



MAY 8, 2007

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VOLUME T PAGE 567

STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 8th 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
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE WAS ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Father Pedro Garcia from St. Mary's Catholic Church in Wimberley gave the invocation and Commissioner Ford led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

#### PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Tax Assessor-Collector Luanne Caraway presented Starlene Varnell (Substation Chief Deputy) with a 10 year service pin. District Court Coordinator Jimmie Kitchen presented a 5 year service pin to Bridget Elliott (Asst. District Court Coordinator). Constable Pct. 4 Debbie Brown presented Constable Pct. 5 Matt Mancillas with a 5 year service pin.

#### PUBLIC COMMENT

Lila Knight, Architectural Historian and member of the Hays County Historical Commission, gave public comment about the proposed forensic archeo research lab "Body Farm" on SH21.

#### 24258 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$1,434,390.29 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

#### 24259 APPROVE BUDGET AMENDMENT 07-20

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Budget Amendment #07-20 as proposed by the County Auditor. All present voting "Aye". MOTION PASSED

#### 24260 APPROVE MINUTES OF MAY 1, 2007

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve minutes of May 1, 2007 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

#### 24261 APPROVE DECEMBER 2006 TREASURER'S REPORT AND INVESTMENT REPORT

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

#### 24262 AUTHORIZE A TEMPORARY NURSE PRACTITIONER POSITION DURING THE ABSENCE OF THE CURRENT NURSE PRACTITIONER AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize a temporary Nurse Practitioner position during the absence of the current Nurse Practitioner and amend the budget accordingly. All present voting "Aye". MOTION PASSED

#### 24263 APPROVE UTILITY PERMIT #01923

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Utility Permit #01923 on Sawyer Ranch Road issued to Pedernales Electric Coop. as submitted by the Road Department. All present voting "Aye". MOTION PASSED



**24264 APPROVE RESOLUTION OF HAYS COUNTY COMMISSIONER'S COURT TO OPPOSE THE PASSAGE OF SB 1638 OR SIMILAR LEGISLATION IN THE 80<sup>TH</sup> SESSION OF THE TEXAS LEGISLATURE [T1-207]**

Tax Assessor-Collector Luanne Caraway spoke of calculation of effective tax rate. This Bill will have an impact on fast growing counties. Commissioner Conley spoke of good parts of the bill. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Resolution of Hays County Commissioners' Court to oppose the passage of SB 1638 or similar Legislation in the 80<sup>th</sup> session of the Texas Legislature. All present voting "Aye". MOTION PASSED**

**24265 AUTHORIZE HIRING CLERK II AT A SALARY HIGHER THAN ENTRY LEVEL IN THE DISTRICT CLERK'S OFFICE [T1-369]**

Commissioner Barton spoke of justification presented for this request and he spoke of policy of the county regarding new hires. Judge Sumter advised that there are funds available in the budget. Chief Deputy District Clerk Beverly Crumley spoke of need for this person. Commissioner Barton spoke of problems with allowing issues like this. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize hiring Clerk II at a salary higher than entry level in the District Clerk's office. All present voting "Aye". MOTION PASSED**

**24266 APPROVE HIRING OF FORMER EMPLOYEE AT HER PREVIOUS RATE OF PAY FOR THE PURCHASING SPECIALIST POSITION [T1-513]**

Purchasing Agent Cindy Maiorka spoke of this person previously employed in the Auditors office and there is funding in the budget. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve hiring of former employee at her previous rate of pay for the Purchasing Specialist position. All present voting "Aye". MOTION PASSED**

**24267 [PCT. 3 #07-3-013, 3 LOTS] AVERY ACRES SUBDIVISION – APPROVE PRELIMINARY PLAN [T1-540]**

Interim Environmental Health Director Tom Forrest gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan for "Avery Acres Subdivision". All present voting "Aye". MOTION PASSED**

**24268 CALL FOR A PUBLIC HEARING ON MAY 22, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON BONHAM RANCH ROAD [T1-562]**

Road Supt/Engineer Jerry Borcharding is recommending a speed limit of 30 MPH. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on May 22, 2007 to establish traffic regulations on Bonham Ranch Road. All present voting "Aye". MOTION PASSED**

**24269 CALL FOR A PUBLIC HEARING ON MAY 22, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON PUMP STATION ROAD., CR 218 [T1-572]**

Road Supt/Engineer Jerry Borcharding is recommending a speed limit of 40 MPH. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on May 22, 2007 to establish traffic regulations on Pump Station Road (CR218). All present voting "Aye". MOTION PASSED**

**24270 ACTION TO ENDORSE A LETTER OF INTENT BETWEEN THE CITY OF KYLE AND THE SETON FAMILY OF HOSPITALS AND SCC DEVELOPMENT [T1-609]**

Tom Mattis, Kyle City Manager, presented a Letter of Intent – Seton Healthcare Network/SCC Development Project in Kyle. He gave a powerpoint presentation showing the anticipated project being proposed by Seton/SCC which is a multi-phased project with traditional hospital facilities including a 210 bed hospital complex, two medical office buildings, and a range of non-medical activities. This project is estimated to create approximately 4,600 permanent jobs new to Kyle/Hays County (2,300 medical related and 2,300 non-medical). Mr. Mattis spoke of economic incentives and public support (general infrastructure, stormwater detention area ownership/maintenance, future revenue sharing, permitting, impact fees, capital recovery fees, and other incentives). All incentives will be performance based. He spoke of Seton/SCC obligations. Mr. Mattis requested that the court endorse the Letter of Intent. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to endorse a Letter of Intent between the City of Kyle and the Seton Family of Hospitals and SCC Development. All present voting "Aye". MOTION PASSED**



**24271 ACTION TO ORDER THE AMENDMENT OF THE HAYS COUNTY ROAD NO. 132 REALIGNMENT AND EXPANSION ROADWAY PLAN [T1-1098]**

Buda City Administrator Robert Camareno spoke of the project and action needed. A motion was made by Commissioner Barton, seconded by Commissioner Conley to order the amendment of the Hays County Road No. 132 realignment and expansion roadway plan. All present voting "Aye". MOTION PASSED

**24272 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. REGARDING THE RELOCATION OF CR 132; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAID AGREEMENT**

A motion was made by Commissioner Barton, seconded by Commissioner Conley to 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. regarding the relocation of CR132 and to authorize the County Judge to execute said agreement. All present voting "Aye". MOTION PASSED

**24273 APPROVE A BUDA ECONOMIC DEVELOPMENT CORPORATION PROJECT IN THE BUDA ETJ TO PROVIDE \$600,000 IN BUDA ECONOMIC DEVELOPMENT FUNDS IN SUPPORT OF THE COMPLETION OF THE BUDA TRUCK BY-PASS, HAYS COUNTY ROAD 132 REALIGNMENT AND EXPANSION ROADWAY PLAN**

Warren Kettman, Buda Economic Development Director, requested approval by the court. A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve a Buda Economic Development Corporation Project in the Buda ETJ to provide \$600,000 in Buda Economic Development funds in support of the completion of the Buda Truck By-Pass, Hays County Road 132 realignment and expansion roadway plan. All present voting "Aye". MOTION PASSED

**DISCUSSION REGARDING AGENDA GUIDELINES [T1-1169]**

Commissioner Barton spoke of proposed revised agenda guidelines. He spoke of Commissioners right to place items on the agenda, the County Judge's responsibilities, and the need to follow the county guidelines and the law. Commissioner Barton spoke of various Attorney General opinions regarding agenda issues.

**24274 APPROVE \$3,750.00 OF OUR MEMBERSHIP DUES FOR ENVISION CENTRAL TEXAS [T1-1756]**

Discussion was had regarding services provided by Envision Central Texas. The suggested membership fee from Hays County is \$15,000 per year. Judge Sumter suggested a 3 month portion for the remainder of the fiscal year. A motion was made by Judge Sumter, seconded by Commissioner Ford to approve \$3,750.00 of our membership dues for Envision Central Texas out of contingency funds. All present voting "Aye". MOTION PASSED

**24275 AUTHORIZE THE COUNTY JUDGE TO EXECUTE ADVANCE FUNDING COMMITMENT AGREEMENT (WITH 1<sup>ST</sup> AMENDMENT) WITH WILSON FAMILY COMMUNITIES, INC. A DELAWARE CORPORATION FOR THE CONSTRUCTION OF A LEFT-TURN LANE ON FM 967 AT RUTHERFORD WEST [T1-2003]**

Special Counsel Mark Kennedy spoke of agreement between the county and developer. The county is the conduit for an agreement between the developer and TxDot. The developer will provide funding for the project. Mr. Kennedy spoke of escrowing excess funds to make sure that all funding will be available. A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute Advance Funding Commitment Agreement (with 1<sup>st</sup> amendment) with Wilson Family Communities Inc., a Delaware Corporation, for the construction of a left-turn lane on FM967 a Rutherford West. All present voting "Aye". MOTION PASSED



**24276 AUTHORIZE THE COUNTY JUDGE TO EXECUTE ADVANCE FUNDING AGREEMENT FOR VOLUNTARY LOCAL GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION IMPROVEMENT PROJECTS WITH NO REQUIRED MATCH, CSJ #1776-01-026, AFTER THE EXECUTION OF AN ADVANCE FUNDING COMMITMENT AGREEMENT (WITH 1<sup>ST</sup> AMENDMENT) FROM WILSON FAMILY COMMUNITIES, INC. A DELAWARE CORPORATION**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute Advance Funding Agreement for Voluntary Local Government contributions to transportation improvement projects with no required match, CSJ #1776-01-026, after the execution of an Advance Funding Commitment Agreement (with 1<sup>st</sup> amendment) from Wilson Family Communities Inc., a Delaware Corporation. All present voting "Aye". MOTION PASSED

**24277 APPOINT A REPRESENTATIVE FROM THE COMMISSIONERS' COURT TO THE BOARD/EXECUTIVE COMMITTEE OF THE CLEAN AIR FORCE [T1-2201]**

A motion was made by Commissioner Barton, seconded by Commissioner Conley to appoint Commissioner Ford as a representative from the Commissioners' Court to the Board/Executive Committee of the Clean Air Force. All present voting "Aye". MOTION PASSED

**Clerk's Note: Agenda Item #20 RE: ACTION TO COMMIT HAYS COUNTY PARTICIPATION IN THE CLEAN AIR FORCE MISSION AND ACTIONS THROUGH FINANCIAL SUPPORT was pulled. No action taken. Need to determine funding source.**

**CONSIDER AN AMENDED COMPENSATION CONTRACT WITH JACKSON & MCELHANEY, ARCHITECTS FOR THE PRECINCT 4 NEW OFFICE BUILDING**

[T1-2418] Assistant County Auditor Marisol Alonzo advised that funding would come from Misc. Capital Improvements line item. Special Counsel Mark Kennedy advised that he has not had an opportunity to review the amended contract. No action at this time.

**CLERK'S NOTE: AGENDA ITEM #22 RE: ACTION TO WELCOME THE LANCE ARMSTRONG FOUNDATION'S TENTH ANNIVERSARY RIDE FOR THE ROSES TO HAYS COUNTY ON OCTOBER 14, 2007 WAS PULLED. NO DISCUSSION AND NO ACTION TAKEN.**

**24278 ADOPT A RESOLUTION IN SUPPORT OF A PROPOSED EXIT RAMP ON INTERSTATE 35 SOUTH, IN KYLE, TO SERVE THE PLANNED EXTENSION OF KOHLER'S CROSSING [T1-2621]**

Commissioner Barton spoke of extension of Kohler's Crossing to the new proposed frontage road of IH35 and he spoke of new development in the area (HEB, Seton hospital, etc.). Commissioner Barton will prepare a formal resolution for consideration next week. A motion was made by Commissioner Barton, seconded by Commissioner Conley to go on record in support of a proposed exit ramp on interstate 35 south in Kyle to serve the planned extension of Kohler's Crossing. All present voting "Aye". MOTION PASSED

**24279 APPROVE A FINANCIAL CONTRIBUTION FROM HAYS COUNTY TO THE TEXAS HILL COUNTRY TRAIL REGION AND/OR TEXAS HERITAGE TRAILS PROGRAM**

[T1-2955] Commissioner Barton spoke of county supporting this program in the past. Resolutions of support were submitted [Hays County – 2004, City of Dripping Springs – 2005, Dripping Springs Chamber of Commerce – 2005, San Marcos Convention and Visitors Bureau – 2005, and Village of Wimberley – 2004]. A motion was made by Commissioner Barton, seconded by Judge Sumter to appropriate \$1,000 out of contingency funds for financial contribution from Hays County to the Texas Hill Country Trail Region and/or Texas Heritage Trails Program. All present voting "Aye". MOTION PASSED

**24280 AUTHORIZE THE COUNTY JUDGE TO ACCEPT, ON BEHALF OF HAYS COUNTY, A CONSERVATION EASEMENT ON APPROXIMATELY 40.766 ACRES OF LAND IN HAYS COUNTY, AS RECORDED IN VOLUME 2755, PAGE 820 OF THE HAYS COUNTY DEED RECORDS; AND TO BIND HAYS COUNTY AS HOLDER OF SAID EASEMENT [T1-3006]**

Commissioner Barton spoke of conservation easement being offered on the Blanco River. Special Counsel Mark Kennedy spoke. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to accept, on behalf of Hays County, a conservation easement on approximately 40.766 acres of land in Hays County as recorded in Volume 2755 page 820 of the Hays County Official Public Records and to bind Hays County as holder of said easement. All present voting "Aye". MOTION PASSED



**WORKSHOP/PRESENTATION REGARDING HAYS COUNTY RECYCLING PROGRAM**

[T1-3503] Resource Management Director Jerry Pinnix gave a powerpoint presentation updating the Hays County Recycling program. Grants are being utilized from the Capital Area Planning Council of Governments – 2004 = \$48,300 2005 = \$27,500 2006 = \$52,150. Items being recycled: glass, newspaper, aluminum cans, plastics, corrugated cardboard, metal & aluminum scrap, used oil products, and auto batteries. The 131.58 tons of recycled products saved the county \$3,809.66 in landfill disposal costs. Combined with the revenue of \$8,003.14 from the sale of recyclables, the total savings to the county is \$11,812.80. Jerry Pinnix spoke of need for a gooseneck trailer and additional personnel (3 total instead of 2.5).

**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**

Court convened into closed executive session at 1:55 p.m. and reconvened into open meeting at 2:20 p.m. No action taken.

**DISCUSSION OF CURRENT FUNDING OPTIONS AND TRENDS FOR ROADS AND TRANSPORTATION IN HAYS COUNTY, INCLUDING STATE AND FEDERAL ROADS AND REVENUE SOURCES, AND HOW FUNDING MAY AFFECT TIMETABLES AND DESIGN CRITERIA FOR PROJECTS OF INTEREST TO HAYS COUNTY [T2-475]**

Commissioner Barton spoke of legislation regarding commuter rail funding, studies and costs for road construction/reconstruction. Judge Sumter left the meeting at this time. Commissioner Barton spoke of cut in federal funding for transportation. He spoke of confusion regarding road bond funding. Commissioner Barton spoke of there being more opportunities to find funding (possible grants) if bond package fails. He spoke of need for better communications with the citizens of Hays County. Commissioner Barton advised that TXDot is letting us know that the existing funding contracts will be honored, however, there may be no future contracts. Commissioner Ford spoke of context sensitive design. Judge Sumter came back to the meeting at this time. Commissioner Ford spoke of need for citizen input and she spoke in favor of broadcast email and letters to constituents.

**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 8, 2007.



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

