

HAYS COUNTY COMMISSIONERS' COURT MINUTES



VOLUME T PAGE 582

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MAY 29, 2007

STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 29<sup>TH</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  
DEBBIE GONZALES INGALSBE  
JEFFERSON W. BARTON  
WILL CONLEY  
KAREN FORD  
LINDA C. FRITSCHKE

COUNTY JUDGE  
COMMISSIONER, PCT. 1  
COMMISSIONER, PCT. 2  
COMMISSIONER, PCT. 3  
COMMISSIONER, PCT. 4  
COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Mark Bryant from the First Baptist Church of Wimberley gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

**Clerk's Note: Agenda Item #1 RE: PRESENTATION OF HAYS COUNTY SERVICE AWARDS was PULLED**

**Clerk's Note: Agenda Item #2 RE: PROCLAMATION RECOGNIZING MONTH OF JUNE AS HUNGER AWARENESS MONTH was PULLED.**

**Clerk's Note: Agenda Item #3 RE: PRESENTATION BY THE ECONOMIC DEVELOPMENT DIRECTORS OF BUDA, KYLE AND SAN MARCOS was PULLED.**

**PUBLIC COMMENT**

Terry Capps (Buda resident) spoke in support of widening of FM1626. Michael Marcin (Buda resident) – comments were submitted in writing. Diana Woods (City of Umland Administrator) spoke in support of SH21. Bob Wilson (San Marcos resident) spoke in support of transportation issues. Aart Millecam (San Marcos resident) spoke of growth and need to address transportation issues. Horace Fletcher (Goforth Road resident) spoke of need for road improvements. Ken Bresmen (Buda resident) spoke in support of improvements to FM1626. T. J. Higginbotham (Buda resident) spoke in support of road improvements. Dan Ekakiadis spoke in support of road improvements to FM110 & FM1626. Claude Green (Buda resident) spoke in support of road funding. Warren Kettelman (Buda Economic Development) spoke in support of road improvements. Ted Breihan (San Marcos resident) spoke in support of road improvements. Stuart Hoyt (Kyle area resident) spoke in support of road improvements. Renee Hill (Buda resident) spoke in support of improvements to FM1626. Joe Doug Griffin (Niederwald resident) spoke in support of SH21 road improvements. Thomas Doebner (Buda resident) spoke in support of road improvements. Susan Cook (Gatlin Creek Road resident) spoke of conditions on FM1626 and RM967. Sam Cooper (Buda resident) spoke in support of road improvements. Peter French (San Antonio resident & Plum Creek Developer) spoke in support of road improvements. Carl Urban (Buda resident) spoke in support of better roads. Maria Gonzales (San Marcos resident) spoke of bond package that was presented to the voters. Maxine Weatherford (San Marcos resident) spoke in support of road improvements. Melissa Frinsley spoke in support of FM1626 improvements.

**24320 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$ 358,067.04 as presented by the County Auditor. All voting "Aye". MOTION PASSED

**24321 APPROVE BUDGET AMENDMENT 07-22**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Budget Amendment #07-22 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

**24322 APPROVE MINUTES OF MAY 22, 2007**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the Minutes of May 22, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED



**24323 APPROVE SPECIFICATIONS FOR HAULING OF SOLID WASTE FOR THE HAYS COUNTY TRANSFER STATION AND DRIFTWOOD CITIZENS COLLECTION STATION AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for hauling of solid waste for the Hays County Transfer Station and Driftwood Citizens Collection Station and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

**24324 APPROVE RENEWAL CONTRACT WITH STATEWIDE MATERIALS TRANSPORT LTD FOR "HAULING SERVICES FOR HAYS COUNTY ROAD DEPARTMENT" FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT**

All terms and conditions remain unchanged and in full force and effect as provided in the original contract. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve renewal contract with Statewide Materials Transport Ltd for "hauling services for Hays County Road Department" for one (1) additional year as provided in the original contract. All voting "Aye". MOTION PASSED

**24325 APPROVE 2008 RENEWAL GRANT APPLICATION FOR TITLE V FAMILY PLANNING WITH TEXAS DEPT. OF STATE HEALTH SERVICES FOR \$20,935.00**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve 2008 renewal grant application for Title V Family Planning with Texas Dept. of State Health Services for \$20,935.00. All voting "Aye". MOTION PASSED

**24326 APPROVE AMENDMENT TO INCREASE TITLE V FEE FOR SERVICES FUNDS BY \$13,464.00**

Due to realignment of FY07 funds Section IV budget total payment is revised to read as follows: Total payments will not exceed ~~\$60,344~~ \$73,775.00. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve amendment to increase Title V fee for services funds by \$13,464.00. All voting "Aye". MOTION PASSED

**24327 APPROVE REAPPOINTMENT OF JULIA RAMSAY-NEW, ANTHONY PALERMO AND FRANK PUCKETT TO THE EMERGENCY SERVICES DISTRICT #7**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve reappointment of Julia Ramsay-New, Anthony Palermo and Frank Puckett to the Emergency Services District #7. All voting "Aye". MOTION PASSED

**24328 APPROVE COUNTY TREASURER'S REPORT AND INVESTMENT REPORT FOR MARCH 2007**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve County Treasurer's Report and Investment Report for March 2007. All voting "Aye". MOTION PASSED

**24329 APPROVE \$138,270 CONTRACT WITH LAND DESIGN PARTNERS, INC. FOR LANDSCAPE ARCHITECTURAL SERVICES FOR THE WINTERS MILL PARKWAY TRAIL**

County staff negotiated the contract down to a level allowable under TPWD and CAMPO/TxDOT program rules as authorized on February 20, 2007. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve \$138,270 contract with Land Design Partners Inc. for landscape architectural services for the Winters Mill Parkway Trail. All voting "Aye". MOTION PASSED

**24330 APPROVE \$79,100 ADDITIONAL SERVICES CONTRACT WITH LAND DESIGN PARTNERS, INC. FOR THE DESIGN OF PHASE II OF 5-MILE DAM PROJECT**

The county review committee recommends additional services contract of \$79,100 for the design of phase II of the 5-Mile Dam Project as per request of the City of San Marcos. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve \$79,100 additional services contract with Land Design Partners, Inc. for the design of Phase II of 5-Mile Dam Project. All voting "Aye". MOTION PASSED



**24331 AUTHORIZE COUNTY JUDGE TO ACCEPT \$20,000 GRANT FROM THE GOVERNOR'S OFFICE OF EMERGENCY MANAGEMENT SHSP PROGRAM FOR \$20,000 AND TO EXECUTE CONTRACT**

The original grant was for \$20,000 and it is being increased by the use of Grant Adjustment Notice for an additional \$20,000 under the Governor's Office of Emergency Management SHSP program. There is no match. Grant funds will be used for the combined Haz-Material Team to purchase equipment and response software. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize County Judge to accept \$20,000 Grant from the Governor's Office of Emergency Management SHSP Program for \$20,000 and to execute contract. All voting "Aye". MOTION PASSED**

**24332 APPROVE \$65,000 ADDITIONAL SERVICES CONTRACT WITH LAND DESIGN PARTNERS, INC. DUE TO INCREASE IN SCOPE OF WORK WITH COUNTY'S ACQUISITION OF TPWD – BOAT RAMP GRANT**

The county's review committee recommends additional services contract for addition of Boat Ramp grant portion of 5-Mile Dam Park Project. County staff, along with San Marcos Parks Director Rodney Cobb negotiated the contract total down to a percentage allowable under the TPWD-Boat Ramp grant program limits. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve \$65,000 additional services contract with Land Design Partners, Inc. due to increase in scope of work with county's acquisition of TPWD Boat Ramp Grant. All voting "Aye". MOTION PASSED**

**24333 AUTHORIZE COMMERCIAL OSSF PERMIT FOR 6,000 SQ. FT. AUTO SHOP LOCATED AT 2840 HARRIS HILL RD. IN PRECINCT 1**

Applicant is Rex Rivers – Environmental Health staff recommends approval. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize Commercial OSSF Permit for 6,000 sq.ft. auto shop located at 2840 Harris Hill Road in Precinct 1. All voting "Aye". MOTION PASSED**

**24334 AUTHORIZE COMMERCIAL OSSF PERMIT FOR OFFICE AND WORKSHOP AT 3413 HUNTER ROAD IN PRECINCT 1**

Applicant is Hunter Road Investments – Environmental Health staff recommends approval. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize Commercial OSSF Permit for office and workshop at 3413 Hunter Road in Precinct 1. All voting "Aye". MOTION PASSED**

**24335 AUTHORIZE COMMERCIAL OSSF PERMIT FOR BAKERY LOCATED AT 2001-B BEEBEE ROAD IN PRECINCT 2**

Applicant is Jose Montoya – Environmental Health staff recommends approval. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize Commercial OSSF Permit for bakery located at 2001-B BeeBee Road in Precinct 2. All voting "Aye". MOTION PASSED**

**Clerk's Note: Agenda Item #21 RE: APPROVE AWARD OF BID #2007-B03 PAVING AND DRAINAGE IMPROVEMENTS FOR THE JUVENILE DETENTION CENTER TO THOMAS-N-THOMAS INC. IN THE AMOUNT OF \$615,505.47 was PULLED.**

**24336 APPROVE THE REVISED INDIGENT BURIAL POLICY FOR HAYS COUNTY**

Special Counsel Mark Kennedy presented the revised Indigent Burial Policy with the addition of rules for cemetery operations. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the Revised Rules for Cemetery Operations and Indigent Burials. All voting "Aye". MOTION PASSED**

**24337 CALL FOR A PUBLIC HEARING ON JUNE 12, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON BELINDA LANE [T1-1232]**

Recommendation is to establish a STOP sign on Belinda Lane at Windy Hill Road. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for a public hearing on June 12, 2007 to establish traffic regulations on Belinda Lane. All voting "Aye". MOTION PASSED**



**24338 ACTION TO FORM A TRANSPORTATION COMMITTEE AND ADVISORY BOARD THAT WILL ADDRESS IMMEDIATE AND LONG-TERM TRANSPORTATION NEEDS IN HAYS COUNTY; AND TO INITIALLY GUIDE THAT COMMITTEE AND ADVISORY BOARD BY DECLARING TRANSPORTATION PRIORITIES AND GOALS IN THE OPINION OF COMMISSIONERS COURT [T1-1253]**

Judge Sumter read a letter from Bob Daigh (TxDot) regarding state funding concerns and requesting that the county inform TxDot as to our intent to either continue or terminate the pass through toll agreement within 30 days. Charles O'Dell (Hays CAN) spoke in support of a transportation committee and advisory board. Dan Ekakiadis spoke of need to address road issues. Susan Cook spoke in support of a citizens transportation and advisory group. San Marcos Mayor Susan Narvaiz offered assistance in order to move quickly. Mary Gonzales spoke in opposition to FM110 in support of a citizens committee. He following people were not present, however, their letters were read: Jerry Lozano (supports FM1626 improvements), Jack Mogab (supports FM1626 improvements), David Patterson (opposed to FM1626 improvements – interested in serving on the citizens committee), Jeffrey del Castillo (supports a citizens committee), and John Carter (supports a citizens committee). Judge Sumter spoke of options that could be considered. Commissioner Barton noted that, for the record, Buda Mayor John Trube and Kyle Mayor Gonzales are in support of road improvements in their area and could not be present today. He spoke of options provided in the TxDot contract whereby the county could move forward with SH21, FM1626, and FM110 and not with RR12 and he spoke in support of the transportation committee. Commissioner Ingalsbe spoke in support of the transportation committee and advisory board. She would like to continue discussions with the City of San Marcos regarding FM110. Commissioner Ford spoke in support of a citizens committee. She would like to ask TxDot to give the county more time to consider the contract. [T1-2090] Commissioner Conley spoke of immediate and long term issues to be considered. He spoke of regional planning through CARPO, CAPCOG, TxDot, CAMPO, etc. and local citizen participation and he supports moving forward with contract regarding FM1626 and FM110 road improvements. Judge Sumter spoke of moving forward to address the needs of Hays County and her plans to meet with citizens along the FM1626 corridor. Commissioner Barton spoke of other options for funding road improvements. [T1-3166] Susie Carter spoke in support of a citizens committee. [T1-2500] **A motion was made by Judge Sumter, seconded by Commissioner Ford to form a Transportation Citizens Advisory Board with each member of the court making three appointments to review short term immediate goals for roads – state or county roads - and long term transportation needs will address all transportation needs for the county to include light rail, hike & bike trails, county/state roads, bus systems, and whatever we need to move our citizens from one area to another. All voting “Aye”. MOTION PASSED**

**24339 APPROVE THE STAKEHOLDERS' COMMITTEE'S RECOMMENDATIONS FOR THE SAFETY IMPROVEMENTS TO STATE HIGHWAY 21 [T1-3233]**

Commissioner Ingalsbe spoke of previous bus tour by various representatives from entities in the area and a meeting that was held. Local representatives made recommendations for the safety improvements to SH21. Commissioner Barton spoke of need to prioritize recommendations and address funding. Diana Woods, City of Umland Administrator, spoke of stakeholders meetings and importance of this project. Rod Walls (Hays CISD) spoke in support of moving forward with this project. Recommendations were as follows: (1) RM150 from Clear Fork Plum Creek to FM2720 – construct left turn lane and level up & overlay approach roadway, (2) CR126/High Road at CR127 – construct left turn lane, (3) FM2001 – construct left turn lane, (4) Gary Job Corp from Old Bastrop Road to CR238 – microsurfacing, (5) FM2001/Rhode Road at FM2001 East – channelize intersection and rebuild approach, (6) Various locations at CR153, 156, 222, 224, 229, and 238 – rebuild approaches. Other projects: SH21 – signing/stripping upgrades (audible striping), Yarrington Road – construct left turn lane, and level-up/overlay various other locations. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the stakeholders committee's recommendations for the safety improvements to State Highway 21. All voting “Aye”. MOTION PASSED**

**24340 ADOPT A RESOLUTION OF HAYS COUNTY COMMISSIONERS COURT RECOGNIZING THE IMPENDING NAME CHANGE FOR NORTHWEST HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 5 [T2-109]**

**A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt a Resolution of Hays County Commissioners Court recognizing the impending name change for Northwest Hays County Emergency Services District No. 5 to Hays County Emergency Services District No. 6 effective October 1, 2007. All voting “Aye”. MOTION PASSED**



**24341 AMEND THE SCOPE OF WORK FOR THE PRECINCT 2 BUILDING PLANS AND TO AUTHORIZE COMMISSIONER BARTON TO ACCEPT THE ADDITIONAL SERVICES REQUESTS AS PRESENTED, TO BE PART OF THE ORIGINAL CONTRACT [T2-136]**

Commissioner Barton spoke of executive session that was previously held. A site being considered is on FM150/Rebel Drive or adjacent to Kyle City Hall on Front Street. The amendment allows for a schematic design NTE \$19,650. Special Counsel Mark Kennedy spoke of provisions for contingent additional services and optional additional services. [T2-289] **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize architect 3D International Inc. to expend up to \$20,000 on additional services to investigate feasibility of locating county facilities adjacent to Kyle City Hall. All voting "Aye". MOTION PASSED**

**EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO DISCUSS PERSONNEL MATTERS**

Court convened into closed executive session to discuss personnel matters and reconvened into open meeting. No action 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 to discuss and conduct Department Head evaluations and reconvened into open meeting. No action taken.

**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 29, 2007.**



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

