



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15th 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. FRITSCH	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Reverend Ashman from the Trinity Chapel in Wimberley gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

24281 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$ 644,043.00 as presented by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED. Commissioner Conley was not present to vote.

24282 APPROVE MINUTES OF MAY 8, 2007

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Minutes of May 8, 2007 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED. Commissioner Conley was not present to vote.

24283 APPROVE SPECIFICATIONS FOR BID #2007-B04 ROAD IMPROVEMENTS/HOT-MIX OVERLAY AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications for Bid #2007-B04 Road Improvements/Hot-Mix overlay and authorize purchasing to solicit for bid and advertise. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED. Commissioner Conley was not present to vote.

24284 APPROVE SPECIFICATIONS FOR BID #2007-B05 ANNUAL CONTRACT FOR CARPET AND FLOOR CARE AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications for Bid #2007-B05 Annual Contract for carpet and floor care and authorize Purchasing to solicit for bid and advertise. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED. Commissioner Conley was not present to vote.

24285 [PCT 4 #07-4-27, 3 LOTS] GRACY MEADOWS SUBDIVISION – APPROVE VARIANCE REQUEST & PRELIMINARY PLAN [T1-46]

Commissioner Ford spoke of variance request and preliminary plan. The variance is in regards to the length of the driveway which exceeds county regulations. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve variance to shared access driveway and approve preliminary plan for "Gracy Meadows" subdivision. All voting "Aye". MOTION PASSED

24286 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON NUTTY BROWN ROAD [T1-97]

Judge Sumter declared the public hearing open. Don Kettelman (Friendship Ranch resident) made public comment. Public hearing was closed. Commissioner Ford requested "NO PASSING" signs along the roadway. Road Supt/Engineer Jerry Borcharding gave staff recommendation for traffic regulation of 45 MPH speed limit on Nutty Brown Road – there will be a transition to 40MPH prior to stop. A motion was made by Commissioner Ford, seconded by Commissioner Barton to establish traffic regulations of 45 MPH speed limit, No Passing signs, and transition to 40MPH speed limit prior to intersection on Nutty Brown Road. All voting "Aye". MOTION PASSED



24287 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN GOLDENWOOD SUBDIVISION [T1-165]

Judge Sumter declared the public hearing open. Rob Baxter (President of the Goldenwood HOA) made public comment. Road Supt/Engineer Jerry Borcharding gave staff recommendation for traffic regulation of 25 MPH. **A motion was made by Commissioner Ford, seconded by Judge Sumter to establish traffic regulations of 25 MPH speed limit in Goldenwood Subdivision. All voting "Aye". MOTION PASSED**

24288 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN KUYKENDALL SUBDIVISION [T1-244]

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 traffic regulation of 25 MPH. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to establish traffic regulations of 25 MPH speed limit in the Kuykendall Subdivision. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #9 RE: PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN THE OAKS AT GATLIN CREEK SUBDIVISION was PULLED. No discussion and no action taken.

24289 ADOPT BELINDA LANE AS A COUNTY ROAD [T1-258]

Commissioner Barton spoke in support of accepting this road into the county maintenance system. Road Supt/Engineer Jerry Borcharding spoke briefly of the history of this road and the cost to bring it up to county standards – no major reconstruction needs to be done. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to adopt Belinda Lane as a county road. All voting "Aye". MOTION PASSED**

DISCUSSION IN REGARDS TO BRINGING ROADS IN THE GOFORTH VILLAGE SUBDIVISION INTO THE COUNTY MAINTENANCE SYSTEM [T1-316]

Commissioner Barton spoke of this subdivision being constructed in the 1980's. Roads were built to county specifications at that time and it appears that no one followed through to bring them into the county maintenance system. Commissioner Conley spoke of similar situation in his precinct. Road Supt/Engineer Jerry Borcharding advised that it would cost approximately \$156,000 to get all the roads up to county standards (primarily drainage work which could be spread out over a 3 year period). Charles O'Dell, President of Hays CAN, make public comment. Discussion was had regarding a possible attempt to get financial participation from property owners. Commissioner Barton will speak with residents of the subdivision and try to get additional documentation.

24290 ACTION REGARDING A COMPROMISE SETTLEMENT BETWEEN DEVELOPER'S SURETY AND INDEMNITY COMPANY AND INTERIM-LA VENTANA, LLC REGARDING THE LA VENTANA SUBDIVISION [T1-760]

Bruce Wilson, made public comment regarding conditions in the subdivision. Commissioner Ford spoke of moving this project forward. Special Counsel Mark Kennedy spoke of compromise settlement agreement. **A motion was made by Commissioner Ford, seconded by Judge Sumter to ask the County Judge, Special Counsel and outside legal counsel to work together, within the next week, and allow them to enter into a compromise settlement agreement on behalf of the Commissioners' Court between Developer's Surety and Indemnity Company and Interim-La Ventana LLC regarding the La Ventana Subdivision to be ratified at the next Commissioners' Court meeting. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING COMPENSATION CONTRACT WITH JACKSON & MCELHANEY, ARCHITECTS FOR THE NEW PRECINCT 4 OFFICE BUILDING

[T1-1012] Commissioner Ford and Special Counsel Mark Kennedy spoke of the contract. The original amount funded for this project was \$500,000 and it appears that the project will cost closer to approximately \$775,000. No action is needed.

24291 ALLOW THE CITY OF SAN MARCOS TO ANNEX 1.646 ACRES IN THE JAMES W. WILLIAMS SURVEY IN HAYS COUNTY, TEXAS BEING A PORTION OF THE APPARENT RIGHT OF WAY OF YARRINGTON ROAD [T1-1162]

This section of roadway is west of IH35 and serves as the approach to the new railroad overpass that is being constructed. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to allow the City of San Marcos to annex 1.646 acres in the James W. Williams Survey in Hays County, Texas being a portion of the apparent right of way of Yarrington Road. All voting "Aye". MOTION PASSED**



24292 ADOPT A RESOLUTION WITH THE PURPOSE OF HAYS COUNTY BECOMING A MEMBER OF THE AUSTIN-SAN ANTONIO COMMUTER RAIL DISTRICT [T1-1197]

Alison Schulze, Austin-San Antonio Commuter Rail District, gave a powerpoint presentation regarding project update and status report. Ross Malloy, Austin-San Antonio Commuter Rail District, spoke of commitment from San Antonio and relocation of freight lines. Commissioner Barton spoke of committing the county to the idea – funding would be in the next fiscal year. Commissioner Ford felt like Buda and Kyle should participate in this along with the county. Commissioner Ford asked that the wording in the resolution (*under item #2 regarding funding*) be changed from “shall” to “may”. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to adopt a resolution with the purpose of Hays County becoming a member of the Austin-San Antonio Commuter Rail District with change in word “shall” to “may” as proposed by Commissioner Ford. All voting “Aye”. MOTION PASSED**

DISCUSSION REGARDING ADVANCE FUNDING COMMITMENT AGREEMENT WITH HAYS REUNION RANCH LP A TEXAS LIMITED PARTNERSHIP FOR THE CONSTRUCTION OF A LEFT-TURN ON FM 1826 AT THE REUNION RANCH SUBDIVISION [T1-1633]

Don Kettelman (Friendship Ranch resident) made public comment. Special Counsel Mark Kennedy requested that this item be pulled. The court has already approved an advance funding agreement with TxDot for this project [*see Minutes of December 5, 2006 Resolution #23900*]. Developer has requested that the court postpone action at this time because the development is changing ownership.

WORKSHOP DISCUSSION OF THE COUNTY BOND ELECTION RESULTS, THE PROPOSALS FOR PARKS AND ROADS, AND THE FUTURE DIRECTION OF COUNTY POLICY ON ROADS AND PARKS, BASED ON WHETHER THE BONDS PASSED OR FAILED [T1-1778]

Commissioner Barton spoke of road bonds failing and park bonds passing. He spoke of need to consider the existing TxDot agreement. Special Counsel Mark Kennedy advised the court that the election results have not yet been canvassed. Commissioner Conley spoke of \$30 million approved for parks program. Commissioner Ingalsbe spoke of park projects needed on the east side of I35. Commissioner Ford spoke of citizen driven master plan for parks in Hays County and appointing citizens to a committee from throughout the county. Judge Sumter spoke of need to consider the impact on the tax rate. Commissioner Conley spoke of transportation issues and commitment from the State of Texas (pass through financing agreements). He spoke of the Ranch Road 12 project. Judge Sumter spoke of differences throughout the county. She is in favor of putting together a bond package that addresses the needs from the different areas of the county. Commissioner Conley spoke of existing 2025 Transportation Plan. Commissioner Ingalsbe spoke of upgrade to McCarty Lane and other options in the areas to and from the new schools in San Marcos. Commissioner Barton spoke of need to update our transportation plan and consider other funding options. [T2-167] Commissioner Ford spoke of differences throughout the county.

SUBDIVISION/OSSF POLICY AND PROCEDURES WORKSHOP

[T2-515] Court broke for lunch. Commissioner Conley and Commissioner Barton not present when court reconvened. Judge Sumter spoke of wanting the rules to be somewhat flexible to allow for conservation type development, to allow for higher density development, focus on rainwater collection and set up incentives and not a one size fits all – it should fit the area of the development. Commissioner Ford spoke of Naismith not being at the table today and she feels like they should be here. Winton Porterfield spoke of draft rules and proposed lot sizing. Commissioner Conley and Commissioner Barton came to meeting at this time. Winton Porterfield spoke of his concerns about one acre minimum lot size even when surface water is available – is the point to make the rules stricter or to protect resources? He feels like there needs to be some policy guidelines. Judge Sumter spoke in support of conservation type development. Commissioner Ford spoke of cluster development and multi-use neighborhoods. Commissioner Barton spoke of innovative development design in our rules which allows flexibility. Interim Environmental Health Director Tom Forrest spoke of need to let Naismith know what the county is looking for in the revised rules. Commissioner Conley spoke of need for diversity on the committee. Commissioner Ingalsbe passed out a list of strategies (*low impact development, open space preservation, reduced demands on groundwater, aquifer protection through storm water management, limit impacts on existing infrastructure, advanced treatment of wastewater, and environmental friendly landscape initiatives*) that were considered by the previous court. Tom Forrest spoke of need for technical advisory groups and need for county to update rules every two years. Discussion was had regarding septic tanks that are failing in Dripping Springs and Wimberley. Judge Sumter spoke of need to have a workshop with the court appointed representatives and Naismith.



AGENDA GUIDELINES WORKSHOP [T2-1648]

The Court went through the proposed revised agenda guidelines and forms. The deadline for submission of agenda items will be NO LATER THAN 2:00 P.M. ON THE WEDNESDAY prior to the meeting. It was stated that not all public hearings require a publishers affidavit – some may just have certifications. Not all references were listed regarding executive session, therefore, the wording needs to be added that these are the most common, but not limited to. Discussion was had regarding public comments. Special Counsel Mark Kennedy spoke of Robert's Rules of Order and need to establish some procedure for the court to follow. Discussion was had regarding need for rules of the court. Judge Sumter suggested that Mark Kennedy draw up a draft for rules of the court. Discussion was had regarding adequate documentation and appropriate background information for agenda items. Discussion was had regarding agenda item routing form to begin in the County Judge's office.

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 MAY 15, 2007.



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

