



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 5TH DAY OF JUNE 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. FRITSCHÉ	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Robin Steele, Promise Land Church on Lime Kiln Road gave the invocation and Commissioner Barton led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

24342 ADOPT PROCLAMATION RECOGNIZING MONTH OF JUNE AS HUNGER AWARENESS MONTH

A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt a proclamation recognizing the month of June as "Hunger Awareness Month". All voting "Aye". **MOTION PASSED**

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Road Supt/Engineer Jerry Borcharding presented Domingo Alaniz with a retirement recognition plaque (20 years of service).

PRESENTATION BY VICTOR UVALLE WITH TEXAS ASSOCIATION OF COUNTIES, RENEWAL OF THE SAVINGS FOR RELIABILITY INSURANCE

Victor Uvalle, TAC Field Representative, advised that Hays County has saved \$172,161 in liability costs through a renewal credit program of the Texas Association of Counties (TAC) risk management pool (liability overage).

PRESENTATION BY THE ECONOMIC DEVELOPMENT DIRECTORS OF BUDA, KYLE AND SAN MARCOS

Warren Kettelman, Buda Economic Development Director; Diana Blank, Director of Economic Development for Kyle; and Kim Moore San Marcos Economic Development Director appeared before the court. They spoke of the advantages of economic development. Warren Kettelman spoke of Cabela's incentive package and benefits to the area. Diana Blank spoke of Seton Family of Hospital project in the Kyle area. Kim Moore spoke of CFAN expansion project – a major employer in Hays County. She spoke of inquiries from different industries (data centers, technology, advanced manufacturing, medical, retail, and clean energy). Diana Blank spoke of advanced manufacturing (high skilled jobs) and medical interests coming to the area. Warren Kettelman spoke of retail and clean energy coming into areas with residential growth. Discussion was had regarding how to attract businesses to the county and grants that are available for small businesses. Heather Richardson from PEC was also present for the presentation.

PUBLIC COMMENTS

[T1-653] Public comment was made by Susan Cook and Peter Baen. Mr. Baen submitted a resolution from the San Marcos CISD board requesting that the Commissioners Court and City of San Marcos enter into a memorandum of understanding regarding the FM110 project including associated State funding.

24343 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 \$ 349,910.96 as presented by the County Auditor. All voting "Aye". **MOTION PASSED**

24344 APPROVE BUDGET AMENDMENT 7-23

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #7-23 as proposed by the County Auditor. All voting "Aye". **MOTION PASSED**



24345 APPROVE MINUTES OF MAY 24 AND 29, 2007

[T1-735] Commissioner Barton requested that the minutes of May 29th note that Mr. Lozano was present early in the meeting and left before he could make his public statement. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Minutes of May 24 and 29, 2007 presented by the County Clerk with amendment as requested by Commissioner Barton. All voting "Aye". MOTION PASSED**

24346 AUTHORIZE COMMERCIAL OSSF PERMIT FOR OFFICE/WAREHOUSES AT 12345 PAULS VALLEY ROAD IN PRECINCT 4

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize commercial OSSF permit for office/warehouses at 12345 Pauls Valley Road in Precinct 4. All voting "Aye". **MOTION PASSED**

24347 APPROVE SPECIFICATIONS FOR BID #2007-B07 DUMPSTER CONTRACT/COUNTYWIDE AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for Bid #2007-B07 Dumpster Contract/countywide and authorize Purchasing to solicit for bid and advertise. All voting "Aye". **MOTION PASSED**

24348 APPROVE \$25,000 CONTRACT WITH LANGFORD ASSOCIATES FOR PROJECT MANAGEMENT ON THE SAN MARCOS SPRINGS RECHARGE AREA PROJECT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve \$25,000 contract with Langford Associates for project management on the San Marcos Springs recharge area project. All voting "Aye". **MOTION PASSED**

24349 APPROVE APRIL 2007 TREASURER'S REPORT AND INVESTMENT REPORT

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

24350 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON GORDON ROAD (AKA GORDON STREET) [T1-780]

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 to establish traffic regulations of a STOP sign on Gordon Street at Spring Road and a speed limit of 20 MPH. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Road Department's recommendation to establish a STOP sign on Gordon Street at its intersection with Spring Road and to set a speed limit of 20 MPH on Gordon Street. All voting "Aye". MOTION PASSED**

24351 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN THE OAKS AT GATLIN CREEK [T1-789]

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 to establish traffic regulations of a STOP sign on Towering Oaks Drive at Gatlin Creek Road and a speed limit of 15 MPH. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Road Department's recommendation to establish a STOP sign on Towering Oaks Drive at its intersection with Gatlin Creek Road and to set a speed limit of 15 MPH on Towering Oaks Drive. All voting "Aye". MOTION PASSED**

24352 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON ELLA LANE [T1-804]

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 to establish a traffic regulation of a STOP sign on Ella Lane at Windy Hills Road. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Road Department's recommendation to establish a STOP sign on Ella Lane at its intersection with Windy Hills Road. All voting "Aye". MOTION PASSED**



24353 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON GLOSSON RANCH ROAD [T1-815]

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 to establish a traffic regulation of a STOP sign on Glosson Ranch Road. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Road Department's recommendation to establish a STOP sign on Glosson Ranch Road. All voting "Aye". MOTION PASSED**

24354 [PCT 4. #07-4-06, 6 LOTS] **VALLEY VIEW WEST RESUBDIVISION OF LOTS 4-B, 4-F, 5-D, 5-E and 5-F (CREATING LOTS 4D, 4E, 4F, 5D, 5E AND 5F) – CALL FOR A PUBLIC HEARING ON JUNE 26, 2007 AND APPROVE PRELIMINARY PLAN** [T1-827]

Property owners Fergus & Catherine Dowling propose to resubdivide four lots into six lots. Environmental Health Director Tom Forrest gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on June 26, 2007 and approve preliminary plan for "Valley View West Resubdivision of Lots 4-B, 4-C, 5-A, and 5-C (creating Lots 4D, 4E, 4F, 5D, 5E, and 5F)". All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #19 RE: [PCT 4. #06-4-002, 57 LOTS] *THE ESTATES AT RUTHERFORD WEST SECTION 2 SUBDIVISION – APPROVE FINAL PLAT* **was PULLED.**

24355 [PCT 4. #05-4-009, 1 LOT] **AUTHORIZE THE FILING OF THE RECORD PLAT FOR "SL-967 SUBDIVISION"** [T1-850]

This subdivision plat was approved in July 2005 and the developer failed to file it at that time (one year deadline has passed) and is requesting authorization to file the plat for record. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the filing of the record plat for "SL-967 Subdivision". All voting "Aye". MOTION PASSED**

24356 [PCT. 4 #07-4-27, 3 LOTS] **GRACY MEADOWS SUBDIVISION – APPROVE VARIANCE REQUEST AND FINAL PLAT** [T1-872]

The variance request is in regards to the proposed length (1748 lf) of the shared access driveway. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve variance request and final plat for "Gracy Meadows Subdivision". All voting "Aye". MOTION PASSED**

24357 **ADVERTISE FOR LETTERS OF INTENT AND QUALIFICATION FROM PRIVATE COMPANIES TO ASSIST HAYS COUNTY IN THE FINANCING AND CONSTRUCTION OF FM1626 AND/OR OTHER ROADS, INCLUDING THE COUNTY'S PASS-THROUGH "PARTNERSHIP" WITH TXDOT** [T1-921]

Commissioner Barton spoke of private interest in financing and construction of FM1626 and/or other roads. He spoke of a private company financing the proposition of road construction for the county and in return we assign TxDot payments to that company – they are taking the risk of bringing the road in on budget. There are different options available. [T1-1020] Bruce Renfro, Joyce "Tommy" Poer, Elizabeth McGreevy Seiler, Charles O'Dell, Macel Sullivan, Susan Raybuck, Susie Carter, and Maria Elena Gonzales made public comment. [T1-1404] Commissioner Barton spoke of need to address immediate needs and long-term needs. He spoke in support of seeking options to address important issues. Commissioner Ford spoke of need to listen to the voters. Commissioner Ingalsbe spoke of need for more information and additional time to put together another bond election. [T1-2025] Judge Sumter spoke of need to look at all options and she spoke of meeting she has had with Zachary to do their due diligence to look at the FM1626 project without spending county funds. Commissioner Barton spoke of low cost to get input from other companies that might be interested. [T1-2121] Commissioner Conley spoke of need to improve state highways in Hays County. He spoke of 2025 Transportation Plan adopted in 1999 and the county's participation in CAMPO and CAPCOG to address transportation issues. Commissioner Conley spoke of negotiations for the pass-through partnership with TxDot. [T1-2780] **A motion was made by Commissioner Barton, seconded by Commissioner Conley to advertise for letters of intent and qualification from private companies to assist Hays County in the financing and construction of FM1626 and/or other roads, including the county's pass-through "partnership" with TxDot. Commissioner Barton and Commissioner Conley voting "Aye". Commissioner Ingalsbe, Commissioner Ford and Judge Sumter voting "No". MOTION FAILED.**



24358 REVISE BOND ROAD CONSTRUCTION PHASE SERVICES BUDGET FOR SERVICES BEING PERFORMED BY TCB [T1-2797]

Donovan Knight, Texas State student government liaison, made public comment. Road Supt/Engineer Jerry Borcharding spoke of need for additional funds for services being performed by Turner Collie & Braden. Maen Hourani, Sr. Project Manager for TC&B, presented a financial summary of contracted and anticipated costs and explained the additional costs being requested. Road Supt/Engineer Jerry Borcharding spoke of personnel involvement from his department. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to revise bond road construction phase services budget for services being performed by TCB in the amount of \$224,354.24. All voting "Aye". MOTION PASSED**

24359 APPOINT MARK EVANS TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #7 [T1-3243]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve appointment of Mark Evans to the Hays County Emergency Services District #7 replacing Carson Carey. All voting "Aye". MOTION PASSED

24360 APPROVE CLASSIFYING THE HAYS COUNTY POSITION OF FIRE INVESTIGATOR/INSPECTOR AS A TEMPORARY EMPLOYEE UNTIL END OF FISCAL YEAR 2007 [T1-3262]

Human Resource Director Dee Dee Baen spoke of previous action taken by the court to put this position under contract. She spoke of IRS guidelines and based on those rules Human Resources has determined that this is not an independent contractor position. Special Counsel Mark Kennedy spoke of use, by this individual, of county property and county liability with this position. There will be additional cost but it will be covered in the budget. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve classifying the Hays County position of Fire Investigator/Inspector as a temporary employee until the end of fiscal year 2007. All voting "Aye". MOTION PASSED**

24361 RECOGNIZE THE RESTRUCTURE OF THE HAYS COUNTY SHERIFF'S OFFICE COMMAND STAFF [T1-3521]

Human Resources Director Dee Dee Baen spoke of request to restructure some positions (slots). Proposed restructure:

POSITION	GRADE	START	
Chief	330	\$ 74,262.12	
Director		\$ 72,222.36	
		* \$2,039.76	
Captain X 2	329	\$ 65,513.58	** \$131,027.16
Lieutenant X 2	428	\$ 61,880.34	** \$123,760.68
			** \$ 7,266.48

* One (1) Chief instead of two

** Two (2) Lieutenants instead of two (2) Captains

TOTAL amount of savings = **\$9,306.24**

A motion was made by Commissioner Conley, seconded by Judge Sumter to recognize the restructure of the Hays County Sheriff's office command staff as requested. All voting "Aye". MOTION PASSED

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 1:30 p.m. and reconvened into open meeting at 4:15 p.m. No action was taken.



24362 INCREASE THE NUMBER OF APPOINTMENTS FROM EACH COMMISSIONER AND COUNTY JUDGE FROM 3 TO 4 AND TO AUTHORIZE THE COMMITTEE TO APPOINT THE CHAIR OF THE TRANSPORTATION ADVISORY COMMITTEE ESTABLISHED BY COMMISSIONERS COURT ON MAY 29, 2007 [T2-34]

Judge Sumter spoke of increased interest by citizens to serve on the committee, therefore she is suggesting that the court increase the membership. Discussion was had regarding appointment of Chair for the committee and the increase in membership. Discussion was had on who would appoint the Chair of the committee.

[T2-306] **A motion was made by Commissioner Conley to increase the number of appointments to the Transportation Advisory Committee made by each member of the court to five and have the committee, once established, appoint a Chair. MOTION DIED for lack of a second.** Commissioner Conley spoke in support of increasing the number of citizens involved in this process. Commissioner Ford spoke of not limiting citizen involvement to just those on the committee. Commissioner Ingalsbe spoke of need to move forward so that we can take issues back to the voters in November. Commissioner Barton spoke of his concerns. Commissioner Conley stated that he would like to see more citizens participation on the transportation advisory committee. [T2-351] **A motion was made by Judge Sumter, seconded by Commissioner Ford to increase the number of appointments from each Commissioner and the County Judge from 3 to 4 and to allow the committee to appoint the chair of the transportation advisory committee established by Commissioners' Court on May 29, 2007. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton voting "No". MOTION PASSED**

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 JUNE 5, 2007.



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

