164] IT Director Jeff McGill spoke of creating a subscription section on the county web page to provide distribution of information to the public. Commissioner Conley suggested conditions to items being sent out. Jeff McGill spoke of need for a person assigned to updating the county website. A motion was made by Commissioner Ford, seconded by Commissioner Conley to allow IT Department to provide county communications to the public through RSS Feeds and/or a Broadcast Listserv, limited to the agenda, the minutes, emergency communications, and information regarding election dates & locations. All voting "Aye". MOTION PASSED



**24256 ADOPT AN ORDER GRANTING PETITION REQUESTING THE CREATION OF A FRESHWATER 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" [T1-1519]**

Commissioner Barton spoke of having received resumes of temporary directors for the district. They are working with the Hays CISD for a school site and with GBRA for possible source of water. Commissioner Ford asked about Section 5 regarding water source – she would like to restrict this district to surface water and not ground water. Judge Sumter spoke of water availability that would have to be determined when land is developed. Sec 5 change paragraph: "is practical and feasible" in that there is an ample supply of water available; for it to read "The project including the proposed improvements is practical and feasible and the terrain of the territory to be included in the district is such a nature that a water work system and drainage system and a wastewater system can be constructed at reasonable cost." T1-1800 Mark Kennedy spoke of item 7 – does not include commentary on water. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to adopt an Order granting petition, as amended, requesting the creation of a freshwater 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". All voting "Aye". MOTION PASSED**

**Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 1:00 p.m.**

**24257 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. DISCUSSION AND POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T1-1860]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize two members of the Commissioners' Court to attend a public announcement of the Seton development in and around Kyle, Texas, and to voice Hays County's support of that development and agreement with the terms of the Letter of Intent drafted by the City of Kyle, Texas if and when it is signed by developer Seton Healthcare Network and the City of Kyle on May 3, 2007; the terms of which Commissioners' Court shall formally consider for ratification at the regularly scheduled Commissioners' Court session on May 8, 2007. All present voting "Aye". Commissioner Conley was not present to vote. **MOTION PASSED** Commissioner Barton advised that Commissioner Conley was not present for vote but had indicated his support for this action.

**WORKSHOP: CLEAN AIR FORCE OF CENTRAL TEXAS**

[T1-1932] Commissioner Ford introduced representatives from Clean Air Force: Deanna Altenhoff, Bill Gill, and Hazel Barber. Deanna Altenhoff gave a powerpoint presentation. Number one issue is ground-level ozone. Federal ozone standard 84 ppb or less and we are at 82 ppb (parts per billion). She spoke of health issues from ground-level ozone. 12 local governments signed the EAC (Early Action Compact) agreement in Dec. 2002 (including Hays County). Bill Gill spoke of air quality monitoring throughout the region. There are two monitors in Hays County (San Marcos & Dripping Springs) which are connected to TCEQ. Hazel Barber spoke of the "clean school bus program of central texas" and advised that more information is available at [www.cleanschoolbus.net](http://www.cleanschoolbus.net). She spoke of problem with diesel powered school buses and the number of children that suffer from asthma. Ms. Barber spoke of different fuels that can be used for school buses and she spoke about Senate Bill 529 & House Bill 1291 regarding retrofitting buses to use alternative fuels. [T2-104] Bill Gill spoke of available funding for retrofitting and rebates. Road Supt/Engineer Jerry Borcharding spoke of reporting being done by the Road Department and he spoke of taking initiative regarding idling of county equipment. Commissioner Ford spoke in support of efforts of the Clean Air Force of Central Texas and spoke of need for financial support.



**SUBDIVISION/OSSF POLICY AND PROCEDURES FROM START TO FINISH.  
DISCUSSION ABOUT POLICY DIRECTION [T2-485]**

**SUBDIVISION PROCEDURES**

Interim Environmental Health Director Tom Forrest gave a powerpoint presentation setting out the procedures followed when subdividing and developing property in Hays County. He went through the steps for preliminary plan and final/record plat. Mr. Forrest also went through the various check lists for application materials, general information, floodplain & drainage, streets & ROW, water/wastewater & utilities, and reports.

**OSSF PROCEDURES**

Interim Environmental Health Director Tom Forrest gave a powerpoint presentation setting out the OSSF procedures for residential applications and commercial applications. Discussion was had regarding fees: \$35 for Class A building permit, \$275 for a SFR OSSF permit, \$100 for design review fee, and \$150 for Class B building permit. Fees: \$500 for all non-SFR permits and \$150 for review fee. There is a \$50 charge for extra trips that are required for county representatives to visit the site and confirm the findings of the SE/PE. Discussion was had regarding variances and reviews. Mr. Forrest went through check list for OSSF procedures. Discussion was had regarding how complaints are handled.

**COURT WAS ADJOURNED.**

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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 MAY 1, 2007.



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

