



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 22<sup>nd</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 Eduardo Valverde, from the First San Marcos United Methodist Church, the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

**24293 ADOPT A PROCLAMATION IN SUPPORT OF HURRICANE AND FLOODING PREPAREDNESS WEEK, MAY 21<sup>ST</sup> - 27<sup>TH</sup>, 2007**

[T1-23] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt a Proclamation in support of Hurricane and Flooding Preparedness Week May 21-27, 2007". All voting "Aye". MOTION PASSED

**24294 ADOPT A PROCLAMATION IN SUPPORT OF BUCKLE UP AMERICA WEEK, MAY 21<sup>ST</sup> - 28<sup>TH</sup>, 2007**

[T1-63] A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation in support of "Buckle Up America Week May 21-28, 2007". All voting "Aye". MOTION PASSED

**Clerk' Note: Agenda Item #3 RE: PRESENTATION BY THE ECONOMIC DEVELOPMENT DIRECTORS OF BUDA, KYLE AND SAN MARCOS was PULLED - presentation to be made on June 5, 2007**

**PUBLIC COMMENTS**

[T1-134] Clay Parham, Negley Elementary School student, presented a petition signed by fourth graders to stop shooting guns in small lots to Commissioner Barton.

**24295 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 \$545,939.45. As presented by the County Auditor. All voting "Aye". MOTION PASSED

**24296 APPROVE BUDGET AMENDMENT 07-21**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-21 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

**24297 APPROVE MINUTES OF MAY 15, 2007**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Minutes of May 15, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**24298 APPROVE JANUARY AND FEBRUARY 2007 TREASURER'S REPORT AND INVESTMENT REPORT**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the January and February 2007 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED



**24299 AUTHORIZE COUNTY JUDGE TO ACCEPT \$31,000 GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION SECTION 5310 FUNDING FOR THE BENEFIT OF THE HAYS COUNTY VA PROGRAM AND TO EXECUTE CONTRACT**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to accept \$31,000 grant from the Texas Department of Transportation Section 5310 funding for the benefit of the Hays County VA Program and to execute contract. All voting "Aye". MOTION PASSED

**24300 APPROVE THE CANCELLATION OF COMMISSIONERS' COURT MEETING ON JUNE 19, 2007**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the cancellation of Commissioners' Court meeting on June 19, 2007. All voting "Aye". MOTION PASSED

**Clerk's Note: Agenda Item #9 RE: APPROVE AWARD OF BID #2007-B03 PAVING & DRAINAGE IMPROVEMENTS FOR THE HAYS COUNTY JUVENILE DETENTION CENTER TO THOMAS-N-THOMAS INC. IN THE AMOUNT OF \$615,505.47 was PULLED. No discussion and no action taken.**

**24301 [PCT. 3 #07-3-013, 3 LOTS] AVERY ACRES – APPROVE FINAL PLAT**

[T1-188] Interim Environmental Health Director Tom Forrest gave staff recommendation for approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat of "Avery Acres". All voting "Aye". MOTION PASSED

**24302 [PCT. 4 #00-4-71, 52 LOTS] RIM ROCK PHASE 1 SECTION 3 – APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SECURITY**

[T1-199] Interim Environmental Health Director Tom Forrest gave staff recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Rim Rock Phase 1 Section 3" and accept construction fiscal security. All voting "Aye". MOTION PASSED

**24303 CALL FOR A PUBLIC HEARING ON JUNE 5, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON ELLA LANE**

[T1-211] Road Supt/Engineer Jerry Borcharding advised that this would establish a stop sign at the intersection of Ella Lane and Windy Hill Road on Ella Lane. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on June 5, 2007 to establish traffic regulations on Ella Lane. All voting "Aye". MOTION PASSED

**24304 CALL FOR A PUBLIC HEARING ON JUNE 5, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON GLOSSON RANCH ROAD**

[T1-222] Road Supt/Engineer Jerry Borcharding advised that this would provide for a stop sign on Glosson Ranch Road at the access road that leads to Hwy 290. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on June 5, 2007 to establish traffic regulations on Glosson Ranch Road. All voting "Aye". MOTION PASSED

**24305 CALL FOR A PUBLIC HEARING ON JUNE 5, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON GORDON ROAD**

[T1-232] Road Supt/Engineer Jerry Borcharding advised that this would provide for a stop sign on Gordon Ranch at Spring Road and set the speed limit at 20 mph. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on June 5, 2007 to establish traffic regulations on Gordon Road. All voting "Aye". MOTION PASSED

**24306 CALL FOR A PUBLIC HEARING ON JUNE 5, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN THE OAKS AT GATLIN CREEK SUBDIVISION**

[T1-246] Road Supt/Engineer Jerry Borcharding advised that this would provide for a stop sign on Towering Oaks Drive at Gatlin Creek Road and also set a speed limit of 15 mph. A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a public hearing on June 5, 2007 to establish traffic regulations in the All voting "Aye". MOTION PASSED



**24307 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON PUMP STATION ROAD (CR 218)**

[T1-254] Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to establish speed limit of 40 mph. All voting "Aye". MOTION PASSED**

**24308 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON BONHAM RANCH ROAD**

[T1-280] Judge Sumter declared the public hearing open. Melodie Greider gave public comment. Public hearing was closed. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to establish speed limit of 25 MPH on Bonham Ranch. All voting "Aye". MOTION PASSED**

**24309 CANVASS ELECTION RESULTS FOR THE CONSTITUTIONAL AMENDMENT ELECTION AND CANVASS ELECTION RESULTS FOR THE HAYS COUNTY BOND ELECTION HELD ON MAY 12, 2007**

[T1-337] Elections Administrator Joyce Cowan presented a canvass of the election results from May 12, 2007.

**A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to canvass election results for the Constitutional Amendment Election held on May 12, 2007. All voting "Aye". MOTION PASSED**

**A motion was made by Commissioner Barton, seconded by Judge Sumter to canvass election results for the Hays County Bond Election held on May 12, 2007. All voting "Aye". MOTION PASSED**

**PROPOSTION NO. 1**

	<b>For</b>	<b>Against</b>
Absentee/Provisional	41	28
Early/Personal Appearance	2252	2770
Election Day	2567	2542
<b>TOTAL</b>	<b>4860</b>	<b>5340</b>

**PROPOSTION NO. 2**

	<b>For</b>	<b>Against</b>
Absentee/Provisional	45	24
Early/Personal Appearance	3327	1713
Election Day	3564	1549
<b>TOTAL</b>	<b>6936</b>	<b>3286</b>

**24310 AUTHORIZE BYRN & ASSOCIATES TO CONTINUE THE DESIGN PROCESS ON THE REMAINING PORTION OF ROADWAY ON MCCARTY LANE THAT THE COUNTY MAINTAINS [T1-494]**

Commissioner Ingalsbe spoke of moving forward with design plans for construction of a 3-lane roadway with continuous turn lane and 4 foot shoulders – there is funding in the road department for this. She would like to also identify additional right-of-way that would be needed to build a four-lane roadway. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize Byrn & Associates to continue the design process on the remaining portion of roadway on McCarty Lane that the county maintains. All voting "Aye". MOTION PASSED**

**24311 APPROVE THE AGENDA GUIDELINES [T1-737]**

Judge Sumter spoke of changes made to the proposed agenda guidelines. Commissioner Barton suggested various changes to the guidelines submitted.

Changes to be made are: **#8 Public Hearings** - next to the last sentence changed to: It is the responsibility of the relevant Department to post notices pertaining to public hearings. Under **Posting Guidelines #4** All agenda items ~~must~~ should be accompanied..... Under **Requirements for Subdivision Items** – ALL SUBDIVISION ITEM ..... and ~~shall~~ should be signed off on by the Precinct Commissioner. Under **Executive Session #9** – language to direct Special Counsel to draft language for possible action that may be taken after executive session. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve the agenda guidelines with recommended changes and instruct special counsel to put together language for executive session items. All voting "Aye". MOTION PASSED**



**24312 AWARD A SERVICE AGREEMENT TO BEVIS PEST CONTROL FOR THE TREATMENT OF TERMITES AT THE HAYS COUNTY COURTHOUSE** [T1-1364]

Maintenance Supervisor Ron Knott explained terms of the agreement. Special Counsel Mark Kennedy recommended change (page 2 section D) of "Galveston County" to "Hays County" as venue for arbitration. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to award a service agreement to Bevis Pest Control for the treatment of termites at the Hays County Courthouse contingent on changing venue of arbitration from Galveston County to Hays County and review by Special Counsel. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED Commissioner Conley voting "No".**

**24313 APPROVE TEMPORARY HELP IN THE HUMAN RESOURCES OFFICE** [T1-1565]

Human Resources Director Dee Dee Baen requested approval for temporary assistance and she explained the task to be performed by that person. Funding to come out of contingencies or out of the County Judge's salary line item. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve temporary help in the Human Resources office, not to exceed \$2,675.00. All voting "Aye". MOTION PASSED**

**24314 FORM A CITIZENS ADVISORY COMMITTEE TO GUIDE, RECOMMEND AND ADVISE COMMISSIONERS COURT ON PROGRAMS FOR \$30 MILLION PARKS AND OPEN SPACE BOND MONEY** [T1-1673]

Clint Giles, President of the Dripping Springs Youth Sports Association, spoke of increase in participation and requested allocation of parks money in Dripping Springs. Commissioner Conley spoke of need for sporting area in the Wimberley area. Commissioner Ford spoke of need for ball fields and other facilities in Dripping Springs. She suggested that court members seek out people who are interested in becoming a member of the committee and she spoke of what the committee would look at and take into consideration. Recommendations would be brought back to the court for consideration. Commissioner Barton spoke of need for input from Grants Administrator Richard Salmon and he spoke of people who worked on the master plan that have interest and expertise in sports and recreation needs. Commissioner Conley spoke of need for a larger advisory team to include knowledgeable staff from various cities and entities. Commissioner Ford spoke of citizens committee that would listen to representatives from various cities, entities, and organizations. [T1-3004] Charles O'Dell, Hays CAN, spoke of master plan that was developed through a countywide citizens survey. [T1-3314] **A motion was made by Commissioner Ford, seconded by Judge Sumter to form a citizens committee to be composed of four appointees to be made by each member of the court plus a three member consensus team to guide, recommend and advise Commissioners Court on programs for \$30 million parks and open space bond money. All voting "Aye". MOTION PASSED**

**DISCUSSION REGARDING ESTABLISHING A TRANSPORTATION ADVISORY COMMITTEE** [T1-3365]

Judge Sumter spoke of need for an advisory committee. She suggested 3 appointments from each member of the court plus the Road Supt/Engineer Jerry Borcharding and County Auditor Bill Herzog. Commissioner Barton spoke of need for some decisions that must be made fairly soon. Commissioner Conley spoke of transportation plan that was previously created (2025 plan). Judge Sumter spoke of need for a longstanding transportation committee. Commissioner Conley spoke of need for a workshop to discuss goals for the committee. No action was taken.

**EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE, TO DISCUSS AND CONDUCT DEPARTMENT HEAD EVALUATIONS**

Court convened into closed executive session at 1:00 p.m. and reconvened into open meeting at 4:30 p.m. No action was taken regarding this executive session.

**24315 TRANSFER TITLE OF A 1998 FORD CROWN VICTORIA TO THE SAN MARCOS/HAYS COUNTY EMS TO BE USED AS A COMMAND VEHICLE** [T2-686]

Court discussed this item in closed executive session and then reconvened into open meeting with the following action taken. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to transfer title of a 1998 Ford Crown Victoria to the San Marcos/Hays County EMS to be used as a command vehicle. All voting "Aye". MOTION PASSED**



**24316 INCREASE OUR CONTRIBUTION TO THE CITY OF SAN MARCOS FOR THE EXPANSION OF THE ANIMAL SHELTER [T2-709]**

Commissioner Ingalsbe spoke of increase in the project. Payment could be made over the next ten years. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to increase Hays County's contribution to the City of San Marcos for the expansion of the animal shelter by \$231,704 to be paid out over the next ten years. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED Commissioner Conley voting "No".

**24317 DEVELOP A COURT CALENDAR THAT ACCOUNTS FOR COURT MEMBERS' VACATION SCHEDULES, CONFERENCES, MEETINGS AND OTHER ACTIVITIES THAT MAY AFFECT COURT QUORUMS OVER THE SUMMER MONTHS [T2-881]**

Commissioner Ford requested that each member of the court submit a summer calendar so that all can better plan around summer schedules for county business. A motion was made by Commissioner Ford, seconded by Commissioner Barton to request that court members send their summer schedules to the county judges offices no later than the end of day Wednesday May 29, 2007. All voting "Aye". MOTION PASSED

**24318 ACQUIRE A LAPTOP AND PROJECTOR FOR USE BY COURT MEMBERS FOR THE PURPOSE OF OUTREACH AND EDUCATION IN PRECINCTS AND THROUGHOUT THE COUNTY [T2-1003]**

Commissioner Ford spoke of wanting to do more public meeting using a laptop and projector. Equipment would be housed in the County Judges office and checked out from that office – cost is approximately \$2,050.00. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to explore options to acquire a laptop and projector for use by court members for the purpose of outreach and education in precincts and throughout the county and if purchase is necessary, those items are to be paid out of the countywide operations office equipment line item (#01-414-5711). All voting "Aye". MOTION PASSED

**24319 APPROVE STOP WORK ORDERS ON ALL WORK BEING PERFORMED ON RR12, FM1626 AND FM110 IN ASSOCIATION WITH THE PASS THROUGH FINANCING AGREEMENT [T2-1191]**

Commissioner Barton spoke of FM1626 survey that is still in progress. He spoke of Huntington Estates Subdivision (west side of FM1626) that is rebuilding their entrance and they are waiting for information regarding future right-of-way that might be needed and the Manchaca Youth Optimist project (Marbridge tract) on FM1626 is relocating utility lines. Approximate cost for completing engineering, surveying, and design is \$15,000. Judge Sumter spoke of stop work order that were issued on March 27<sup>th</sup> (except ongoing survey and public involvement). Discussion was had regarding delay in getting invoices. Commissioner Conley advised that he supports the stop work order on pass through projects but does not support spending Hays County tax dollars on survey and r-o-w issues in Travis County on state highways. [T2-2005] A motion was made by Judge Sumter, seconded by Commissioner Barton to approve stop work orders on all work being performed on Ranch Road 12, FM 1626 and FM 110 in association with the pass through financing agreement, however, setting aside funds not to exceed \$15,000 for Carter & Burgess coordination work on Huntington Estates and Marbridge tract. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED Commissioner Conley voting "No".

COURT WAS ADJOURNED at 6:00 p.m.

I, LINDA C. FRITSCHKE, 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 22, 2007.



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